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# *House of Representatives*

The House met at 2 p.m.

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

The Lord draws near. Come, let us worship.

My brothers and sisters, know that the Lord desires to be close to you. You have prayed, ''Thy kingdom come!''

Let the Lord's justice now guide all your judgments. Let the Lord's peace penetrate your hearts. The Lord God Himself will come and establish a new beginning in our humanity.

In you and through you, the Lord will lead people to true freedom.

Love the Lord with all your heart and with all your strength; then from within you, the Lord will rebuild the Nation.

The Lord draws near. Prepare the way for the Lord, for He comes. Prepare your people to meet the Lord your God. Amen.

## THE JOURNAL

The SPEAKER. 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. Will the gentleman from Florida (Mr. HASTINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

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

**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.

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*



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H.R. 4195. An act to authorize early repayment of obligations to Bureau of Reclamation within Rogue River Valley Irrigation District.

The message also announced that the Senate has passed bills on the following titles in which the concurrence of the House is requested.

S. 310. An act 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.

S. 435. An act 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.

S. 648. An act to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

S. 1025. An act to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project.

S. 1096. An act 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.

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1496. An act 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.

S. 1552. An act 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.

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to seven Members on each side for 1-minute speeches.

## CONGRATULATING APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM

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

Ms. FOXX. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing and congratulating the 2005 NCAA Division I–AA Football National Champions, Appalachian State University.

This courageous and athletic group of students, along with their coaches and support staff from Boone, North Carolina, defeated the University of Northern Iowa last night in Chattanooga, Tennessee, by a score of 21–16. This marks the first time in history that a team from ASU has won a national championship. This championship culminates a tremendous year of Mountaineer football that saw the team finish the season 8–3, winning the Southern Conference championship before winning four playoff games, including last night's national championship game.

Mr. Speaker, I am proud of this football team and their coach, not just for winning a national championship but for the character and teamwork they display.

The Mountaineers have excelled under the leadership of Coach Jerry Moore, the winningest coach in the history of the Southern Conference. He has a talented staff, including Coach Lonnie Galloway, the son-in-law of our colleague from North Carolina, Robin Hayes.

I wish my duties in Washington did not prevent me from being in Chattanooga last night with so many Appalachian students, alumni, and supporters. I would have liked to have seen first hand the crushing defense in the fourth quarter, led by Jason Hunter and Marques Murrell. I wish I could have been there to witness in person the courage of quarterback Richie Williams, who played through a painful ankle injury suffered last week in the semi-final game against Furman.

Please join me in congratulating the Appalachian State University football team. I am proud of my long history with ASU. I am proud to represent this fine university in Congress. Go Mountaineers.

The SPEAKER pro tempore (Mr. HAYES). The Chair thanks the gentlewoman.

## LIABILITY IMMUNITY FOR BIG PHARMA

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

Mr. KUCINICH. Wake up, America. In addition to giving away the Alaska National Wildlife Refuge to the oil companies, the Defense appropriations bill is rumored to contain a massive holiday gift to the pharmaceutical industry in the form of liability immunity for pandemic vaccines. The liability is not the reason for vaccine shortages, especially in the case of avian flu.

This giveaway will not result in increased vaccine production. Why does Big Pharma want these liability exemptions? Because there is reason to doubt the safety of at least one of these vaccines. Chiron, the same company which allowed contamination of half of last year's flu vaccine supply, is hoping to use MF59 in an avian flu vaccine. MF59 is a compound that contains squalene, which is on the short list of potential causes for the chronic debilitating illnesses experienced by our veterans of the first Persian Gulf war.

At a minimum, this issue must be debated in front of the American people, not slipped in behind closed doors into this large bill. I urge my colleagues to reject this liability immunity.

## CONGRATULATING DIVISION I–AA NATIONAL CHAMPION APPALACHIAN STATE MOUNTAINEERS

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

Mr. COBLE. Mr. Speaker, the frigid unforgiving winds that normally blow across the Blue Ridge Mountains during the months of winter are blowing less brutally and less severely today. For on this day, these winds sweep across the campus of Appalachian State University, home of the National I–AA champions of intercollegiate football.

I attended Appalachian State, Mr. Speaker, and I know I speak for many in the Congress and many congressional staffers as well in conveying hearty congratulations and best wishes to Chancellor Peacock, Coach Moore, and the entire Appalachian community.

Mr. Speaker, I join you in enthusiastically declaring, Go Mountaineers from Appalachian State.

## CHRISTMAS GIFTS FOR THE WEALTHY

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

Mr. DEFAZIO. Mr. Speaker, well, the Christmas tree is lit and decorated on the west front of the Capitol; but meanwhile here in the House Chamber, the Republican elves are toiling on the gifts to be put under the tree for the American people.

For the wealthiest, the investors who earn over $300,000 a year, fabulous gifts, huge new extensions of tax cuts. Unfortunately for seniors, working families, and the poor, there is nothing but a box of rhetoric. They even have to forego the usual lump of coal because it is too expensive with the Bush failed energy policy.

Even worse, the tax cut for the wealthiest among us, those who earn over $300,000 a year, will be paid for by cuts in student financial, food and nutrition assistance, school lunches, Medicaid care for poor people. The list kind of goes on and on. Merry Christmas.

## WE CAN HAVE BOTH FREEDOM AND SECURITY

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

Mr. POE. Mr. Speaker, history has shown that free peoples are willing to give up civil liberties or freedom in the name of security. Our forefathers knew this, so our Constitution protects us from government taking rights in the name of security.

Mr. Speaker, people have rights. Government has no rights. Government has power and it obtains it when we forfeit our rights to the government. In this time of terrorism, our government uses high-tech surveillance to capture them. This is good. But the fourth amendment states: ''The right of people to be secure from unreasonable searches and seizures shall not be violated.''

It is the duty of the judiciary, not this body, not even the executive branch, to protect those rights and review searches.

When I was a judge in Texas, I signed hundreds of warrants. I was even the State wiretap judge, and I found that warrants make better police officers and they make better criminal cases.

In this post-9/11 era, we cannot allow our zeal to be safe to get in the way of judicial review of search warrants and wiretaps while continuing to provide tools for law enforcement to capture those terrorists. You see, Mr. Speaker, we can have it both ways. We can be safe and secure and maintain our civil rights as a free people. That's just the way it is.

## MEDICARE INFORMED CHOICE ACT

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

Mr. LIPINSKI. Mr. Speaker, there is one issue of great concern that I hear about over and over again when I am back home, the needlessly complicated Medicare prescription drug program.

Seniors are confused and frustrated as they attempt to study 60 plans in order to first decide whether to join and then to choose a plan to sign up for. Many are simply giving up.

I have already held half a dozen informational seminars on the program and every session has been packed. There is clearly a problem.

Congress could and should make the progress better, more affordable, and less confusing by allowing Medicare to negotiate prices with drug companies. But the very least that Congress must do is pass a Medicare Informed Choice Act which would delay the enrollment penalty, prevent beneficiaries from losing their employer-based coverage, and allow seniors to switch plans if they make a mistake.

Given the current confusion, it is essential that we allow beneficiaries to take their time, check the facts, and know their options without being rushed to choose. We owe no less to our seniors.

## IRAQ'S DEMOCRATIC VICTORY

(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, yesterday's New York Times proclaims loudly that ''Iraqis, Including Sunnis, Voted in Large Numbers'' during Thursday's historic elections.

Throughout the world, people were waking up to the great news about Iraq's most recent democratic victory. USA Today discussed the inspiring turnout in Iraq, while even Knight Ridder declared that high voter turnout in Iraq promises fully representative parliament.

The National Review reported that U.S. troops describe a festive atmosphere across Iraq. The Los Angeles Times wrote that the ballot box is the new battle ground. The Boston Globe described how, for one Sunni family, casting ballots was an act of resistance.

I was particularly pleased to learn that the BBC reported the Iraqi vote met global standards. From New York to London, the mainstream media finally recognized and reported the clear successes of the election which delivered a devastating blow to terrorists and ultimately helped protect American families.

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

## STOP THE MEDICARE INSANITY

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

Mr. PRICE of Georgia. Mr. Speaker, very few decisions are more personal or important than health care decisions. And when Washington gets involved in health care, especially in Medicare, government must put patients first.

Decisions already made, if not changed, will result in 38 percent of the doctors seeing fewer Medicare patients, half of physicians less likely to participate in Medicare Advantage and a third of the doctors no longer visiting nursing homes.

Unless Congress acts, the ability for seniors to access quality medical care will get worse.

The way our government pays doctors for taking care of our parents and our grandparents through Medicare is unbelievably broken. Physicians will be subjected to a 26 percent pay cut over the next 5 years, and an official of the government agency in charge of Medicare said they will cut doctors pay until they stop seeing Medicare patients and then they might fix it.

Mr. Speaker, then will be too late.

Americans deserve better from their representatives. Those who care for all of us are being driven out of business by a government that cares more about money than health. Let's stop this insanity.

□ 1415

## RAISING THE MINIMUM WAGE

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

Mr. BROWN of Ohio. Mr. Speaker, Congress is about to go home in a few days either today, tomorrow, Monday, Tuesday, sometime in the next few days, and this House, again, has failed to increase the minimum wage.

There are large numbers of people in this country, people with children, often single mothers, sometimes, not usually, adults in their 20s and 30s and 40s who make $5.15 an hour. The Senate finally increased the minimum wage. The House is going to go home sometime in the next few days having failed to even bring up to a vote an increase in the minimum wage.

Since this House floor session began about 16 minutes ago, in that time, a minimum wage worker would have earned about $1.10 or $1.15. A CEO of a Fortune 500 company in this same 16 minutes would have earned about $1,500. Mr. Speaker, we can do a lot better in this body than we have done this year.

## GREAT AND HEARTWARMING NEWS FROM IRAQ

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

Mr. HAYES. Mr. Speaker, great and heartwarming news from Iraq.

Early this morning, I received an e-mail from a soldier serving in Iraq which provides one small example of how democracy is progressing in Iraq and how our troops along with the Iraqi security forces are making a difference.

He wrote: ''The highlight of my day, Election Day, was in south Baghdad, where there were no polling stations in January 2005 and where many Sunnis did not vote in October 2005. I watched as two affluent local sheiks walked into the polling station together holding hands, which is a huge sign of respect here. What was moving about this was one sheik was Shia, the other Sunni. They told me how much they appreciated what the United States had done for them and that they could never repay us. The Sunni said, 'We are tired of violence and the fighting that destroys our people and our country; that they would work to make the U.S. proud and that the sacrifices of American soldiers is respected and appreciated.' ''

God bless our troops.

## CIVIL LIBERTIES

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

Mr. FARR. Mr. Speaker, while we are locked up here today, I would like to wish my wife Sherry a very happy birthday. This week, I have been telling her, has been a real doozy for civil liberties.

We learned that both the Pentagon and the National Security Agency have been spying on thousands of innocent Americans. Apparently, the NSA was doing it at the direction of President Bush.

I was shocked to learn that one of those documented instances of the Pentagon domestic spying happened in my district.

A student protest against military recruiters at the University of California at Santa Cruz, which occurred this past April, was not only observed for suspicious activity, but the ''threat'' was declared ''credible.''

I cannot condemn these actions strongly enough. Using government time and money to spy on people exercising their constitutional freedoms is just ridiculous.

I have already signed on to two letters about these violations of privacy, calling on the NSA to fully explain the constitutionality of their surveillances and calling on the Department of Defense and the Department of Justice to investigate NSA's actions.

As Members of Congress, we must be diligent in our oversight of the Pentagon, but our job is next to impossible when the administration hides behind the cloak of national security to thwart the civil liberties of many Americans, as they have done with the Pentagon surveillance program.

The Pentagon must come forward with an explanation about why they were spying on the UCSC rally.

The right to express differing opinions was one of the founding principles of this country.

The voices of the American people must always be heard, whether this admistration agrees with them or not.

It is hypocritical for us to urge transparency in foreign governments while ignoring what our own government is doing in violation of its citizens' civil liberties.

## WE SHOULD BE SUPPORTING PRESIDENT BUSH

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

Mr. BURTON of Indiana. Mr. Speaker, the liberal media and my liberal colleagues are attacking the President for protecting America. The wiretaps that he has ordered are legal, and he informed the Intelligence Committees 12 times about them.

What are we going to do? Are we going to wait around until terrorists attack us and then say we ought to check what they are saying on the telephone to their al Qaeda buddies?

The fact of the matter is the President is defending the United States of America, and we should be supporting him.

The PATRIOT Act, which is being stuck in the Senate, needs to be passed. We need to get these guys and stop them before they attack buildings in New York or Indianapolis or California or Washington, D.C., and the President wants to do that. That is why the PATRIOT Act is so important.

Let's talk about torture. Putting a guy on a water board who is about to blow up a bunch of soldiers in Baghdad and holding him under the water for a little bit to make him tell us what he is going to do or if he is going to cut somebody's head off that is an innocent civilian, or go into a school and blow up a bunch of kids is not what I call terrible. We are not pulling out their fingernails or cutting off their heads. We need to put pressure on them to tell us what's going on so we can save Americans and American troops.

This is a war. It is not a tea party. And we need to win it. The President is doing the right thing, and we need to support him. God bless President Bush.

## FUNDING FOR SCHOOL DISTRICTS AFTER HURRICANES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have all appreciated the great charitable spirit of Americans as they welcomed into their homes and into their neighborhoods and into their States the victims of Hurricane Katrina and Rita and Wilma. But this appropriations bill that is making its way through the House and the Senate is crucial for survival of many of our school districts around the Nation.

Let me cite my colleagues a particular figure for Houston Independent School District. We are now paying $186,000 a day for the additional Katrina students who are in our school districts. We welcome them, but we cannot pay this burden alone. This is costing our school district an additional $30 million, and so far, we have been reimbursed by the Federal Government $164,000. My friends, $30 million, $186,000 a day, and all we have received is $164,000. In addition, we have got $300 million on hold, that the school district has not received.

We need this appropriations bill to be fully funded. We need the tax cuts to be put aside. We need FEMA to be able to do its job for those who are still waiting, languishing in shelters and needing homes, languishing in tents and needing trailers. We need this system to work on behalf of the working people of America and those who are in need.

Americans have opened their hearts and pocketbooks to those in need. The Federal Government, the greatest safety net that all of the people have, needs to do its job and do it now.

## PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 623 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 623

*Resolved*, That it shall be in order at any time on the legislative day of Saturday, December 17, 2005, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 4519) to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

(2) 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.

(3) The bill (H.R. 4568) to improve proficiency testing of clinical laboratories.

(4) The bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

(5) The bill (H.R. 4579) 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.

(6) The bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

(7) The conference report to accompany the bill (S. 1281) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes.

(8) The conference report to accompany the bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

(9) A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The SPEAKER pro tempore (Mr. MCHUGH). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), my friend, 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, this resolution provides that certain specified measures may be considered under suspension of the rules at any time on the legislative day of Saturday, December 17, 2005.

Mr. Speaker, the Republican leadership of this House has set forth a positive legislative agenda for the remainder of this week and the balance of the first session of the 109th Congress. The goal of this plan is to address a number of outstanding issues remaining on Congress's calendar before we adjourn that maintain our commitment to improving America's economy and national security.

Over the past year, we have passed a number of important new education, health care, tax, trade and national security bills that will keep Americans safer and healthier, create new jobs and improve our economy. This rule will allow the House to consider a number of additional bills today under suspension of the rules that will ensure that Congress can complete some additional important work before we adjourn for the holidays.

This rule makes in order the consideration of nine bills under suspension

of the rules. These bills accomplish necessary and noncontroversial goals, such as extending funding for the operation of State high-risk health insurance pools, providing for collection of human cord blood stem cells for medical treatment and research, and improving the proficiency testing of clinical laboratories.

The suspension authority will also allow us to consideration legislation to authorize appropriations for the Department of Justice, improve medical benefits for patients, extend important educational programs and help NASA to continue its human space flight, aeronautics and science programs.

Perhaps most notably, it provides for consideration of the conference report to extend the applicability of the Terrorism Risk Insurance Act. Extending TRIA is a goal upon which I have worked very closely with my friends and fellow House conferees, Chairman MIKE OXLEY and Chairman RICHARD BAKER, and I commend them for their hard work in preparing this bill for President Bush's signature.

This legislation represents a fiscally responsible response to the threats that acts of terrorism pose to the American economy. It also includes important taxpayer protections and will ensure that this important program does not expire and leave the marketplace for terrorism insurance in uncertainty.

After the tragedy of September 11, the marketplace for terrorism insurance largely disappeared. This lack of terrorism coverage terminated or delayed billions of dollars in commercial property financing, threatening business operations and development and job creation and our overall economy.

TRIA has proven its ability to stabilize the market, and it will continue to provide essential protection for businesses of all sizes in our country. I urge my colleagues to take the opportunity later today to follow up on this program's successful record and to reauthorize TRIA so that the program does not lapse and hurt businesses and policyholders around this great Nation.

Like TRIA, all of the bills scheduled for consideration by the Republican House leadership on behalf of all Americans enjoy broad support from Members of both the majority and the minority parties. This rule simply provides us with the tools needed to ensure that all of the important work is completed before we adjourn to our families and communities to celebrate for the holidays.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this uncontroversial and balanced rule.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend from Texas (Mr. SESSIONS) for the time.

Mr. Speaker, I guess it is appropriate that we are providing for suspension of the rules, since we learned yesterday that the President has suspended the law regarding spying on American citizens. I heard one of our colleagues earlier say that it was the law. I would remind him that this House has passed no such measure permitting spying on American citizens, even babies know that.

Mr. Speaker, as my colleague has already noted, this rule will permit the House to consider nine pieces of legislation under suspension of the rules. While I will not oppose this rule and intend to support the nine bills to which the rule applies, and I say that advisedly, taking into consideration the gentleman from Wisconsin (Mr. OBEY), my distinguished colleague, who will explain in detail the circumstances regarding Labor-HHS and the drastic implications for the finances of certain agencies.

I am deeply concerned that the House is again operating outside the boundaries of regular order.

□ 1430

For the last year, my friends in the Republican leadership have consistently convened the House a mere 3 days a week, occasionally 4. They have regularly sent Members home earlier than anyone else in this country gets off work. Sure, I certainly, and I believe all of us, appreciate going home a few hours earlier during the week. But forgive me, Mr. Speaker, if I am not the most sympathetic Member when the leadership cries legislative crisis time and time again over situations that it created.

There is a better way to run this body, and the Republicans continue to show that they are incapable of leading the House in an efficient and regular manner.

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

Mr. SESSIONS. Mr. Speaker, I, like my wonderful colleague, Mr. HASTINGS, am here doing the work of the American people. We are proud of what we are doing. It is just 1 week before Christmas, and we have a lot of work left to do. That is why we are here. We are here to work.

There are a number of my colleagues who showed up for work today prepared and ready. We know they miss their family and friends. NATHAN DEAL of Georgia, TOM PRICE of Georgia, and JOHN SHIMKUS of Illinois are just an example of three Members of Congress who, even on a weekend and even a week before Christmas, show up.

So it is my hope that this same spirit we all talk about today, of accomplishing our work on behalf of the American people, the importance of completing our work because we said we would do it, to be responsible to the people of this whole country, all the people, that that spirit will carry through because that is why we are here today.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman, my good friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I have to say I was struck by the gentleman from Texas crediting his fellow Republicans for showing up. Because if it were not for the combination of institutional incompetence and ideological extremism that dominates the Republican Party, none of us would have had to be here. So I guess we all deserve recognition as victims of that.

I actually think this motion should have been retitled. It should have been called Subversion of the Rules, not Suspension of the Rules, because that is what is happening. We are being at almost gunpoint, the metaphorical, parliamentary equivalent of gunpoint, being asked to debate under very restrictive measures bills that deserve more.

Let me talk about one, the terrorism risk insurance. I think it is an important bill, and I agree substantively with what the gentleman from Texas said. Unfortunately, the right wingers who dominate this administration and much of the congressional leadership in both Houses do not agree. They tried to kill this thing, until finally, at the overwhelming insistence of people who are involved in the economy of this country said that that would be irresponsible, they did the next best thing. They have forced us to deal with it in a constricted and inappropriate way.

We did take it up in the House, and we had a full markup in our committee, and we voted on it on the floor. In the Senate, and let us praise the rule change that now allows us to tell the truth about what goes on in the Senate, the Senate passed a very restricted version of this. The Senate chairman of the banking committee then refused to appoint conferees.

Interestingly, we are going to have to amend this rule, because the rule, reasonably, said let us take up on suspension the conference report on TRIA. And then the Rules Committee had to be reminded that there is no conference report on TRIA, because the Republican Senate chairman, knowing that he would have been outvoted in the conference, refused to allow one and, instead, individually dictated what would be in it.

So we are going to have to amend it, because if we had a vote on a conference report on TRIA, we would have no TRIA. They would not have a conference. The regular order has been totally subverted. Unfortunately, we have to accommodate it because we are up against a December 31 extension.

By the way, if the House Republican leadership had not delayed consideration of this bill, we could have done it months ago and not been vulnerable to that kind of extortion.

What we have now is a bill that leaves out, for example, the commission on how to deal with terrorism insurance that the families of September

11 have asked for. We will go into that further when we debate it, but the families of September 11 asked for a commission. We included it in the House bill. Chairman OXLEY and Chairman BAKER accommodated that reasonable request. It is not in the Senate Bill. And because of this outrageously high-handed legislative procedure, we do not have a chance to include it.

An important provision was adopted here in the House, sponsored by the gentlewoman from Florida, to prevent people who are traveling to what some insurance companies think are dangerous areas, like Israel, from being denied life insurance. That is not in the bill. Maybe some people do not like it, but we should have been able to have had a forum in which it could be debated and decided.

Instead, we have the right wing that controls the executive branch and both Houses of Congress grudgingly allowing a bare bones and, I think, inadequate form of extension. It is better than nothing. It is important to the economy, and the gentleman from Texas is right. But here is a combination of ideological extremism and a refusal to recognize the legitimacy of a democratic process here.

As we salute democracy in Iraq, and I am glad we saw it yesterday, I guess I am starting to get jealous of the Iraqis, because as of now there is more democracy being practiced under American auspices in Iraq than the leadership here in the House of Representatives is allowing on the floor of this body.

Mr. SESSIONS. Mr. Speaker, the gentleman from Massachusetts has very appropriately talked about this important act, this TRIA legislation; and I would like to take time to thank the ranking member of the Financial Services Committee (Mr. FRANK of Massachusetts) for not only his work for a long time on this bill but for working clearly and closely with industry and consumer groups to make sure that what we had control over of here in the House that we passed.

I do admit that there is frustration. There is frustration on my part, too, as the gentleman is well aware. And I will tell you that the process that has taken place may not be perfect, but I want to thank the gentleman not only for his support of the work that we were able to accomplish but for sticking with it.

The good part is there will be a process here today and the gentleman will be able to speak very clearly about his thoughts on that, and we will move forward.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will yield for just a moment, I want to thank the gentleman for his graciousness on that, and I appreciate that.

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

Mr. HASTINGS of Florida. Mr. Speaker, at this particular moment I am privileged to yield such time as he may consume to my good friend, the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time. I want to put the House on notice that I intend to ask for a rollcall on this rule. And if we do have a rollcall, I am going to vote against it, and I want to explain why.

One of the bills that this rule makes in order is the continuing resolution. At this point, this Congress has not passed the defense bill. It has not passed the Labor, Health, Education and Social Services appropriations bill. Together that equals about 65 percent of all the discretionary spending in the budget. We still have not passed those bills almost 3 months into the fiscal year.

Now, this resolution will allow the continuing resolution, which expires today, to continue until February 15. Now, it also says that we will not be able to amend the CR. However, there is nothing to prevent the Senate from amending the CR when it goes over there, and I fully expect them to try because they have a different set of priorities than the Republican House leadership. If you do not believe that, just ask Mr. STEVENS.

There is another problem with the CR, and that is that it funds both the Defense bill and the Labor, Health, and Education bill at a very much lower level and on a very much more restricted basis than I think is healthy. Example: on the Defense side, if the Defense appropriations bill does not pass, it means that money will trickle out to the military, but they will not be able to do the advanced procurement expenditures that they need if you are going to have intelligent planning.

On the Labor-Health side, what it means, and this is even more serious, I think, because I think there is a better chance that the defense bill may pass, but the Labor-Health bill right now is so inadequate that the majority leader in the Senate cannot get enough votes to pass it. And so now what they are doing is setting up this scenario: they are going to fund Labor-Health programs at a level $1.4 billion below the House-passed bill and $3 billion below last year. And because of the peculiarities of the formula, programs such as the Community Service Block Grants are going to be funded at a level 50 percent below last year. You might as well gut that program if you let that happen.

And why are they doing it? I think the reason they are doing it is because they know they cannot pass that turkey of a Labor-Health bill now as it is, so they are trying to set up a scenario in which in February Senators will have to vote for that inadequate bill in order to escape from the crisis which was manufactured by this inadequate and rigid CR.

I think House Members, if we are going to be asked to pass another CR, ought to have an opportunity to amend it. Coming from an agricultural State, I am told that the agreement just reached between the House and the Senate is going to allow Senator COCHRAN to put $2 billion wherever he wants it in agriculture, and I would kind of like to see some of that money going to the MILC program. But it is not going to under the way this is set up.

I would also like to amend the funding rate for a number of programs so that you do not indirectly, under the table, without a frontal vote, gut programs like the Community Services Block Grant.

So I want to put the House on notice, despite any agreement at the leadership level, I intend to ask for a rollcall vote because this is nuts.

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

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

I hope that the general body heard and understood Mr. OBEY's explanation, the fact remains that it would devastate programs in this country that people are totally relying upon; and, more importantly, my friends who espouse their support of the military, put the military in a position of not being able to do advanced procurement and to live at restrictive levels. That is not right. Therefore, we need to pay particular attention to the continuing resolution.

I would urge Members to be prepared to come back for this particular measure, in light of the explanations offered by my colleagues Mr. FRANK of Massachusetts and Mr. OBEY.

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

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

In the 8th paragraph, strike ''conference report to accompany the''

Mr. SESSIONS. Mr. Speaker, I want to thank my colleagues on both sides of the aisle for their thoughtful comments this morning about the circumstances, as we are here on December 17, almost a week before Christmas. I would like to thank all my colleagues for coming down and speaking clearly.

There is a lot of frustration, but I believe the process is important for us to follow through. I am proud of what we are doing. We can accomplish it all together.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 190, not voting 30, as follows:

[Roll No. 663]

YEAS—213

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
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
Culberson
Davis (KY)
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
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)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
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
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
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
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
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
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
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—30

Akin
Baca
Barton (TX)
Becerra
Cardoza
Clay
Cubin
Cummings
Davis, Jo Ann
Davis, Tom
Diaz-Balart, M.
Ehlers
Gilchrest
Hoyer
Hyde
Istook
Kolbe
McCarthy
McCrery
Myrick
Pastor
Platts
Spratt
Stearns
Waters
Watson
Weldon (PA)
Westmoreland
Wexler
Young (FL)

□ 1518

Ms. HERSETH changed her vote from ''yea'' to ''nay.''

So 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.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 663 I was unavoidably detained. Had I been present, I would have voted ''yes.''

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

## PROFICIENCY TESTING IMPROVEMENT ACT OF 2005

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4568) to improve proficiency testing of clinical laboratories, as amended.

The Clerk read as follows:

H.R. 4568

*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 ''Proficiency Testing Improvement Act of 2005''.

**SEC. 2. IMPROVEMENT OF PROFICIENCY TESTING OF CLINICAL LABORATORIES.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services—

(1) may not, during the one-year period beginning on the date of the enactment of this Act, conduct (or cause an entity with which the Secretary contracts to conduct) the proficiency testing referred to in section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv));

(2) shall revise such proficiency testing (or cause such testing to be revised)—

(A) to reflect the collaborative clinical decision-making of laboratory personnel involved in screening or interpreting cytological preparations;

(B) to revise grading or scoring criteria to reflect current practice guidelines;

(C) to provide for such testing to be conducted no more often than every 2 years; and

(D) to make such other revisions to the standards for such testing as may be necessary to reflect changes in laboratory operations and practices since such standards were promulgated in 1992; and

(3) shall make the revisions required by paragraph (2) within one year after the date of the enactment of this Act and before resuming proficiency testing referred to in such section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

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

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

There was no objection.

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

Each year, the licensed physicians and cytotechnologists who screen and interpret Pap tests save the lives of thousands of women by detecting the

earliest signs of cervical cancer, a common cancer in women. Without question, these professionals serve a vital role in the health care delivery system of this Nation, and we owe them our sincere admiration and appreciation for the services they perform.

However, our Federal bureaucracy has let these professionals and their patients down by neglecting to develop an effective and appropriate proficiency test for these individuals as required by the Clinical Laboratory Improvement Amendments of 1998, commonly referred to as CLIA. Instead, the Centers for Medicare and Medicaid Services have recently chosen to implement an outdated and flawed testing system that was finalized over 13 years ago.

This situation is unacceptable, and these professionals who are performing vital services deserve better.

And that is why I have introduced this legislation. H.R. 4568 will place a hold on the current CMS testing system and require that a new rule be developed that accomplishes the following four goals: First, to reflect the collaborative clinical decision-making of laboratory personnel involved in screening or interpreting cytological preparations; second, to revise grading or scoring criteria to reflect current practice guidelines; and, third, to provide for such testing to be conducted no more often than every 2 years; and, fourth, to make such revisions to the standards for such testing as may be necessary to reflect changes in the laboratory operations and practices since the standards were promulgated originally in 1992.

This is the least we can do for these professionals. And I want to thank my colleagues SUE MYRICK, TOM PRICE, JOHN SHIMKUS and SHERROD BROWN for joining me in sponsoring this legislation.

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

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

Joining my friend from Georgia, Mr. DEAL, I rise in support of H.R. 4568, the Proficiency Testing Improvement Act.

It makes perfect sense to take steps to ensure that women are receiving accurate results after they have had a Pap test. But it makes no sense to take false steps in that direction. Proficiency testing can be extremely useful, or it can make a bad situation worse. If the proficiency test itself is inaccurate, then both competence and incompetence get lost in the shuffle. It is almost worse than not knowing.

H.R. 4568 gives the Secretary of Health and Human Services authority to revise a 13-year-old regulation that CMS has only recently acted on. The regulation calls for a Federal program to test the proficiency of individual laboratory individuals who read Pap tests.

Since this rule was first proposed in 1992, significant advances, such as computer-assisted screening, location-guided screening, digital imaging, have made a positive impact on screening for cervical cancer.

The proficiency testing system embedded in the agency's rule has not been modified to reflect these significant advances. As a result, the system is rooted in outdated and obsolete medical standards and practices. In fact, the testing scheme adopted 13 years ago but just implemented by the Federal Government this year is based upon standards that go back to the late 1960s.

H.R. 4568 delays implementation of this testing program for 1 year so the agency can review and revise the program to reflect current medical practice. One can look at it from a quality perspective, a safety perspective, an access perspective or a fiscal perspective. From any of those angles, it is in no one's best interest to use the wrong test to evaluate proficiency. All they end up with are more questions.

I want to make clear the bill does not repeal this testing program. It simply puts the program on pause while the agency makes changes to reflect valid and up-to-date medicine and laboratory working conditions.

In September, I joined over 100 Members of the House, from both parties, in sending a letter to Secretary Leavitt, urging him to update the testing program before implementing it. The Secretary of HHS, for whatever reason, has not responded.

In February, the Clinical Laboratory Improvement Advisory Committee, which advises the Department of Health and Human Services, unanimously recommended that the agency revise and update this 13-year-old regulation; yet the agency continues to move forward with a January 1, 2006, implementation date.

If we are serious in this body about promoting quality health care, we should ensure that the Federal Government's regulations are keeping pace with 21st Century medicine. This bill will help do that. I urge my colleagues to support it.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a member of the Energy and Commerce Committee that has jurisdiction over this issue.

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

Mr. SHIMKUS. Mr. Speaker, I want to thank Chairman DEAL of the subcommittee for his work on this legislation, also Ranking Member BROWN, and I think they accurately have mentioned what this legislation does.

It wants to hold off these regulations that are decades old for new science and new technology and for safety and cost and efficiency and all those things.

I just want to take this time to thank Dr. James Miller, who runs a lab in Fayette County Hospital in Vandalia, Illinois, for always keeping me updated on issues facing the laboratory community.

In my district and across the country, we already have a shortage of medical lab technicians. These proficiency testing regulations would further reduce access to cytology services.

I urge my colleagues to support this legislation, H.R. 4568.

□ 1530

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH), who has been a terrific advocate for women's health in our country.

Ms. HERSETH. Mr. Speaker, I thank my friend from Ohio for yielding and for his long-standing commitment for health care issues facing this country.

Mr. Speaker, I rise today in support of H.R. 4568, the Proficiency Testing Improvement Act of 2005, because this legislation reflects a thoughtful compromise, and I am extremely pleased we are going to have an opportunity to address the underlying issues concerning the clinical laboratory proficiency testing regime currently being implemented by the Centers for Medicare and Medicaid Services.

As I toured laboratories in South Dakota earlier this year and discussed the proficiency test with pathologists in my State, it has become clear to me that the science and practice guidelines for cytology have advanced substantially in the 13 years since the initial design of the proficiency testing program.

I have serious concerns with the possibility of qualified physicians and lab personnel being penalized as a result of a test based on outdated standards, and I have concerns about the access problems this may create in rural areas.

The Clinical Laboratory Improvement Advisory Committee, which is charged with advising the Secretary of Health and Human Services on the standards governing clinical laboratories, has recommended that the Department of Health and Human Services revise the outdated regulation to reflect the advances in the practice of cytology.

When it became clear that Secretary Leavitt intended to proceed with the January 1 implementation date, as Mr. BROWN indicated, I joined with him and many others of this body to urge the Secretary to suspend the current testing program and make the necessary revisions to reflect the advances in science, technology and practice. But time grows short, and without any assurances that the flaws in the current regime will be addressed, it is necessary for us to act.

This legislation delays implementation of proficiency testing for 1 year to allow the Secretary to make the appropriate revisions and ensure a testing program that reflects medically and scientifically current standards for the

practice of cytology. This step is necessary to protect access to clinical laboratory services and to ensure the high quality of those services.

I want to express my sincere thanks to all those who have worked so hard in the last few weeks to bring this legislation to the floor before the end of the session. Ranking Members DINGELL and BROWN, Chairman DEAL, Mr. PRICE, have all been diligent and thoughtful throughout this process. And I also want to extend my thanks to Chairman BARTON for his flexibility and offer my prayers for his speedy recovery during the Christmas season.

I encourage my colleagues in the House to support H.R. 4568 and our colleagues in the Senate to act swiftly to pass this important legislation before we adjourn.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 4 minutes to my colleague, the gentleman from Georgia (Mr. PRICE), and to thank him for his efforts in shepherding this bill to the floor today.

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

Mr. PRICE of Georgia. Mr. Speaker, first, I want to thank Chairman DEAL for his leadership on this issue and Chairman BARTON as well for allowing this to go forward and thank particularly Mr. BROWN and Ms. HERSETH and Mr. DINGELL for working together to make certain that this issue is brought forward before we go home for the holiday.

Any testing, any testing, for quality in health care, must recognize and be tailored to real-life situations and the actual practice of medicine. As a physician, I have a real concern about quality health care and about how often government decisions may adversely affect that care.

In our State of Georgia, as the chairman knows, 40 percent of the pathologists in our State no longer read Pap smears. They no longer read Pap smears. The reason is not that they forgot how to read Pap smears. The reason is that the liability, the risk for reading a Pap smear at this point is greater than the benefit that they can derive themselves, and it is not worth putting their families at that personal financial risk to do so. If we go ahead with current CMS policy, I fear all across this Nation, we will see the remainder of the pathologists will no longer be able to read Pap smears, and consequently, the quality of care will be further diminished.

The reason that this test that has been proposed to move forward is flawed is because the practice of pathology is a collegial practice. If a pathologist is reading a slide to determine a diagnosis and he or she may have a question about it, they do not simply put it aside and not do anything about it. They call over Dr. Smith or Dr. Jones or one of the other personnel and ask them, what do you think? And they come to a decision together. Sometimes they may even take the specimen, that slide and the specimen they have, to a professor, to a university nearby or to a seminar that is being held and get other opinions. It is a collegial practice.

The test that is on the books right now and being proposed to be implemented January 1 on a mandatory basis does not recognize any of the collegiality of the practice of pathology or medicine for that matter.

So I believe that any testing that ought to be approved must be approved by the specialty society. The College of American Pathologists has wonderful individuals, scientists, individuals who understand the practice of medicine and also understand the science, and they must, they must, approve any test before it goes forward.

I also believe that any test that would be of benefit to us as citizens and truly increase the quality of care would be a test that measured the quality of the facility which recognizes the collegiality of the practice of pathology, and not be necessarily physician-specific, because that does not recognize how these things are done.

So, this bill, I commend the chairman once again for bringing it forward. I believe it is a commonsense measure. It is a measure that, ultimately, I believe, will result in a better rule and a better ability of pathologists and other physicians across this Nation to practice. I urge adoption of this bill.

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

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. WELDON), a physician familiar with this issue.

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I thank the subcommittee chairman for his leadership on this issue.

I am not an OB/GYN, but as a general internist, I performed numerous Pap smears. I was not here in 1992 when this statute was put in place. If I had been, I would have voted against it. I do not think the Federal Government has any business being in this process.

I have to ask everybody in the Chamber a question: Why do we want to have a special test only for the pathologists? Why not a Federal test for the doctor performing the Pap smear? I frequently did breast exams at the same time. Why not a special test, a Federal test, for that? What about the mammogram? Why not a Federal exam for a mammogram?

We obviously do not do that for obvious reasons. Professional societies govern these issues. State statutes govern them, and this is just a huge area.

Physicians of various specialties perform a multitude of different tests. They review and do a multitude of different procedures, and it would virtually be impossible; it would involve a colossal expansion of the Federal Government into essentially an area traditionally of commerce.

Now, understanding, as I do, that this is in the law, another reason why this is a bad law is just the way it has played out. Thirteen years for the regulatory agency to finally bring regulations to the process, to put them forward, and, lo and behold, surprise, surprise, they are completely outdated. They are completely inconsistent with what has been going on.

Litigation forces and the College of American Pathology's policies have changed the landscape, and now you essentially have many pathologists, as my physician colleague Dr. Price said earlier, and I commend him for his leadership on this, many pathologists have abandoned this. And you literally have certain pathologists who are specializing in this. They read them all the time. They go to seminars all the time. When they get difficult smears, they take them to the university. They bring their colleagues in the room.

To me, this is a wasteful and inappropriate involvement of the Federal Government, and I am very, very pleased that the other side of the aisle is willing to go along with this 1-year delay. Hopefully, the Senate will approve this.

What I hope is, ultimately, we repeal this, because I believe it is completely unnecessary, and it is inserting the Federal Government in a place that I do not think the American public would really want us to be, and that is into the details of the practice of medicine, carving out one specific area of pathology. Why are we not credentialing pathologists who read thyroid biopsies? That can be very, very important. What about breast biopsies? So to single this out, to me it is almost bizarre.

Mr. Speaker, I commend the chairman of the subcommittee. I am certainly looking forward to working with him in the year ahead. I certainly commend the ranking member for his willingness to allow this to move forward, and I do hope the Senate concurs, and we are able to pass this.

WHAT THE BILL DOES?

In 1992 CMS, HCFA, proposed regulations that would require proficiency testing of pathology labs for pap tests.

Those regs sat on the shelf for the past 13 years, until earlier this year CMS decided to implement these 13-year-old regs.

This bill simply delays for one more year the implementation of these regulations and asks CMS to update their regulations to reflect the practice of medicine today both within the pathology labs and in how clinicians respond to those lab tests.

WHY IS THIS BILL NECESSARY?

CMS dusted off 13-year-old regs that do not reflect the current practice of medicine.

CMS is requiring that pathologists examine these test exams in a vacuum; however, pathologists and cytologist practice in a team today. The CMS regulations don't reflect this change in practice; they are testing in a manner that does not reflect how a pathology is practiced today.

The test asks pathologists/cytologists to distinguish between high- and low-grade lesions.

In 1992 the standard of practice for low-grade lesions was to continue repeat cytology testing while colposcoply and biopsy were ordered for high-grade lesions.

The standard of practice today is to order colposcopy and biopsy for both high- and low-grade lesions.

The exam also applies a double standard for scoring—one test for cytologists and another higher standard for pathologists.

WHO HAS ASKED CMS TO DELAY THESE REGS

Ten national pathology and cytology organizations; 49 State pathology medical societies; over 120 Members of Congress wrote CMS in October asking CMS to delay this testing; even CMS's own Clinical Laboratory Improvement Advisory Committee, CLIAC, unanimously moved that CMS revise the cytology PT regulations to reflect current practice, evidence based guidelines and antipated changes in technology.

CONCLUSION

This bill will provide for only a 1-year delay of these regulations so that CMS can update the regulations that they left sitting on the shelf for the past 13 years.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I was just listening to the last speaker, and I just wanted to bring something to the attention of the House.

In Maryland, we had a situation where we had Maryland General Hospital, which is in my district, as a matter of fact, within 6 blocks of my house, and one of the things that we discovered was that the hospital was providing tests whereby personnel in the hospital knew that these HIV and hepatitis tests, the results were the wrong results. In other words, there was some faulty machinery. There was some problem within the lab itself. And when the whistleblower went to blow the whistle, the whistleblower was fired.

Government does have a role in this. The government must have a role. Almost, not almost, every single person in this country at some point is subjected to some type of medical test. As a matter of fact, we in the State of Maryland, it was of such significance that we got the College of American Pathologists to revise their entire program so as to protect whistleblowers, to make sure that if there was retaliation against a whistleblower, that that clinical lab could lose its accreditation.

They also are spending $9 million over the next 2 years to revamp their whole process, because here is the College of American Pathologists who oversees some 6,000 clinical labs all around the world, and they realized that it was important that they give proper results and protect whistleblowers, have a better system. But I can tell you the thing that pushed them to do that was government intervention.

So I understand this particular piece of legislation. I think it makes sense. I wish we had a little bit more time to consider it. The fact is, I am not going to stand in the way of it, but I refuse to accept an argument that says that government has no role in this, because, again, the American public must, must, have confidence in medical tests, must be able to rely on them.

When we are talking about such subjects as medical malpractice, Mr. Speaker, if someone has the wrong results on a test, my God, it may result in all kinds of very unfortunate circumstances and expenses and pain and suffering to a family.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself 15 seconds just to respond to the gentleman and assure him that we understand his concerns with the whistleblower, but this is a situation in which government does have a role, but we are trying to make sure that government does not impose outdated regulations that are 13 years old and do not associate themselves with the current realities of the practice.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Speaker, I rise today in support of H.R. 4568. This legislation will put in place a 1-year delay of a problematic cytology testing program and will allow HHS to review and revise the program in order to better reflect current medical practice.

Numerous pathologists from my district in central and western Pennsylvania have expressed great concern over this testing program. I would like to share a portion of a letter I received from a well-respected pathologist from Roaring Springs, Pennsylvania, Dr. Bill Kirsch, regarding this issue. And I think it is extremely important to hear the words of a practicing pathologist and not just legislators on the floor of the House.

Dr. Kirsch first contacted me in August of this year saying the following:

''Although I have not received the survey material at this time, it was apparent when I read the initial introduction of this new testing procedure that it had little merit and was only vaguely related to the actual practice of cytopathology.

''My contention is this supposed proficiency examination will do little or nothing to improve the quality of the cytopathology services and only add to hospital expenses through fee and the paid time for the cytology tech staff and the pathologist forced to participate. There are other proficiency tests that I have subscribed to for a number of years and have helped me to become a better cytopathologist.

''The current proficiency testing by MIME has, in my opinion, no merit and does not deserve to be continued. It does not have the support of pathology or cytopathologist professionals and should not have even been initiated.''

Mr. Speaker, I respect the wisdom and experience of many of the doctors and laboratory professionals that have contacted me asking that we please ask HHS to step back and review this testing program. A vote for the commonsense legislation is just what the doctor ordered.

□ 1545

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), my colleague on the Health Subcommittee of Energy and Commerce.

Mr. BURGESS. Mr. Speaker, I thank the chairman and the ranking member for bringing this relevant and important piece of legislation to the floor today.

It is probably the cervical cytology that has been more responsible than any other medical test for the foundation of preventative medicine in the United States.

I cannot tell you of the change that has taken place in the science of cervical cytologies from 1988, when this language was first written, until the time I left practice in 2002. The change has been so rapid in the science of cytology; and the language in this legislation being over 10 years old, over a decade old, is inappropriate for the 21st century.

In this day and time, we now have thin-layer cytologies. We have liquid-based cytologies, none of which were available in the late 80s or early 90s. The accuracy of these tests is light years ahead of what it was. If you add to that the ability to do DNA typing on abnormal cells, a lot of problems with false negatives have been eliminated. The CLIA standards to affect this language at this point would be inappropriate. They would be draconian. In fact, they would be a big step backward.

I look forward to working with my chairman. I look forward to working with the committee with my fellow members to develop language that more accurately measures the performance of cytopathologists and pathologists.

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

Mr. Speaker, I was just looking through the CMS informational supplement on this whole issue, and I just wanted to read the reason that CMS could not get its act together through Secretary Thompson and now Secretary Leavitt, that they have delayed this so much longer than it needed to, and this is their sort of double speak, if you will:

''Implementation of cytology proficiency testing has taken an extended period of time due to the absence of qualified national proficiency testing organizations and insufficient number of reference cytology testing materials and significant technical difficulties. Currently, there are two CMS-approved cytology proficiency testing programs in the country for 2005, and we anticipate the approval of additional programs in 2006.''

So the last 5 years both Secretary Thompson and Secretary Leavitt have not been able to get this whole program up and running. Now we have this same cast of characters telling the country that we have got to implement the Medicare bill right now when plenty of people in this body, led by Ms. SCHAKOWSKY of Illinois and Mr. STARK from California, it said on the Medicare bill that we should push back the deadline for people who want to benefit from the Medicare prescription drug benefit program, who want to benefit but cannot yet make their minds up because of the complexity of it. And they will be actually financially penalized if they do not make that decision more quickly than many seniors feel that they are capable of making.

At the same time, we are also doing nothing to allow the Secretary of CMS to bring down the price of prescription drugs. In fact, this institution, this body, prohibited the government from negotiating lower prices. So while Secretary Thompson and now Secretary Leavitt could not get their act together on this, they seem to want to move forward too quickly on Medicare, forcing seniors to make a choice prematurely in the minds of many seniors or pay an economic financial penalty for every month they delay, and at the same time doing nothing to bring the price of prescription drugs down.

It all fits together in a peculiar way, Mr. Speaker. That does not mean this bill is not important. I join my colleague, Mr. DEAL, in support of it. As always, there is a little bigger picture here.

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

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

While my colleague, Mr. BROWN of Ohio, is my copartner in the issue of health care and he and I share many things in common, this bill being one of them, and I would disagree with his comments with regard to Medicare part D, I for one am pleased that we are finally offering senior citizens of this country the opportunity to have a prescription drug benefit plan.

We can disagree on that, and we will probably have some disagreements in the future; but I do want to thank Mr. BROWN of Ohio and his staff and the others on the minority side for their cooperation in dealing with this issue that is before us today on pathology licensure.

I think that it is a bill that we need to act on quickly, and hopefully our colleagues across the way will do likewise.

Mr. DINGELL. Mr. Speaker, I support H.R. 4568, the "Proficiency Testing Improvement Act of 2005," which requires the Secretary of the Department of Health and Human Services to update the federal program to test the proficiency of individual laboratory professionals who read Pap tests. This bill delays implementation of the program first proposed in 1992 so that revisions, including those recommended by the Clinical Laboratory Improvement Advisory Committee, can be made. Importantly, these revisions are required to be made within one year, and must be made before proficiency testing can resume.

This is a commonsense measure that will assure that regulations implemented by the Federal Government reflect current science, technology, and medical practice. I urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 4568.

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

A motion to reconsider was laid on the table.

## STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and concur in the Senate 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.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2520.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005. This legislation will expand the number of stem cell options available to Americans suffering from life-threatening diseases.

Every year, nearly two-thirds of the approximately 200,000 patients in need of a bone marrow transplant will not find a marrow donor that matches within their families. These patients must rely on the help of strangers to donate bone marrow or transplant. To assist these patients, Congress established the National Bone Marrow Registry to quickly facilitate unrelated donor transplants. Through this program, Congress made a significant investment to connect patients with a rich source of stem cells that offer immediate clinical benefits.

With scientific advances, Congress must now make changes to reflect new therapeutic options. Cord blood stem cell units have been shown to be a suitable alternative to adult bone marrow for the treatment of many diseases, including sickle cell anemia. This is an

especially important advancement for those Americans who have desperately searched for a bone marrow donor, but could not find a suitable match, even with the help of the National Bone Marrow Registry. As another rich source of stem cells, cord blood transplant is another chance at life for many patients.

The bill before us today builds on the critical investments we have made over the past two decades with the National Bone Marrow Registry and retools this design into a new, more comprehensive stem cell transplantation program which will include not only bone marrow but cord blood units.

Through a competitive contracting process, this new program will allow transplant doctors and patients to access information about cord blood units and bone marrow donors at the same time through a single point of access. This new program does not create a preference for either cord blood or bone marrow. Instead, it will provide comprehensive information about both sources to stem cells to doctors and patients and allow them to make the clinically most appropriate choice.

I would like to recognize Congressman BILL YOUNG. It is his drive and steadfast support for an idea of a national registry for bone marrow that lead to the program's creation. Mr. YOUNG has continuously supported improving this program and does so today by reformatting the program's design. I am pleased that Congress is recognizing his dedication by naming the new program the C.W. Bill Young Cell Transplantation Program.

Lastly, I would like to note that through the discussions with the Senate, we have improved the original House bill to make the program more effective, including improved patient advocacy and case management services. We have created a new demonstration program to allow families with a sick child who could be helped with a cord blood transplant from a sibling to bank cord blood from newborns should they decide to have another child. We have also expanded the clinical outcomes database to include biologically related donors in addition to unrelated donors.

Finally, we require the Food and Drug Administration to provide a report on its progress in developing licensure requirements for cord blood units.

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

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank my colleague and friend from Georgia on the Energy and Commerce Committee for his leadership on issues like this.

Mr. Speaker, I rise today in support of this legislation; however, I am concerned that the other body has chosen to send us only the cord blood bill today. This bill is essentially the same bill that the House passed last May by a vote of 431–1. The legislation is important, and it will help advance medical research which is why I support it and why we passed it by such an overwhelming majority last spring. What we need to be clear about, though, is what this bill really will and will not do; and we also need to be clear that this bill is not a substitute for embryonic stem cell research, the Castle-DeGette bill, H.R. 810, which is an important bill to advance scientific research to affect diseases that will potentially kill millions of Americans.

Like adult stem cells, umbilical cord stem cells have proven over the last decade or so to be a reliable source of blood-forming stem cells that are used as a technique to treat blood diseases like leukemia and lymphoma. That established technique has led to about 600 cord blood transplants which were performed in the United States in 2004 to treat blood disorders. But these cord blood cells are not regenerative and they are not reprogramming, which is why they cannot be used to be made into other types of stem cells that can cure other types of diseases besides blood-related diseases.

It is true that cord blood has been reliably used for a number of years, and that is why it is so important that we pass this cord blood registry. But we must not overstate or exaggerate the capabilities of cord stem cells. Significant limitations exists that must be considered.

Unlike human embryonic stem cells, stem cells from umbilical blood cord cannot continually reproduce themselves. Instead of proliferating, they quickly evolve into specialized cells. Umbilical cord stem cells cannot be induced to form diverse nonblood cell types, as I mentioned. Although some initial experiments appear to be promising, few stem cell researcher now believe that umbilical cords will be a reliable source of replacement cells other than blood cells.

Now, I support this very early research that I talked about, as I support any kind of research that could lead to stem cells that could cure diseases. But these studies are few, and they have not shown conclusive results.

Finally, umbilical cord stem cells are in short supply. Only a small number of cells can be obtained from each umbilical cord, making it hard to obtain enough stem cells for treatment.

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Because of the limitations, we must also support embryonic stem cell research. I do not need to tell the House that, though, because we already did that with support from both sides of the aisle.

Last May, this House passed both the umbilical cord stem cell legislation along with H.R. 810, the Stem Cell Research Enhancement Act. H.R. 810, cosponsored by myself and Congressman MIKE CASTLE, expands the number of embryonic stem cell lines that are eligible for federally funded research. The goal of the legislation is to accelerate scientific progress toward life-saving cures and treatments for a wide range of diseases, not just blood-related diseases.

Unfortunately, the other body has not yet embraced the wisdom of the people's House. Here is what has happened in our country because of our failure to federally fund embryonic stem cell research: As I think we can all agree, the National Institutes of Health is not only one of the foremost institutions, probably the foremost institution for medical research in the world, but it also stands as the gold standard in the world in defining ethical research. Because NIH is not able to fund embryonic stem cell research, it is limited in its ability to define the ethics for that research, certainly in this country but definitely abroad.

Many here have heard about the embryonic stem cell studies that have been done in South Korea, and frankly, Mr. CASTLE and I, the research community and others have warned for a long time that when you take embryonic stem cell research offshore, not only do you lose your ethical ability to oversee that research, but you also lose the ability to make sure that the studies are done in a scientifically sound manner. We saw what we hoped to be some tremendous advancements in South Korea last year, but now what we are seeing is news out of South Korea that the scientific method and also the ethics have been called into question.

If we allowed ethical stem cell research, looked over by the National Institutes of Health, in this country, this would not happen, and we would have advances in science fueled by the engine of the NIH but also overseen by their ethical guidelines.

That is why we need to pass H.R. 810. We need to make sure that we bring the ethics as well as the scientific method back under the umbrella of the NIH so that we can continue to be a leader in this research in the world.

Mr. Speaker, it is time for the other body of Congress to move forward on swift passage of H.R. 810 so that we can retain our leadership position in the world.

Again, I support the bill that is before us today. It is a very important registry for cord blood, and it is also important for expansion of cord blood for blood diseases that affect so many, including in the minority community, but we also need to move forward with H.R. 810 so that we can have scientific progress that is done in an ethical manner and that will cover the waterfront in curing diseases that will affect millions of Americans.

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

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. BURGESS) be allowed to control the remainder of the time on our side.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, it occurred to me on the way to work this afternoon that it is especially fitting that during this season of holiness and faith and surpassing religious significance that Congress send to the President a bill designed to effectuate cures of some of the most devastating diseases and cancers on earth.

Not only has God in His wisdom and goodness created a placenta and umbilical cord to nurture and protect the precious life of an unborn child, but now we know that another gift awaits us immediately after birth. Something very special is left behind, cord blood that is teeming with life-saving stem cells. Indeed, it is one of the best kept secrets in America that umbilical cord blood stem cells and adult stem cells are curing people of a myriad of terrible conditions and disease and are now showing the plasticity and pluripotency that my previous colleague just mentioned. So I would hasten to correct the gentlelady from Colorado that cord blood stem cells are not just for blood-related diseases, it also has the capability increasingly, as research shows, to do other miraculous things as well.

Let me just remind Members that we passed this legislation 6 months ago. Many things have happened since those 6 months. Much progress has been made. This bill law will establish a national program to collect upwards of 150,000 units, with great diversity, so that most Americans who suffer from anomalies that could be cured by cord blood will be able to get it.

Let me thank so many people, the Speaker, TOM DELAY, ROY BLUNT, JOE BARTON whom we all pray for and wish a very speedy recovery. Let me thank my friend on the other side of the aisle, the gentleman from Alabama (Mr. DAVIS) and the Congressional Black Caucus for the yeoman's work that they expended in getting this legislation first passed in the House, then passed over on the Senate side, because there was a Democratic hold on it regrettably, TOM HARKIN, but then he lifted it.

Let me especially thank Senator FRIST for the good work he did; SAM BROWNBACK; MIKE ENZI; ORRIN HATCH; JON KYL; so many others as well as so many here; the gentleman from Florida (Mr. WELDON); the gentleman from Pennsylvania (Mr. PITTS); the gentleman from California (Mr. DANIEL E. LUNGREN); the gentleman from Indiana (Mr. PENCE) and I could go on and on. I have a list of three pages of people who have been instrumental in getting this legislation to the point where it will be passed and sent down to the President for signature.

Let me especially thank Cassie Bevan in the Majority Leader's Office who has worked so hard. She is amazing. John Cusey, on September 11, 2001, put together our first drafting meeting on this legislation. He too is amazing. That is how far back it goes. It has been a long time coming, and so many others. Cheryl Jaeger, Chuck Clapton, Kikki Kless in the Speaker's Office, Nicole Gustafson and Autumn Fredericks in the ProLife Caucus, Eric Euling in Senator FRIST's office and Doug Branch with Senator BROWNBACK and some of the others were outstanding. I will put the full statement in regarding all the many, many fine people who worked on this.

I will insert the remainder of my statement and the material I referred to previously at this point in the RECORD.

Cord-blood stem cells are, as we speak, treating and curing patients. Amazingly, we are on the threshold of systematically turning medical waste, umbilical cords and placentas, into medical miracles for huge numbers of very sick and terminally ill patients who suffer from such maladies as leukemia and sickle cell anemia. And because this legislation promotes cord-blood research as well, we can expect new and expanded uses of these very versatile stem cells.

For the first time ever, our bill establishes a nationwide stem cell transplantation system. It also authorizes the national bone marrow transplant system and combines both under a new program, providing an easy, single-access point for information for doctors and patients and for the purpose of collecting and analyzing outcomes data.

The cord blood stem cell portion of this bill will provide federal funding to increase the number of cord blood units available to match and treat patients. The goal is to reach a total inventory of 150,000 units so that matched stem cells will be available to treat more than 90 percent of patients, especially focusing on providing genetic diversity. The legislation would also link all the cord blood banks participating in the inventory program into a search system that would allow transplant physicians to search for cord blood and bone marrow matches through a single access point. The national program would promote stem cell research by requiring any participating cord blood banks to donate units not suitable for transplant because of disease or size to researchers who are working on new applications for cord blood stem cells. The National Bone Marrow Registry authorization expired on September 30, 2003. The bill reauthorizes an updated program through fiscal year 2010 for $34 million in FY06 and $38 million for each additional year of the program.

In the more than 6 months since we passed this bill, even more advances have been made in the field. Peer-reviewed studies have been published showing increased plasticity and flexibility. In August, it was released that cord blood stem cells are as flexible as embryonic stem cells. Two young Maryland siblings have been cured of severe combined immune deficiency syndrome by cord blood from unrelated donors. Victims of Krabbe's and Hurler's diseases have found new hope in cord blood treatments—these are severe genetic neurological diseases that kill most of their victims before they reach 2 years old. A Duke University group treated newborns with cord blood—the lead author, Dr. Maria Escolar, now reports of the oldest survivor that the seven-year-old is ''now running, jumping and doing well in school.'' Earlier this month, Michelle Farrar from Leesburg, Virginia, traveled to South Korea to be treated for her spinal cord injury. True hope exists for countless other medical conditions, ranging from heart attacks to muscular dystrophy to diabetes.

Just over a month ago, Dr. Brian Mason, an OB/GYN at Detroit's St. John Hospital, explained that ''People literally are dying on the transplant list who could be cured with this.'' I am so happy that for those people, delayed action on this bill has ended. No longer will they be denied access to the cures that are out there. Those suffering from the nearly 70 often terminal diseases will now get the cures that the legislation will make available to them. The door to the treatments that have cured people like Keone Penn, Steven Sprague, and Jacklyn Albanese will now be opened for thousands of others.

As I mentioned before, there are so many people who deserve thanks in helping get this bill moved through the legislative process on both sides of the Hill. Among those people are Rich Doerflinger and Mark Gallagher from the U.S. Conference of Catholic Bishops, Dr. David Prentice and David Christensen from the Family Research Council, the staff of the New York Blood Center including Pablo Rubenstein, Cladd Stevens, and Kathleen Reichert, Sue Ramthun who has been so personally invested in this issue, Dr. Edward Guindi at Cordus and NBA Hall of Famer Julius ''Dr. J'' Erving, Richie Weiblinger with the Senate Budget Committee, and the folks at Concerned Women for American, Focus on the Family, and the Susan B. Anthony List. I am ecstatic that we are passing it through here today and getting it to the President, so that we may set up this network that will absolutely save thousands of lives.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 2½ minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank my friend from Colorado for yielding.

Let me first begin by congratulating my friend from New Jersey (Mr. SMITH) for what he has done in the last several years, and I thank my friend from New Jersey for letting me walk just a short stem of this path with you. You asked me a couple of years ago to join you as the lead Democratic sponsor on this bill, but let the record very clearly reflect that way before that this was a cause of yours. It was something you believed in very strongly, and I thank you for your persistence, and I thank you for your courage on this issue.

Let me just say a couple of things. First of all, I want to thank our colleagues in the Senate. As the gentleman from New Jersey just said, initially, there was a reluctance to move this bill in the Senate, not because of any doubts about the substance of the bill. This bill has been the classic example of uncontroversial legislation, but there were some in the Senate who believed that this bill should not be given a vote unless the stem cell bill was given a vote.

I understood the force of their argument. I voted for the stem cell bill on

this side. I understood the political analysis they were making, but every now and then, this Chamber gets to do something that shines beyond politics. Every now and then, this Chamber gets to find something that we can give the American people that does not admit to a liberal or conservative or Democrat or Republican level, and in the last 24 hours, that happened.

So I thank Senator HARKIN and I thank Senator REID for deciding to take the politics out of this issue, on our side of the aisle, Democratic side. I thank them for letting this bill come to a vote, and this is a good Christmas present to give to many families around this country who have the tragedy of sickle cell anemia, who have the tragedy of diabetes in their family and who count on some look to science to improve it.

The final point that I will make, I will pick up on what my friend, the gentlewoman from Colorado (Ms. DEGETTE), said. I happen to think that God gave us the power of genius for a reason. God gave us the power of genius to somehow close the gap between this imperfect world and what we could be. This is an example of that power of genius being used to save lives.

I agree with her that stem cell research is an example of the power of genius. So I simply say in conclusion, this is what happens when we find a paradigm, a way of talking about issues that cuts us out of the crisscross of politics.

This is good legislation. I thank the gentleman from New Jersey for working with me on it and urge the Members of this House to pass it.

Mr. BURGESS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

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

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2520, the Stem Cell Therapeutic Research Act. Cord blood is already making a groundbreaking difference in the treatment of patients who are suffering from over 67 diseases, including leukemia and sickle cell disease. Cord blood is tremendously versatile. Its transplants do not require exact matches. It is frozen, and it is ready to go. It works for adults. Cord blood benefits minority patients who have difficulty finding exact matches and others with rare tissue types.

The possibilities for cord blood in research are almost limitless since cord blood can potentially become any cell type in the body, and it is plentiful, since it is derived from umbilical cords that hospitals routinely discard.

H.R. 2520 will provide Federal funding to increase the number of cord blood units available for patient genetic matching and treatment, link all cord blood banks in a searchable inventory and promote research in cord blood stem cell research.

This is a bill we can truly support. I urge my colleagues to vote for this legislation that will help create new hope and new opportunities for doctors and patients who are urgently seeking cures.

God always gives us a spare part. Umbilical cords are that spare part.

Ms. DEGETTE. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I would like to thank my friend from Colorado for yielding me time.

Mr. Speaker, this is a great day for the countless number of Americans who may receive the gift of health and prolonged life because of what will be provided in this bill.

Cord blood and bone marrow stem cell treatments have been proven effective in combating over 65 different debilitating diseases, including leukemia, sickle cell anemia and osteoporosis.

Cord blood transplants have proven to be a viable alternative for those with difficulty finding an exact bone marrow match. Since the match does not have to be exact, this research benefits both children and adults alike and is especially helpful for people of various races and ethnicities. This bill will offer a much greater opportunity for a cure for thousands of Americans around this country who often struggle with blood matches.

But cord blood also holds the great potential of producing pleural potential cells that could cure many other diseases such as juvenile diabetes, a disease that I live with every day.

Mr. Speaker, I am proud that we are acting to advance the possibility that this type of treatment will provide. A national cord blood bank will facilitate the expanded use of proven treatment to improve the health of so many Americans inflicted with these horrible diseases. This is a great Christmas gift of health to the American people.

Mr. BURGESS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Florida (Mr. WELDON), someone who has really been a leader in this issue.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Texas for yielding me the time, and I rise in strong support of this piece of legislation. I am extremely pleased that we were able to see the Senate finally move it forward and that it is going to move from here on to the President's desk.

The reason I am very pleased is this is not theoretical, as some treatment modalities that we often talk about in this body. This is real and now. There have been 67 different diseases in humans reported in the medical literature successfully treated with cord blood. So we are not even talking about research anymore. We are talking about clinical applications.

Indeed, one of those diseases I am most excited about, and that is sickle cell anemia. I had the opportunity to treat sickle cell anemia in my clinical practice, and I can tell my colleagues here that is one of the most unfortunate conditions to see a young child writhing in pain on a gurney in an emergency room in a sickle cell crisis. And to be told that cord blood stem cells have cured children with sickle cell anemia, I never thought in my life that I would actually see the day when sickle cell anemia could be cured.

This bill authorizes funds for the expansion of the existing bone marrow bank, which is a bank that essentially I am registered with. It has my name, and if somebody needs a transplant, they can try to find me and get my blood, but in this case, we are taking the placental blood and the cord blood from 3 million live births a year and creating a bank so that everybody would have a match and the potential for regenerative medicine would be here and now.

□ 1615

So I am very, very pleased that we are bringing this to the floor. I am very glad it is finally going to move on to the President's desk, because people will be helped by this now. I am also very delighted to have been part of it, and Mr. SMITH deserves a tremendous amount of credit for his unflagging efforts on this.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), my compadre and cosponsor of H.R. 810.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman from Colorado for yielding me this time, and I am also pleased to rise in support of this legislation, as we did before when it was on the floor of the House of Representatives. I think it does make a difference.

But we do need to understand some of the differences amongst the various things that we are talking about, because this is essentially dealing with a blood type of stem cell. It is great for use in a lot of blood diseases, as has been pointed out, particularly leukemia, lymphoma, and perhaps others at a later time.

But even with those benefits, we need to stress some of the limitations. And one of them is just the difficulty of getting these and the lack of them. I have actually visited a storage location for these and have seen that as a real problem.

Embryonic stem cells, which are in H.R. 810, which Senator FRIST promises will be brought up sometime in the course of the next year, do not have those limitations. It allows these embryonic stem cells to be used in a way that they could be formed into any stem cell in your body, and that is just not true of the cells that are before us here today. They have the potential to treat a wide range of diseases and injuries because they can reproduce themselves almost indefinitely. The best scientific evidence in this country indicates that umbilical stem cells can do neither at this time.

My point is this: we need, as far as I am concerned, to advance all of this type of research. That is really what it is all about. We need to give people an opportunity. We need to understand that one out of three people in the United States of America, and I assume across the world, and perhaps a greater percentage across the world, suffer from some type of disease that could be helped by stem cell research.

For that reason, in my judgment, we need to do everything in our power here in the Congress of the United States to pass any of this legislation that would help advance the medical research that could save or help the lives of so many people across the United States and across the world. For that reason, I absolutely support this legislation.

But I would beseech everybody to really understand the science and the medicine behind all of the stem cell legislation, including embryonic stem cell legislation, so that we can come to agreement as to complete stem cell research to aid everybody. And the sooner we do that, the better. Every day that is lost is a day that somebody is going to be ill longer. And we need to get about it as soon as we possibly can.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time and for the opportunity to speak in support of this bill.

I was here when we passed the bill on the House side earlier in the year; and I am very pleased, especially pleased today, that the Senate chose to agree with us that this is an exceptionally valuable treatment now. And it is one that we must address and make more easily available to all Americans now.

People talk about all different kinds of stem cell research, but cord blood stem cells are being used today. Cord blood has cured people today. Cord blood, if made available, can cure a whole lot of people tomorrow. It is rich in the type of stem cell that is similar to those found in bone marrow, and bone marrow transplants have been done for years. However, cord blood is better. Physicians tell us that it is a better treatment and a treatment that is more likely to be successful.

It makes sense for us in Congress to work hard to try to fund the NIH to help cure diseases. It makes most sense for us to help make available cures that are already known to work. This bill will allow more collection of cord blood stem cells. It will allow the collection and storage of those from diverse populations that currently may not be able to access this kind of treatment. It will help many, many more people who can be cured with cord blood to be cured.

That is what we are about here, Mr. Speaker. The story of Keone Penn, who actually had a connection to my hometown of Pittsburgh, his doctor, now at the university, helped cure him of a very severe form of sickle cell anemia with treatment from cord blood. Anthony Dones, who had a cord blood transplant, was cured of a very rare form of osteoporosis using cord blood. Katherine Marguerite Sutter, at only 5 months was diagnosed with AML. She too was cured by use of cord blood, and the story I like the most, because on the Web site for the New York Cord Blood Center, it shows a picture of her in her wedding gown. She suffered through transfusions for 20 years before she too was cured with cord blood.

Mr. Speaker, I am very pleased to be here today and also very pleased to have bipartisan support for this bill, because it will help many, many more people tomorrow.

Ms. DEGETTE. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I want to thank Representative CHRIS SMITH for his tireless efforts in bringing this very important lifesaving legislation forward and getting me to work with him to get the Senate to do the right thing and put this forward.

I would also like to say I supported the stem cell research bill also because I feel it has a broader significance to lifesaving measures. In this 21st century, we cannot afford to not look at both of these as provisions for helping to save the lives of American people. This is why I stand before you today in support of H.R. 2520.

Too many members of the minority population live with life-threatening diseases. We must provide them with the benefits of cord blood stem cells. Cord blood stem cells can be used for bone marrow reconstitution by transplantation to recipients with certain abnormalities such as leukemia and lymphoma, genetic disorders such as sickle cell anemia, and acquired diseases.

The promise of using stem cells for medical treatment has been the focus of research projects that are showing encouraging results. Cord blood stem cells have been triggered to differentiate into neural cells, which could lead to treatments for diseases such as Alzheimer's and Parkinson's. They have also proven their ability to turn into blood vessel cells, which could someday benefit treatment for heart disease, allowing patients to essentially grow their own bypass.

We need the hope that cord blood stem cells can bring. Sickle cell anemia is the most common inherited blood disorder in the United States, affecting 70,000 to 80,000 Americans. The disease occurs in approximately one in 500 African American newborns. People with sickle cell disease have a diminished quality of life and greatly enhanced fatality rate.

The suffering has gone on far too long. We must use every resource at our disposal to cure this and other blood-related diseases. In my district, I have a lot of young children who have sickle cell disease. These cord blood cells would certainly help in furthering their lives.

I ask all my colleagues to please support H.R. 2520. I believe it should pass today.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, this is a bright day for many individuals suffering from previously untreatable diseases, and I commend our colleagues in the Senate for passing the Stem Cell Therapeutic Research Act of 2005. It was the right thing to do. It will save many lives and avoid the ethically divisive issue of the destruction of human embryos for stem cell research.

As we have heard today, cord blood stem cells have helped effectively treat over 67 diseases in human beings, including leukemia, sickle cell, lupus, multiple sclerosis, type I diabetes, Parkinson's, and even blindness. Cord blood cells show great promise for helping spinal cord patients, many of whom have experienced improved sensation and movement from cord blood stem cell treatments.

Cord blood stem cells also possess the regenerative flexibility to form virtually every type of human tissue. And research has shown these cells are far less susceptible to transplant rejection than bone marrow.

I want to commend my colleague, Mr. SMITH, for his tireless effort in this regard, and for the leadership of Mr. DAVIS on this important issue. Their efforts transcend political differences. Mr. Speaker, this bill truly represents good science.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the distinguished gentlewoman from Colorado for yielding me this time and for the leadership she has given, along with the Congressman from Delaware on this stem cell legislation, and we hope that we will see that move.

I want to thank Mr. SMITH, Mr. DAVIS, Ms. MILLENDER-MCDONALD, and the many others who have been so supportive on this legislation, the collection and maintenance of human cord blood stems. Just a few minutes from now we will be discussing the NASA reauthorization bill, and I raise that point because I believe it is the mission of the United States to be at the forefront of science and research to save lives.

The world looks to our leadership, our labs, our scientists, our inventors, our medical professionals as they do to the Texas Medical Center to be able to add enhancement to the quality of lives. In my community alone, I realize that the organizations that fight against leukemia, multiple sclerosis,

lupus, and sickle cell anemia are looking forward to the passage of this legislation and a new day of research.

Those newborn African American babies who are born with sickle cell also will benefit from this kind of research. But this does not highlight a particular minority group. This research, this maintenance of the human cord blood stem cells will in actuality provide the underpinnings of the research for all kinds of medical science.

So I ask my colleagues to support this legislation. And the important aspect of it singularly is for America to take her rightful and prominent place in medical research to save lives around the world.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in strong support of H.R. 2520. The fact of the matter is, I believe all of us would like to support the application of science and technical research to the problems of the day. There are times when we have moral dilemmas, and reference has been made to another bill involving embryonic stem cells which does divide many people in this country because of the ethical dilemma that is presented.

That is why it is so wonderful we have come today in support, those who may find themselves on the other side of the dilemma in the other respect, and come in common support for the cord blood stem cell bill. This is both a therapeutic and research bill. It is therapeutic in that it affords the banking of units that will be allowed to help people now, diseases that can be affected by the use of these units now.

So much of what we do here is theoretical. We hope that things might be accomplished by what we do. But we know that this will accomplish success right away. Secondly, it allows for research to see how far we can go in this area. It gives the opportunity for this which would otherwise be thrown away, placenta blood and the blood from the cord that is thrown away now on every single day, to be utilized for both research and for life-giving purposes.

□ 1630

Mr. Speaker, if I had the ability to, I would change the name of this bill to the Giving Life Twice bill, once with the production of new life and secondly with the use of that blood that otherwise would be thrown away to help someone else sustain their life; or we could call this the Lifeline bill. We are extending a lifeline of hope to those who otherwise would have no hope.

This is a joyous day here in this body. People may disagree on other matters, coming together in strong support for a bill that will save lives and save lives now.

Ms. DEGETTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, today we are fortunate to take the first step of what I see as a two-step process, and that is passage of this cord blood bill which, as I said, we passed last May in this House by an overwhelming vote.

The second step, of course, will be when the other body passes H.R. 810, which also passed last May, and when that bill is finally signed into law.

The two bills working together will greatly expand availability of research and of cures for Americans who suffer not just from blood-related diseases but from diseases like Alzheimer's, Parkinson's, nerve damage, and so many other diseases that cannot be reached simply by cord blood. That is the day that a true dawning of a new scientific era will occur in this country.

This is a good bill today, and I urge all of my colleagues to support it, and I want to thank my colleagues on both sides of the aisle for their co-sponsorship. But let us be clear exactly what this bill does. It authorizes a new granted program to provide subsidies to cord blood stem cell banks to expand the inventory of high quality cord blood units. It sets up a registry for cord blood, which will in some cases take the place of bone marrow transplants which it is beginning to supersede. This will be enormously important, particularly for sickle cell patients who will be helped. The bill also authorizes research on the clinical outcomes of patients who are recipients of a stem cell therapeutics product from biologically related and unrelated donors. That is what this bill does. This bill does not set up any cures for any diseases, nor does it do anything to put ethical controls onto stem cell research and other types of research that are scientifically being explored now and need the oversight of the National Institutes of Health.

So this is a good start. I commend all my colleagues. It is going to make us all feel good to go home for the holidays knowing that certain classes of patients will be helped. But I would say to my friends on both sides of the aisle, let us not stop there. In the second session of this Congress, let us take the bold scientific step necessary to provide cures for diseases that affect tens of millions of Americans and citizens around the world.

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

Mr. BURGESS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I believe this is a bold scientific step to pass this legislation today, and I am pleased that the Senate released their hold on it and passed this bill. It is good legislation.

We heard during the arguments on the previous bill that was debated here on the floor, science certainly moves a lot more swiftly than the legislative process, and that is certainly true in this case today. By allowing this bill, we are going to allow hundreds, perhaps thousands of Americans the opportunity for a cure that we were withholding by delaying passage of this bill.

I have heard diseases like Alzheimer's and Parkinson's referenced. Alzheimer's and Parkinson's, unfortunately, are unlikely to be cured by umbilical cord stem cells, but they are also unlikely to be cured by embryonic stem cell research. The promise for cure for these diseases lies in protein science and our understanding of the human genome, not in stem cell research.

This bill is a good bill because it authorizes a significant amount of money for the collection, the documentation and the maintenance of 150,000 new stem cell lives. These are pluripotential cells.

What has changed since we had our debate on the stem cell lines here last spring? Well, we have read a lot of stuff in the newspapers just the past 2 weeks about some of the changes, some of the research that has now been withdrawn. Think about this, Mr. Speaker: We do not even know what research is just out there over the horizon. What if we unlock some of the proteinemic keys that allow us to understand what signals one cell to another? What if we could make the umbilical cord stem cell behave more like the embryonic stem cell? Think of that, Mr. Speaker. Then we have got 150,000 lines banked and ready to go when that research which is being done in my home State of Texas at the University of Texas Southwestern Medical School, if that research shows the promise that it one day may, we will have 150,000 cell lines banked and ready to go.

Mr. Speaker, this procedure, this technique, this ability to bank umbilical cord cells allows for there to be greater diversity within the marrow donor pool than was previously known. It has been difficult to get minority populations to become marrow donors. Now we will be able to collect that cell material at the time of birth painlessly, at no risk to anyone, material that was otherwise going to be discarded, and it will be put into these stem cell lines. And the database will be there for people to reference and find these life-saving cures that will be now available by umbilical cord stem cells.

We are expanding America's inventory of cord blood cells today, and that is a good thing for all Americans. Whether they are sick or not, one day they may need this technology. We have the ability and the capacity within our hands to expand this program and save American lives, and I say that is a good thing.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005.

Long before my days as the Ranking Member on the Research Subcommittee, I have been a strong advocate of all types of research.

Stem cell research holds the potential to help paralyzed people walk, help blind people see, and re-generate organ tissue without immune rejection.

As our colleagues on the other side of the Capitol concur, H.R. 2520 is a good start. This bill would allow the Secretary of Health and Human Services to work with cord blood banks to collect and maintain cord blood for the purpose of stem cell research.

The cord blood would be collected with informed consent, in a manner that complies with Federal and State regulations, and from a genetically diverse population.

It is my hope that this legislation will give us a taste of the marvelous potential of stem cell research, and I urge my colleagues to support this legislation.

Mr. HOLT. Mr. Speaker, I rise to congratulate the State of New Jersey on its national leadership in efforts to treat deadly and debilitating illnesses. Yesterday, New Jersey became the first State in the Nation to award public funds to conduct human embryonic stem cell research.

Under the leadership of Acting Governor Richard Codey and NJCST Executive Director Sherrie Preische, the New Jersey Commission on Science and Technology (NJCST) will award 17 grants totaling $5 million to scientists at corporate, non-profit, and university laboratories to research the potential of stem cells as a means to diagnose, treat, cure, and prevent disease. Each scientist will receive around $300,000 to conduct their research. Three of these grants will go to scientists researching embryonic stem cells.

Since the formation of the New Jersey Stem Cell Institute, New Jersey has established itself as a leader in furthering potentially lifesaving research on adult stem cells. And by awarding these research grants, New Jersey is actively working to support groundbreaking research on embryonic stem cells, which hold great promise in improving health care as we know it.

Embryonic stems cells—undifferentiated cells produced early in embryonic development—offer possible treatments for a variety of diseases from cancer to Parkinson's disease to diabetes. Ultimately, scientists may be able to develop reparative tissue, treat a host of debilitating diseases, and even generate organs specifically tailored to a person's unique genetic blueprint. This research offers mankind the prospect of overcoming devastating diseases, affording us the opportunity to live longer, healthier lives. For these advances to take place, we must invest public funding in critical research to support scientists, rather than restrict them.

I am proud that the people of New Jersey have committed public funds for this important research, and I am glad that New Jersey has moved quickly to distribute grants to researchers so that their work can begin. I am particularly pleased that these grants were awarded after exhaustive ethical review led by former Princeton University President Harold Shapiro, and that research ethics will play an important role as the awardees move forward with their research.

I am confident that States who have established programs with similar goals will move quickly to support this research as well. But despite the forward thinking and progressive research that New Jersey and other states are exploring, it is unfortunate that the Federal Government has delayed and restricted research using federal dollars. I am hopeful that the leadership of New Jersey to fund embryonic stem cell research will have tremendous dividends, not just for New Jersey, but for society. New Jersey understands that it is ethical and wise to invest in research that will benefit so many. The Federal Government must recognize this fact as well.

Again, I congratulate New Jersey for supporting ground-breaking research on embryonic stem cells. I ask unanimous consent to include a list of the researchers who have received these important stem cell research grants in the RECORD.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2520.

The question was taken.

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

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

The yeas and nays were ordered.

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

## STATE HIGH RISK POOL FUNDING EXTENSION ACT OF 2005

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4519) to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

The Clerk read as follows:

H.R. 4519

*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 ''State High Risk Pool Funding Extension Act of 2005''.

**SEC. 2. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.**

Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended to read as follows:

**''SEC. 2745. RELIEF FOR HIGH RISK POOLS.**

''(a) SEED GRANTS TO STATES.—The Secretary shall provide from the funds appropriated under subsection (d)(1)(A) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of enactment of the State High Risk Pool Funding Extension Act of 2005 for the State's costs of creation and initial operation of such a pool.

''(b) GRANTS FOR OPERATIONAL LOSSES.—

''(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool that—

''(A) restricts premiums charged under the pool to no more than 200 percent of the premium for applicable standard risk rates;

''(B) offers a choice of two or more coverage options through the pool; and

''(C) has in effect a mechanism reasonably designed to ensure continued funding of losses incurred by the State in connection with operation of the pool after the end of the last fiscal year for which a grant is provided under this paragraph;

the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) and allotted to the State under paragraph (2), a grant for the losses incurred by the State in connection with the operation of the pool.

''(2) ALLOTMENT.—Subject to paragraph (4), the amounts appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) for a fiscal year shall be allotted and made available to the States (or the entities that operate the high risk pool under applicable State law) that qualify for a grant under paragraph (1) as follows:

''(A) An amount equal to 40 percent of such appropriated amount for the fiscal year shall be allotted in equal amounts to each qualifying State that is one of the 50 States or the District of Columbia and that applies for a grant under this subsection.

''(B) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to such a State bears the same ratio to such appropriated amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals (as determined by the Secretary) in all qualifying States that so apply.

''(C) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to a State bears the same ratio to such appropriated amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools (as determined by the Secretary) in all qualifying States that so apply.

''(3) SPECIAL RULE FOR POOLS CHARGING HIGHER PREMIUMS.—In the case of a qualified high risk pool of a State which charges premiums that exceed 150 percent of the premium for applicable standard risks, the State shall use at least 50 percent of the amount of the grant provided to the State to carry out this subsection to reduce premiums for enrollees.

''(4) LIMITATION FOR TERRITORIES.—In no case shall the aggregate amount allotted and made available under paragraph (2) for a fiscal year to States that are not the 50 States or the District of Columbia exceed $1,000,000.

''(c) BONUS GRANTS FOR SUPPLEMENTAL CONSUMER BENEFITS.—

''(1) IN GENERAL.—In the case of a State that is one of the 50 States or the District of Columbia, that has established a qualified high risk pool, and that is receiving a grant under subsection (b)(1), the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) and allotted to the State under paragraph (3), a grant to be used to provide supplemental consumer benefits to enrollees or potential enrollees (or defined subsets of such enrollees or potential enrollees) in qualified high risk pools.

''(2) BENEFITS.—A State shall use amounts received under a grant under this subsection to provide one or more of the following benefits:

''(A) Low-income premium subsidies.

''(B) A reduction in premium trends, actual premiums, or other cost-sharing requirements.

''(C) An expansion or broadening of the pool of individuals eligible for coverage, such as through eliminating waiting lists, increasing enrollment caps, or providing flexibility in enrollment rules.

''(D) Less stringent rules, or additional waiver authority, with respect to coverage of pre-existing conditions.

''(E) Increased benefits.

''(F) The establishment of disease management programs.

''(3) ALLOTMENT; LIMITATION.—The Secretary shall allot funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) among States qualifying for a grant under paragraph (1) in a manner specified by the Secretary, but in no case shall the amount so allotted to a State for a fiscal year exceed 10 percent of the funds so appropriated for the fiscal year.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a State that, on the date of the enactment of the State High Risk Pool Funding Extension Act of 2005, is in the process of implementing a program to provide benefits of the type described in paragraph (2), from being eligible for a grant under this subsection.

''(d) FUNDING.—

''(1) APPROPRIATION FOR FISCAL YEAR 2006.—There are authorized to be appropriated for fiscal year 2006—

''(A) $15,000,000 to carry out subsection (a); and

''(B) $75,000,000, of which, subject to paragraph (4)—

''(i) two-thirds of the amount appropriated shall be made available for allotments under subsection (b)(2); and

''(ii) one-third of the amount appropriated shall be made available for allotments under subsection (c)(3).

''(2) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2007 THROUGH 2010.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2007 through 2010, of which, subject to paragraph (4)—

''(A) two-thirds of the amount appropriated for a fiscal year shall be made available for allotments under subsection (b)(2); and

''(B) one-third of the amount appropriated for a fiscal year shall be made available for allotments under under subsection (c)(3).

''(3) AVAILABILITY.—Funds appropriated for purposes of carrying out this section for a fiscal year shall remain available for obligation through the end of the following fiscal year.

''(4) REALLOTMENT.—If, on June 30 of each fiscal year for which funds are appropriated under paragraph (1)(B) or (2), the Secretary determines that all the amounts so appropriated are not allotted or otherwise made available to States, such remaining amounts shall be allotted and made available under subsection (b) among States receiving grants under subsection (b) for the fiscal year based upon the allotment formula specified in such subsection.

''(5) NO ENTITLEMENT.—Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

''(e) APPLICATIONS.—To be eligible for a grant under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on grants provided under this section. Each such report shall include information on the distribution of such grants among States and the use of grant funds by States.

''(g) DEFINITIONS.—In this section:

''(1) QUALIFIED HIGH RISK POOL.—

''(A) IN GENERAL.—The term 'qualified high risk pool' has the meaning given such term in section 2744(c)(2), except that a State may elect to meet the requirement of subparagraph (A) of such section (insofar as it requires the provision of coverage to all eligible individuals) through providing for the enrollment of eligible individuals through an acceptable alternative mechanism (as defined for purposes of section 2744) that includes a high risk pool as a component.

''(2) STANDARD RISK RATE.—The term 'standard risk rate' means a rate—

''(A) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

''(B) that is established using reasonable actuarial techniques; and

''(C) that reflects anticipated claims experience and expenses for the coverage involved.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia and includes Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I am pleased that we are on the verge of passing H.R. 4519, the State High Risk Pool Funding Extension Act. Simply put, this bill will help more people get health insurance.

People with preexisting conditions or high health care expenses face major difficulties when they seek to purchase health insurance. This is especially true for workers in small businesses or those who are self-employed, so they often go without health insurance and turn to government programs like Medicaid when they become sick or disabled.

This bill authorizes Federal grant money to help fund the initial startup and operation of State high risk pools. Risk pools allow eligible individuals to purchase health insurance, pay premiums and receive health coverage through private insurers. This grant money will allow States with these pools to cover more individuals and reduce the premiums they must pay.

Mr. Speaker, my home State of Texas was left out of the Federal funding when this program was created, and now States like my State of Texas will have the ability to access these Federal funds. This bill will help reduce the number of uninsured and provide affordable health insurance for more Americans. That is an important part, affordable health insurance, one of the things we talk about every day in this body.

I want to thank the bill's sponsors, JOHN SHADEGG and ED TOWNS, and I want to thank their staffs for their hard work on this bill. I would also note that the bill before us today is the result of bipartisan and bicameral compromise, and I want to additionally thank the staff at the Senate Health Education Labor and Pensions Committee for their efforts on this legislation. Lastly, I would like to thank the staff of the Energy and Commerce Committee, including Bill O'Brien on the majority staff, Amy Hall and Bridgett Taylor on Ranking Member JOHN DINGELL's staff for their efforts to develop this bipartisan proposal that will help States to insure individuals who would otherwise not have been able to get affordable health coverage.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself as much time as I consume.

Mr. Speaker, I am pleased to support H.R. 3204, which authorizes funding for State high risk insurance pools. I commend my colleagues Mr. SHADEGG and Mr. TOWNS for their hard work on this legislation.

In many States, high risk insurance pools are the only options for individuals who have been denied access to coverage in the commercial insurance system. This legislation before us is intended not only to strengthen existing high risk pools but to help States without such pools, my State of Ohio is one of them, to establish them. But as we reauthorize this legislation, it is important to place high risk insurance pools in context. These pools are a symptom of a troubled insurance system, not a cure for it.

The fact is, health insurance itself is supposed to serve as a high risk pool. It used to be that health insurance was offered to everyone at the same premium because any one of us could be the unlucky one to need health care that we simply could not afford. By spreading the risk broadly, good health insurance could be affordable for everyone regardless of their health needs. But commercial insurers did what businesses do: They figured out, of course, how to maximize profits. You cannot blame them for that. You can, however, blame us, blame this Congress, blame State legislators, blame policymakers for letting them get away with it.

The best way to earn profits in the health insurance industry is simple: It is to avoid insuring people who might actually use their coverage. Health insurers use every trick in the book, as we know, that they can come up with to avoid those people. To the extent that they can get away with it, commercial insurers underwrite and price people who need coverage right out of the insurance market. Private health insurance used to be a community; now it is a country club. So we are left with stop-gap mechanisms like high risk insurance pools. They are far from ideal, but our most vulnerable citizens would be worse off without them. We should make sure high risk insurance pools are available. But we should also keep

working until we render them unnecessary.

I appreciate the author's willingness to accept an amendment I offered during committee to ensure that States use at least 50 percent of the bill's funding to expand to the pool or to improve the high risk coverage. As it stands today, States can and States have used Federal risk pool funding to replace dollars collected for the pool from private health insurers, leaving the risk pools themselves no better off. That is a subversion of the bill's purpose. That is a questionable use of Federal funding.

My amendment reminds the States the Federal high risk pool funding is intended to expand the quality and the reach of high risk pools, not to let commercial insurers again off the hook for making these pools necessary. I urge my colleagues to support this legislation on behalf of individuals disenfranchised from private health insurance.

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

Mr. BURGESS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Arizona (Mr. SHADEGG).

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

Mr. SHADEGG. Mr. Speaker, I want to begin by thanking the full committee chairman, Mr. BARTON, who is not with us today, who has been hospitalized as a result of a medical problem and, I understand, doing well; the ranking member, Mr. DINGELL; the chairman of our subcommittee, Mr. DEAL; as well as the ranking member, Mr. BROWN, for moving this important legislation forward. It is in fact critically important legislation for all Americans but particularly for those with preexisting conditions and those with chronic illnesses.

H.R. 4519 extends Federal funding, which was first made available under the Trade Act of 2002, for the establishment and the operation of State high risk pools. The bill provides $15 million in seed grants to any State or, as a result of a bipartisan amendment of the bill, to any territory which has not yet created a State high risk pool for creation of that high risk pool. That is very important, because a number of States do not yet have them. This money is available as $1 million one-time grants for the creation of such a high risk pool.

In addition, it provides $75 million in each of the fiscal years between 2006 and 2010 for the operational expenses of these high risk pools. Those moneys are allocated according to a formula referred to a moment ago by the ranking member, Mr. BROWN. That formula includes the number of qualifying States, the number of uninsured individuals and the number of individuals enrolled in the State's high risk program. These moneys are extremely important, and I think it is important also to note that territories are available both for the seed grants to establish a high risk pool and for the operational grants.

□ 1645

State high risk pools, as have been noted here, help provide health insurance for those who have preexisting conditions or chronic illnesses or who for any other reason cannot afford health insurance. High risk pools allow individuals who are eligible to purchase health insurance to pay a premium and receive coverage.

Because they are at-risk people with very high medical needs, these premiums are capped in the high risk pool, and often the premiums do not cover the cost of the health insurance that is provided. As a result, the cost of operating the pool needs to be subsidized or offset by the States. States operating these pools make up that shortfall, and the operating funds that are provided here assist in doing that.

There are many things that we can do in this area of health insurance; and I agree with my colleague, Mr. BROWN, that high risk pools are not in fact a solution; they are, in fact, rather a symptom of a problem we have in health insurance today.

I think that there is much more that we can and should do to make health insurance affordable and available to all Americans. I would like to see us create here in this Congress a refundable tax credit for all Americans so that they can go out and purchase health insurance themselves. We have sadly today in America some 44 million-plus who cannot afford health insurance and who are, therefore, uncovered.

If we were to create a tax credit allowing people to take a portion of the income taxes they would otherwise send to the government to go buy health insurance, and for those who are poor and do not pay income taxes now, make that a refundable tax credit, that is, actually provide them with a voucher or with cash to go buy health insurance, we could cut the number of uninsured in America dramatically. And that would be a huge step forward in this Nation, to reduce the number of uninsured and make sure that everyone in this country has health insurance.

Unfortunately, that legislation is not before us at this point. It is the kind of progress that I hope we can make. But this legislation is. Before we move forward on the idea of a refundable tax credit, we must make sure that we take care of those who are most in need in America. High risk pools are a targeted tool for the uninsured. They are a safety net.

In addition to providing access to insurance for those with preexisting conditions and the chronically ill, they also alleviate the need for cross-subsidization. All of us are aware that those of us buying insurance today pay a higher premium because of the needs of those who cannot afford insurance.

High risk pools alleviate that need. I join my colleagues in calling for the passage of this legislation. I appreciate that it is a bipartisan effort, and I want to thank my colleagues on the opposite side of the aisle for their help. I urge passage of the legislation.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank my friend from Texas for the time.

Mr. Speaker, I rise in strong support of H.R. 4519, which would extend seed grant money for the creation and operation of high risk pools. I thank my friend, Mr. SHADEGG, for bringing this. This is extremely important legislation. It has the potential, if it works right, to help all of us pay lower premiums in the future for our insurance policies.

This is a nonpartisan issue. High risk pools have quietly become very important and are a very important part of our Nation's public-private patchwork of health care coverage. The folks covered are often times employed. They are paying taxes. But they cannot get coverage under a normal insurance plan.

Pools are already covering thousands of people who through no fault of their own do not have access to group health insurance and cannot simply afford the coverage in the individual market. Thirty-one States are already operating high risk pools that offer good coverage at reasonable prices.

I hope with the passage of this bill my home State now will be able to join that number. Mr. Speaker, this legislation takes us a step closer to making sure that everyone can purchase the health insurance protection they need. I know the worries associated with a serious health condition, and my constituents know the danger that catastrophic health care costs can pose to working families, especially rural families and the self-employed. High risk pools reduce costs on the government in the long term by providing a private safety net of coverage.

I urge my colleagues to support this legislation, and I hope at some point in time we will take up Mr. SHADEGG's idea of tax credits for health care. But in the meantime, we need to make sure we get these high risk pools in place, and that will allow many Americans to buy health care insurance because the premiums will be reduced.

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

Mr. BURGESS. Mr. Speaker, just in closing, I would say that I do appreciate Mr. SHADEGG bringing this bill to the floor today. I appreciate him bringing up the concept of the refundable tax credit. I, too, think this is important legislation, that we in the Chamber today have some of the best minds on the health subcommittee. I hope we can work together to get that passed next year.

I hope we can look at other opportunities such as what Governor Jeb Bush

is doing down in the State of Florida for purchasing insurance for those working poor who cannot afford it. But this is a good bill; this is good legislation. It will be very helpful back in my home State of Texas.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 4519, the State High Risk Pool Funding Extension Act of 2005. I do so mainly because this bill would not only extend the authorization for Federal support for State high risk health insurance pools until 2010, but also because it provides, for the first time, authorization for the U.S. territories to receive this Federal support. With this Federal support, the U.S. territories will be able to establish and operate high risk health insurance pools like those already successfully operating in several States.

The costs of providing health care in the U.S. territories are very high due to the number of uninsured individuals, the prevalence of chronic diseases among residents, significant transportation expenses, and small risk pools over which to spread the cost of health insurance. Additionally, the vast majority of employers in the U.S. territories are small businesses. Like most small businesses nationwide, Guam's small businesses are limited in their financial ability to offer affordable health coverage to their employees.

The State high risk pool model is an innovative method to address the need for health insurance for high risk populations. To date, 31 States have established high risk health insurance pools. However, section 201(b) of the Trade Act of 2002 (Public Law 107–210), which authorized Federal funding for the creation and initial operation of high risk pools in the States did not include the U.S. territories among those eligible to receive this funding. The ineligibility of the U.S. territories for this assistance remains a concern. Previous versions of this bill being considered today to reauthorize this Federal program did not include the U.S. territories among those to be qualified to receive seed funding and additional grants to initiate and operate high risk pools.

However, the bill before us today, the product of negotiations over the last several months, does include the U.S. territories. H.R. 4519 will enable Guam and the other U.S. territories to form high risk insurance pools. The establishment of such pools will save the Federal Government Medicaid resources, because individuals with chronic illnesses will have another alternative to utilize to pay for expensive healthcare services. Assisting the U.S. territories in operating high risk pools will help the local treasuries with insuring high risk individuals. The establishment of high risk pools will reduce the risk of the general pool of health insurance consumers in the U.S. territories. This will allow for greater competition in the health insurance market, reduced costs for consumers, and will result in more economically manageable and affordable employee health plans for small businesses.

I came to this floor on July 27 of this year to highlight the need to include the U.S. territories in this Federal program, when this House debated H.R. 3204, the precursor to the bill before us today. The gentleman from Arizona, Mr. SHADEGG, the author of this bill, recognized this need. The gentleman from Georgia, Mr. DEAL, and the gentleman from Ohio, Mr. BROWN, supported this request. I thank them for their leadership and for their attention to and understanding of the needs of the U.S. territories. Additionally, I want to thank the gentleman from Texas, Mr. BARTON, and the gentleman from Michigan, Mr. DINGELL, the chairman and the ranking Democratic member of the House Committee on Energy and Commerce, respectively, and their staffs, for their attention to this issue. I thank all of these gentlemen for their cooperation and assistance on this important issue. Together, with my colleagues from the Virgin Islands, Mrs. CHRISTENSEN, American Samoa, Mr. FALEOMAVAEGA, and Puerto Rico, Mr. FORTUÑO, we were able to improve the legislation to take into account the needs of the U.S. territories. I look forward to working with the U.S. Department of Health and Human Services and the Government of Guam in establishing a high risk pool in Guam with Federal seed money.

I urge my colleagues to support H.R. 4519.

Mr. DINGELL. Mr. Speaker, I am pleased the House is taking up H.R. 4519, a bill to reauthorize funds for State high risk health insurance pools, a program that was first passed in the Trade Adjustment Assistance Act. This bill also makes a number of improvements to the program.

High risk pools are by no means a solution for all of the more than 45 million uninsured in this nation. As long as we, however, continue to have a system of health care cobbled together as it is, high risk pools will fill part of the void.

Unfortunately, these high risk pools have included very high premiums and limited benefits. When Congress first provided funding for these pools, the majority of the States used the funding to lower assessments on insurance companies rather than improve benefits or reduce out-of-pocket costs for families. H.R. 4519 includes an important provision that would ensure some portion of this Federal funding goes to improving the pools by reducing premium costs or improving benefits for those who need health care.

And although we have taken a small step here to do good, the Congress is considering a budget reconciliation package that includes harsh cuts in the program that provides health insurance to more than 50 million Americans—Medicaid. These cuts would strip benefits and increase out-of-pocket costs for low-income families and individuals, including children, pregnant women, and those living with disabilities.

If Congress were really determined to help the uninsured, we would begin by rejecting the provisions in the reconciliation package that cut coverage and increase costs for our most vulnerable citizens.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 4519.

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

A motion to reconsider was laid on the table.

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

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate 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.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***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. 1. Short title.*
*Sec. 2. Table of contents.*
*Sec. 3. Universal definitions and grant provisions.*

*TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN*

*Sec. 101. Stop grants improvements.*
*Sec. 102. Grants to encourage arrest and enforce protection orders improvements.*
*Sec. 103. Legal Assistance for Victims improvements.*
*Sec. 104. Ensuring crime victim access to legal services.*
*Sec. 105. The Violence Against Women Act court training and improvements.*
*Sec. 106. Full faith and credit improvements.*
*Sec. 107. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.*
*Sec. 108. Sex offender management.*
*Sec. 109. Stalker database.*
*Sec. 110. Federal victim assistants reauthorization.*
*Sec. 111. Grants for law enforcement training programs.*
*Sec. 112. Reauthorization of the court-appointed special advocate program.*
*Sec. 113. Preventing cyberstalking.*
*Sec. 114. Criminal provision relating to stalking.*
*Sec. 115. Repeat offender provision.*
*Sec. 116. Prohibiting dating violence.*
*Sec. 117. Prohibiting violence in special maritime and territorial jurisdiction.*
*Sec. 118. Updating protection order definition.*
*Sec. 119. GAO study and report.*
*Sec. 120. Grants for outreach to underserved populations.*
*Sec. 121. Enhancing culturally and linguistically specific services for 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 program.*
*Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program.*
*Sec. 204. Training and services to end violence against women with disabilities.*
*Sec. 205. Training and services to end violence against women in later life.*
*Sec. 206. Strengthening the National Domestic Violence Hotline.*

*TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE*

*Sec. 301. Findings.*

*Sec. 302. Rape prevention and education.*
*Sec. 303. Services, education, protection, and justice for young victims of violence.*
*Sec. 304. Grants to combat violent crimes on campuses.*
*Sec. 305. Juvenile justice.*
*Sec. 306. Safe havens.*
*TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE*
*Sec. 401. Preventing violence against women and children.*
*Sec. 403. Public Awareness Campaign.*
*Sec. 402. Study conducted by the Centers for Disease Control and*
*TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING*
*Sec. 501. Findings.*
*Sec. 502. Purpose.*
*Sec. 503. Training and education of health professionals in domestic and sexual violence.*
*Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.*
*Sec. 505. Research on effective interventions in the healthcare setting.*
*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.*
*Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.*
*Sec. 603. Public housing authority plans reporting requirement.*
*Sec. 604. Housing strategies.*
*Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.*
*Sec. 606. Amendments to the low-income housing assistance voucher program.*
*Sec. 607. Amendments to the public housing program.*
*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.*
*TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS*
*Subtitle A—Victims of Crime*
*Sec. 801. Treatment of spouse and children of victims.*
*Sec. 802. Presence of victims of a severe form of trafficking in persons.*
*Sec. 803. Adjustment of status.*
*Sec. 804. Protection and assistance for victims of trafficking.*
*Sec. 805. Protecting victims of child abuse.*
*Subtitle B—VAWA Self-Petitioners*
*Sec. 811. Definition of VAWA self-petitioner.*
*Sec. 812. Application in case of voluntary departure.*
*Sec. 813. Removal proceedings.*
*Sec. 814. Eliminating abusers' control over applications and limitation on petitioning for abusers.*
*Sec. 815. Application for VAWA-related relief.*
*Sec. 816. Self-petitioning parents.*
*Sec. 817. VAWA confidentiality nondisclosure.*
*Subtitle C—Miscellaneous Amendments*
*Sec. 821. Duration of T and U visas.*
*Sec. 822. Technical correction to references in application of special physical presence and good moral character rules.*
*Sec. 823. Petitioning rights of certain former spouses under Cuban adjustment.*
*Sec. 824. Self-petitioning rights of HRIFA applicants.*
*Sec. 825. Motions to reopen.*
*Sec. 826. Protecting abused juveniles.*
*Sec. 827. Protection of domestic violence and crime victims from certain disclosures of information.*
*Sec. 828. Rulemaking.*
*Subtitle D—International Marriage Broker Regulation*
*Sec. 831. Short title.*
*Sec. 832. Access to VAWA protection regardless of manner of entry.*
*Sec. 833. Domestic violence information and resources for immigrants and regulation of international marriage brokers.*
*Sec. 834. Sharing of certain information.*
*TITLE IX—SAFETY FOR INDIAN WOMEN*
*Sec. 901. Findings.*
*Sec. 902. Purposes.*
*Sec. 903. Consultation.*
*Sec. 904. Analysis and research on violence against Indian women.*
*Sec. 905. Tracking of violence against Indian women.*
*Sec. 906. Grants to Indian tribal governments.*
*Sec. 907. Tribal deputy in the Office on Violence Against Women.*
*Sec. 908. Enhanced criminal law resources.*
*Sec. 909. Domestic assault by an habitual offender.*
*TITLE X—DNA FINGERPRINTING*
*Sec. 1001. Short title.*
*Sec. 1002. Use of opt-out procedure to remove samples from national DNA index.*
*Sec. 1003. Expanded use of CODIS grants.*
*Sec. 1004. Authorization to conduct DNA sample collection from persons arrested or detained under Federal authority.*
*Sec. 1005. Tolling of statute of limitations for sexual-abuse offenses.*
*TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION*
*Subtitle A—AUTHORIZATION OF APPROPRIATIONS*
*Sec. 1101. Authorization of appropriations for fiscal year 2006.*
*Sec. 1102. Authorization of appropriations for fiscal year 2007.*
*Sec. 1103. Authorization of appropriations for fiscal year 2008.*
*Sec. 1104. Authorization of appropriations for fiscal year 2009.*
*Sec. 1105. Organized retail theft.*
*Sec. 1106. United States-Mexico Border Violence Task Force.*
*Sec. 1107. National Gang Intelligence Center.*
*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.*
*Sec. 1112. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.*
*Sec. 1113. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.*
*Sec. 1114. Clarification of uses for regional information sharing system grants.*
*Sec. 1115. Integrity and enhancement of national criminal record databases.*
*Sec. 1116. Extension of matching grant program for law enforcement armor vests.*
*CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME*
*Sec. 1121. Office of Weed and Seed Strategies.*
*CHAPTER 3—ASSISTING VICTIMS OF CRIME*
*Sec. 1131. Grants to local nonprofit organizations to improve outreach services to victims of crime.*
*Sec. 1132. Clarification and enhancement of certain authorities relating to crime victims fund.*
*Sec. 1133. Amounts received under crime victim grants may be used by State for training purposes.*
*Sec. 1134. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.*
*Sec. 1135. Change of certain reports from annual to biennial.*
*Sec. 1136. Grants for young witness assistance.*
*CHAPTER 4—PREVENTING CRIME*
*Sec. 1141. Clarification of definition of violent offender for purposes of juvenile drug courts.*
*Sec. 1142. Changes to distribution and allocation of grants for drug courts.*
*Sec. 1143. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.*
*Sec. 1144. Term of Residential Substance Abuse Treatment program for local facilities.*
*Sec. 1145. Enhanced residential substance abuse treatment program for State prisoners.*
*Sec. 1146. Residential Substance Abuse Treatment Program for Federal facilities.*
*CHAPTER 5—OTHER MATTERS*
*Sec. 1151. Changes to certain financial authorities.*
*Sec. 1152. Coordination duties of Assistant Attorney General.*
*Sec. 1153. Simplification of compliance deadlines under sex-offender registration laws.*
*Sec. 1154. Repeal of certain programs.*
*Sec. 1155. Elimination of certain notice and hearing requirements.*
*Sec. 1156. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.*
*Sec. 1157. Clarification of authority to pay subsistence payments to prisoners for health care items and services.*
*Sec. 1158. Office of Audit, Assessment, and Management.*
*Sec. 1159. Community Capacity Development Office.*
*Sec. 1160. Office of Applied Law Enforcement Technology.*
*Sec. 1161. Availability of funds for grants.*
*Sec. 1162. Consolidation of financial management systems of Office of Justice Programs.*
*Sec. 1163. Authorization and change of COPS program to single grant program.*
*Sec. 1164. Clarification of persons eligible for benefits under public safety officers' death benefits programs.*
*Sec. 1165. Pre-release and post-release programs for juvenile offenders.*
*Sec. 1166. Reauthorization of juvenile accountability block grants.*
*Sec. 1167. Sex offender management.*
*Sec. 1168. Evidence-based approaches.*
*Sec. 1169. Reauthorization of matching grant program for school security.*
*Sec. 1170. Technical amendments to Aimee's Law.*
*Subtitle C—MISCELLANEOUS PROVISIONS*
*Sec. 1171. Technical amendments relating to Public Law 107–56.*
*Sec. 1172. Miscellaneous technical amendments.*
*Sec. 1173. Use of Federal training facilities.*
*Sec. 1174. Privacy officer.*
*Sec. 1175. Bankruptcy crimes.*
*Sec. 1176. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.*

Sec. 1177. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
Sec. 1178. Expanded jurisdiction for contraband offenses in correctional facilities.
Sec. 1179. Magistrate judge's authority to continue preliminary hearing.
Sec. 1180. Technical corrections relating to steroids.
Sec. 1181. Prison Rape Commission extension.
Sec. 1182. Longer statute of limitation for human trafficking-related offenses.
Sec. 1183. Use of Center for Criminal Justice Technology.
Sec. 1184. SEARCH Grants.
Sec. 1185. Reauthorization of Law Enforcement Tribute Act.
Sec. 1186. Amendment regarding bullying and gangs.
Sec. 1187. Transfer of provisions relating to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
Sec. 1188. Reauthorize the Gang Resistance Education and Training Projects Program.
Sec. 1189. National Training Center.
Sec. 1190. Sense of Congress relating to ''good time'' release.
Sec. 1191. Public employee uniforms.
Sec. 1192. Officially approved postage.
Sec. 1193. Authorization of additional appropriations.
Sec. 1194. Assistance to courts.
Sec. 1195. Study and report on correlation between substance abuse and domestic violence at domestic violence shelters.
Sec. 1196. Reauthorization of State Criminal Alien Assistance Program.
Sec. 1197. Extension of Child Safety Pilot Program.
Sec. 1198. Transportation and subsistence for special sessions of District Courts.
Sec. 1199. Youth Violence Reduction Demonstration Projects.

***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 non-profit, nongovernmental 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 1/3 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 non-fatal 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 non-abusing 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 non-personally identifying data in the aggregate regarding services to their clients and non-personally 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 non-profit, 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 nongrantees 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 off-site 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 2009, 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 uppercase 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*** 2599A''. ..

**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.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 3402, the Department of Justice Appropriations Authorization Act for fiscal years 2006 through 2009.

As chairman of the Committee on the Judiciary, I am proud to support this comprehensive package negotiated between the House and Senate to reauthorize vital programs within the Department of Justice and to combat domestic and dating violence, sexual assault, and stalking.

I am grateful to the Committees on Financial Services, Energy and Customers, and Education and the Workforce, as well as all of the members of the Committee on the Judiciary, for working with us to make it possible to bring this legislation up today.

I would also like to thank the original bipartisan cosponsors of this bill, Judiciary Committee Ranking Member CONYERS, Representatives GREEN of Wisconsin, SOLIS, BROWN-WAITE, SCHIFF, COBLE, LOFGREN, and WEINER for all of their efforts.

Authorization is an important oversight tool that allows Congress and committees of jurisdiction to create, amend, extend, and set priorities for programs within executive agencies. Despite the law's requirement for regular congressional authorization for the Justice Department, until just recently DOJ has not been formerly authorized by Congress since 1980.

The Committee on the Judiciary took action to rectify the situation in the 107th Congress and reauthorized the programs within the Department of Justice. We tried again last Congress; however, the other body did not take up our bipartisan House-passed bill.

I am proud to be here today to provide Congress with legislation to again give direction to the Department of Justice and the important programs it administers.

DOJ's grant programs are an important tool in the fight against crime in America. Programs such as Byrne, COPS and STOP provide grants to State and local governments to focus on current crime issues affecting our communities.

Because there are limited resources, continuous congressional oversight of these programs ensures that the taxpayers' money is spent appropriately. This bill will ensure accountability from the Department with a number of provisions designed to ensure grant recipients are meeting the conditions established by Congress for the programs.

The bill includes an office of audit, assessment and management to monitor grants and a community capacity development office to assist grant applicants and grantees in meeting grant conditions.

In addition to the numerous oversight tools provided in the bill, there are a number of important reforms to grant programs and provisions designed to improve those programs and offices within the Department. The bill consolidates the Local Law Enforcement Block Grant Program and the Byrne grant program into one program with the same purposes, to eliminate duplication and improve the administration of the grants.

The bill preserves the COPS program, but addresses concerns expressed by many Members about the previous use of these grants. H.R. 3402 also allows grantees greater flexibility in the use of these funds.

The authorization also reauthorizes DOJ programs that will expire or have expired, such as the Juvenile Accountability Block Grant Program and the Sex Offender Management Program. It also includes some very important modifications to the criminal code such as extending the statute of limitations for human trafficking offenses and applying increased criminal penalties to prison guards who sexually abuse persons in their custody.

Titles I through IX of this bill focus on reauthorizing, expanding, and improving programs that were established in the Violence Against Women Act of 1994 and reauthorized in 2000. The bill reauthorizes some important core programs such as STOP grants and grants to reduce campus violence. These programs have been successful in combatting domestic violence and changing attitudes toward violence in the family in America.

The reauthorization of VAWA in 2005 will continue to change attitudes toward domestic violence and will expand its focus to change attitudes toward other violent crimes, including dating violence, sexual assault, and stalking. Because these are crimes that affect both genders, it is important to note

that the text of the legislation specifies that programs addressing these problems can serve both female and male victims.

Additionally, this legislation specifies that the same rules apply to these funds that apply to other Federal grant programs. It is illegal to use grant funds devoted to these programs for political activities or lobbying. It is the intent of Congress that these funds be used to provided services to victims and trained personnel who deal with these violent crimes.

The Department of Justice is expected to enforce that provision for all its grants and monitor grant activities to ensure compliance, not only with this condition but all conditions of the grants.

The legislation will aid Congress in continuing to fulfill our obligation to the taxpayers to be good stewards of their money.

Mr. Speaker, I encourage my colleagues to support this bipartisan legislation.

Mr. Speaker, I would like to acknowledge the hard work of the following House, Senate, and Administration staff who spent long hours negotiating this bill:

Senate Staff: Mike O'Neill, Brett Tolman, Lisa Owings, Joe Jacquot, and Juria Jones—Senator SPECTER; Bruce Cohen, Tara Magner, and Jessica Berry—Senator LEAHY; Louisa Terrell—Senator BIDEN; Cindy Hayden—Senator SESSIONS; Janice Kaguyutan—Senator KENNEDY.

House Staff: Phil Kiko, Brian Benczkowski, Katy Crooks, George Fishman, and Cindy Blackston—Congressman SENSENBRENNER; Cassie Bevan—Congressman DELAY; Perry Apelbaum, Sampak Garg, and Stacey Dansky—Congressman CONYERS.

Department of Justice: William Moschella and Sarah Roland.

I would also like to express my thanks to the following groups for their efforts in facilitating the passage of this legislation: Break the Cycle, Girls Incorporated, Family Violence Prevention Fund, Legal Momentum, National Alliance to End Sexual Violence, National Center for Victims of Crime, National Coalition Against Domestic Violence, National Congress of American Indians, National Network to End Domestic Violence, National Resource Center to End Violence Against Native Women, and Sisters of Color Ending Sexual Assault.

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

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

Mr. Speaker, I began on a note of congratulating the chairman of this committee who has been the first chairman to have began to get reauthorizations on the Department of Justice. I have been working on that for many years prior to him succeeding, but this is the first time that we have had them. This is the second time that we have had the authorization.

What makes this bill even more important to me is that we have a reauthorization of the Violence Against Women Act of 1994 in it as well. I congratulate a great number of our colleagues in the Senate, Senators BIDEN, LEAHY, SPECTER, for working on this on their side; and we have all come together with what I think is a very important measure.

Now, let me quickly get to three parts of this that are particularly important to me.

□ 1700

For many years, I have been urging that in this program of Violence Against Women Act, we create specifically tailored programs to address the needs of communities of color. It draws on several Violence Against Women Act programs and finally ensures that we help people who either never receive the services or receive very few of them, and inserting this language into the bill is a monumental victory for communities of color fighting violence against women across this country.

Secondly, the bill provides funding for various offices within the department. In particular, we build up the Office of Inspector General, putting in over $70 million a year. This office has been diligent in overseeing the department's war on terrorism, issuing reports on 9/11 detainees and pushing the department to change its procedures in many of the ways they handle terrorism matters.

The third point that I consider extremely important is that our colleague from California, Adam Schiff, on the Judiciary Committee, was able to get language in that requires the Attorney General to report to Congress on the number of persons detained on suspicion of terrorism. If Members do not think that is an important subject, then we need to hold a special briefing for anybody that wants more information on it. It has been a highly controversial issue in the Judiciary Committee, notwithstanding the fact that everybody from the Attorney General on down has been dancing around these subjects.

We also reauthorize the COPS office that the Clinton administration created, and the law enforcement people have been very proud of that fact.

So for all of those reasons and more, I urge the House to, as close to unanimity as we may be able to come on this, pass this measure.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank Chairman SENSENBRENNER very much for his leadership on this bill.

I rise today very proud that the House is considering the conference report of the Violence Against Women Act reauthorization and so happy that it was recently agreed to by the Senate.

I would like to specifically thank a champion of this, and that is Chairman SENSENBRENNER, for his excellent leadership and hard work to make sure that this happened this year.

I know many of us, when we went back to our districts, heard from various women's groups, various volunteers in domestic violence shelters, and they were fearful that we were going to end without continuing the Violence Against Women Act. I am very proud that it is in there.

While domestic programs would have continued without this program today, had VAWA not reauthorized, the new ideas and some of the great programs in there and improvements would not have been instituted for quite some time into the future. As I said, my constituents involved in the fight against domestic violence are so happy that we were able to come to an agreement on this.

When Members go back to their districts during the weekends and the holidays, it is going to spread the word that Congress has kept its word to women and reauthorized the Violence Against Women Act. It is my hope that if Members of Congress continue down this path in raising awareness about the many types of violence faced by women, men, young and old, from all walks of life, that we will eventually rid our Nation of this appalling crime.

Vicious acts of violence can be combated effectively through education, support networks, increased law enforcement programs and family counseling.

It has been an honor working with all those involved in this very important legislation, and I certainly encourage my colleagues to support this very important piece of legislation.

I, again, commend the chairman for his countless hours, and the committee members and the people who served on the conference committee, the countless number of hours that they worked to come to this agreement.

Mr. CONYERS. 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 worst thing a parent can endure is the loss of a child. And it is important for me, in the context of this bill, to share the story of Lane and Patti Judson, who lost their daughter, Crystal, to domestic violence and have turned their sadness into a will to help other families.

Crystal was murdered by her husband, who was chief of police in Tacoma, Washington, at the time. We all know what obstacles domestic violence victims face. But imagine the choices a victim faces when their abuser is in the very profession that is charged to protect her.

Congress today took steps to address these circumstances and, for the first time in the country's history, included a grant program in the reauthorization of the Violence Against Women Act to help law enforcement agencies develop procedures for dealing with domestic crimes committed by their own employees as well as train special advocates to assist victims like Crystal and

her family. Women who have been victims of domestic violence should not have to stand alone, and after today, they will not have to.

I thank the Judiciary Committee chair and ranking member; my colleagues from Washington; advocacy groups; and, most importantly, Lane and Patti Judson for making this program a reality. Unfortunately, domestic violence continues to be in all of our communities today. And the Judsons' courage and conviction remind all of us that we have more work to do toward finding new solutions to protect families across our Nation. From a family tragedy, the Judsons have forged a strong measure to protect families across the Nation. We honor their diligence and the life of Crystal Judson Brame.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), the head of her State delegation and member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am very pleased to be here today in support of this measure. Since its passage in 1994, VAWA has been a success, and this measure, as has been mentioned, does reauthorize the Violence Against Women Act.

Earlier in this Congress, I introduced a comprehensive bill to reauthorize the act. It had over 120 cosponsors, and I would like to publicly express my thanks to all of the cosponsors and especially the women who came forward with their ideas. It really was not my bill so much as it was a compilation of all the creativity of primarily the women of the House of Representatives to put together a bill that really went pretty far in providing assistance to victims of domestic violence. And I want to thank the chairman and ranking member of the Judiciary Committee for including most of that bill in this reauthorization. Along with the prevention programs and the housing grants for battered women, these measures will help ensure that victims have the means to escape the cycle of domestic violence and also to prevent that cycle from happening in the first place.

There are a couple of provisions in the comprehensive bill that are not included. Most importantly, protections for workers and immigrants. And I am hopeful that, working together later in this Congress, we might be able to also address those issues.

We know that domestic violence and sexual assault cause harm not only emotionally and physically but also financially and professionally. Victims of domestic violence lose 8 million paid workdays each year, the equivalent of 32,000 jobs, and almost 50 percent of sexual assault survivors lose their jobs.

So we need to provide emergency leave, emergency benefits, unemployment compensation and job protection to address this important issue, not just the physical harm but the financial burden that accompanies this violence.

I hope that we can address these shortcomings in the future. But, of course, I do not want to detract from celebrating the reauthorization of what we are doing today. It is something that we can be proud of. And I want to especially thank HILDA SOLIS, who is the cochair, I believe, of the Women's Caucus, who put so much time and effort into this along with so many other Members of the House.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER), a member of the Judiciary Committee.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

The Judiciary Committee, I think, has been a font of some of the legislation I find most troubling in the last session. But this is a moment that I want to join with my colleagues in commending the chairman for doing what, frankly, we should have down a long time ago. Before Mr. SENSENBRENNER took over the committee, it was customary for us to avoid the tough issues that went into reauthorization. But Mr. SENSENBRENNER has been fair and honorable in trying to work out some of these thorny issues, and I think we have shown that we can work together to come up with an initiative that not only managed to bring us together but did that almost impossible thing, which was force the other body to finally act on some of these things as well.

A couple of programs in particular that are worth noting: For the first time since 2000, we are reauthorizing the COPS program. More than 117,000 cops are on the beat in small towns and big cities throughout this country, sheriffs departments, major police departments. This bill not only reauthorizes but recognizes some of the criticisms of the first bill, makes the money more flexible, lets police departments use it for the things they need the most, recognizes the need to pay some of the payroll for terrorism cops in particular since September 11.

This finally closes the loophole in the availability of counterfeit police and uniform badges. After years of being warned of the loopholes that exist, for the first time under this legislation, it will be illegal to sell or to transfer a counterfeit badge for any reason except for use in a theatrical production or for legitimate law enforcement purposes.

Also in this legislation, we, again, for the third time, push the ball down the field on approving the use of DNA technology. We allow those who are acquitted to expunge their samples. DNA funding that is allocated can be used for laboratories, which it has not been in the past. Aliens in detention, samples can be collected from them. And perhaps the most important thing, the Federal statute of limitations has been lifted because DNA evidence very often sits on the shelves for years and years and years without being associated with an individual. That statute of limitations is going to be expiring.

I just want to say, again, I commend Mr. CONYERS and Mr. SENSENBRENNER for a bill that does a great deal. It waited until the last moment, but it was well worth the wait, and I thank the gentlemen.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), subcommittee ranking member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if there is a positive element to being here on the very brink of the holiday season, on a Saturday, it is the passage of this legislation.

I thank the ranking member for his leadership. I thank Chairman SENSENBRENNER for asserting the jurisdiction over the Department of Justice of the Judiciary Committee again and passing this authorization bill with the leadership of our ranking member.

I want to dwell on two or three points. But obviously, I want to add my appreciation for the women of this House along with our ranking member and chairman and our co-chair, HILDA SOLIS, and our chair of the Women's Caucus for their leadership.

□ 1715

I want to particularly highlight the embracing of all women, including women of Indian descent, Native Americans. Violence against Native American women is very important in this legislation. Might I also say that I am very pleased that the COPS program has been reauthorized and the DNA lab and the DNA integrity process has been promoted by this legislation because of the funding.

But let me emphasize language that has been offered in this legislation, and I am very glad that we may ultimately get to this understanding, the sense of Congress that we should look at implementing a good time early release program.

Let me share with you the numbers of prisoners languishing in the Federal system who are nonviolent. The cost for those who are in the prison is $28,000, and the geriatric prisoners, 56 and over, who are nonviolent are costing us $80,000 per prisoner. We could obviously in the good time early release program language that is in this bill allow these people to be released, and they would be gainfully employed and utilize a process of what we call alternative sentencing.

Not only because they are incarcerated do we lose tax revenues, but we add entire families to the list of those receiving public assistance. Not only the families, but the children. Statistics show as many as 70 percent of those incarcerated had a parent incarcerated before them. What would have happened if we would have released these individuals who have had no violent history, they are nonviolent persons incarcerated, to their families? In 2002 we saw 2 million people in our jails; 650,000 are released from incarceration to communities nationwide. These are the real statistics.

Recently, the American Bar Association issued their findings after conducting extensive research and hearings surrounding today's sentencing guidelines. In Federal prison alone we have over 179,000 men and women incarcerated, of whom 85 percent are first-time, nonviolent offenders.

Lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community and who commit the most serious offenses. We have the opportunity to study this issue and do it right. There are a number of legislative initiatives, such as Second Chance.

But the idea of providing an opportunity for prisoners who are nonviolent who have been on good time in the prison to be able to go out to their families, to take their families off public assistance and regain their dignity and invest in this United States by their work and taxes, I think, is a very positive step on behalf of this legislative initiative.

I hope my colleagues will join me, along with the Senate, on this long overdue idea that there are people languishing in our prisons. I hope we will support this legislation. It is a good, good piece of legislation which has done a lot for the American people.

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

An important piece of the bill is the reauthorization of the Violence Against Women Act (VAWA) of 1994. This is the third time we have worked on this bill, and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years, the Act reauthorizes some of the current programs that have proven enormously effective, including the STOP program—which provides state formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and legal assistance for victims. In addition, VAWA 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.

Furthermore, VAWA's reauthorization creates a 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.

On the issue of cyberstalking, VAWA's reauthorization strengthens stalking prosecution tools, by amending 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.

Before turning my attention to the Department of Justice Reauthorization, let me note that VAWA reauthorization 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.

I am also pleased to see that the bill includes language on an issue I feel very strongly about. Section 403 of the bill mandates the Attorney General to award grants to states for carrying out public awareness campaigns regarding domestic violence against pregnant women. Violence against pregnant women can include a range of behaviors such as hitting, pushing, kicking, sexually assaulting, using a weapon, and threatening violence. Violence sometimes includes verbal or psychological abuse, stalking, or enforced social isolation. Victims are often subjected to repeated physical or psychological abuse. This is a very serious issue and we must continue to make the world aware of what these women are going through.

In terms of the Department of Justice the bill provides funding for the various offices within the Department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change its procedures for handling terrorism suspects.

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

The bill also includes language offered by Representative ADAM SCHIFF to require the Attorney General to report to Congress on the number of persons detained on suspicion of terrorism. This is important because the Department has thwarted congressional and judicial efforts to obtain justification for terrorism detainees. The Department's Office of the Inspector General found that the Department and its components had abused terrorism suspects, pushing them into walls, leaving them in legal limbo, and depriving them of access to family or counsel. With these reports, elected representatives can better determine whether the Department is overstepping its bounds again.

In addition, I thank the Chairman and Ranking Member for their cooperation in incorporating the language of an amendment that I offered that expresses a commitment of Congress to continue exploring the benefits of granting ''good time release'' to non-violent federal incarcerated persons. This is an initiative that I have pursued for a long time and will continue until we make real progress. The language of my amendment to this effect was passed in the 108th Congress as part of H.R. 1829 and in the Subcommittee on Crime this Congress as H.R. 2965.

In essence, section 1190 expresses the sense of Congress that it is important to study the concept of implementing good time release policies in the federal prison system. When looking at this issue we must ask ourselves how we expect our economy to survive when we continue to incarcerate larger numbers of nonviolent, first-time offenders, who pose no public safety risk. Cost per prisoner to incarcerate in a federal prison is approximately $28,000 with geriatric prisoners (55 years and older) costing as much as $80,000 per year. Yet, the cost of community supervision or drug court supervision is in the area of $3,000 to $5,000 per year. Furthermore, these prisoners could otherwise be gainfully employed under an alternative sentence, we not only lose tax revenues and add entire families to the list of those receiving public assistance, but we shift the dollars being spent from local and small businesses to those large industries handling the federal contracts. In addition, we create an even larger group of children more at risk to incarceration themselves. In addition statistics show that as many as 70 percent of those incarcerated had a parent incarcerated before them. The overall negative economic impact is just as staggering as the destructive effect on families and communities.

Before closing, it is important that I make note that the ABA issued their findings after conducting extensive research and hearings

surrounding today's sentencing guidelines. In federal prison alone we have over 179,000 men and women incarcerated of which 85 percent are first time, nonviolent offenders. The ABA recommended: "That states, territories and the federal government ensure that sentencing systems provide appropriate punishment without over-reliance on incarceration. Lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community and who commit the most serious offenses. Alternatives to incarceration should be provided when offenders pose minimal risk to the community and appear likely to benefit from rehabilitation efforts."

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. SOLIS), who is the head of the Women's Caucus, and, as such, has worked hard for many years on this project.

Ms. SOLIS. Mr. Speaker, I thank our ranking member, and I thank Chairman SENSENBRENNER also for the opportunity to provide my strong support of H.R. 3402, which includes a Violence against Women Act reauthorization.

I want to also pay tribute to the Women's Caucus, the bipartisan Women's Caucus. We heard from GINNY BROWN-WAITE, who also spoke, and we worked very diligently on this issue, and also to the advocates throughout the country who worked laboriously for the last year on trying to seek amendments that could be provided and placed into this piece of legislation.

I am very happy as cochair of the Congressional Caucus For Women's Issues that we were able to work together. This is one fine accomplishment that we can go home to our districts with.

I am proud to have been able to author two provisions that were included in the final version of this very important act that will help women of color and women who are victims of domestic violence. One provision would provide an outreach campaign to attempt to service those underserved communities where we find a disproportionate number of women who are not in the forefront in terms of receiving this kind of information about prevention activities and domestic violence, and also with respect to court assistance. Because when women enter into the court, sometimes that court system is not very friendly, and it can be very intimidating. So I am very pleased we were able to get that provision also in the bill.

Women of color, as you know, are less likely to report incidents of domestic violence, and particularly immigrant women are even at a greater disadvantage when they are found to be in an abusive situation. Many times their spouses or loved ones will intimidate them with reporting them to the immigration to be deported. So we know that this legislation will go very far in providing protections for these women and their families.

By addressing domestic violence in communities of color in a way that understands their culture and language and values, we greatly increase the chances of making a difference, not only in the lives of women but of their children and also other family members.

Mr. Speaker, I thank again the ranking member, Mr. CONYERS, Chairman SENSENBRENNER, and their staffs for working with us on a bipartisan level to help to provide a comprehensive Violence Against Women Act reauthorization. I urge all my colleagues today to support H.R. 3402 and put an end to domestic violence against women in our country.

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

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

Mr. Speaker, this is an example of the fact that there is bipartisan and bicameral cooperation in this Capitol. I think that the news media would kind of like to ignore the fact that sometimes we do get something done around here and do get something done that is good and that everybody agrees is good.

So in wishing everybody a merry christmas, happy new year, or happy holiday season, as the case may be, I would like to wish the news media equal joy and hope that they report the fact that we did do something that was really very difficult to accomplish in reauthorizing the Violence against Women Act and passing only the second reauthorization of Justice Department programs since 1980.

Ms. PRYCE of Ohio. Mr. Speaker, the bill before us today reauthorizes a historic piece of legislation first enacted in 1994. The Violence Against Women Act has served as the major source of federal funding for programs to reduce rape, stalking, and domestic violence.

Since this legislation was enacted, we have seen dramatic increases in the resources available to victims of exploitation and abuse. Since 1995, states have passed more than 600 laws to combat domestic violence, sexual assault, and stalking, and all states have passed laws making stalking a crime. Since 1996, the National Domestic Violence Hotline has answered over 1 million calls. It receives over 16,000 calls a month and provides access to translators in almost 140 languages.

Hundreds of companies have joined the fight against abuse and created programs to help victims of violence. Despite this tremendous progress, however, there is much more work to be done to end domestic violence.

Today's reauthorization extends key provisions of the original Violence Against Women Act and provides new tools to combat domestic violence, dating violence, sexual assault, and stalking. It also provides new tools to combat violence against children and youth.

Mr. Speaker, violence against women and children destroys the roots of society. Every one of us has a moral obligation to fight this evil and protect its victims. I urge my colleagues to stand up for the innocent and support the bill.

Mr. SMITH of Texas. Mr. Speaker, the Bureau of Justice Assistance has acquired considerable expertise in the administration of the Public Safety Officers' Benefits Act since its enactment in 1976, and courts have properly accorded the Bureau's interpretations of the Act great deference.

Among other things, H.R. 3402 clarifies statutory provisions relating to the requirements that "rescue squad or ambulance crew" members be public employees, and that "enforcement of the laws" refers to the criminal laws, by making the text conform more clearly to the legislative intention, which has been correctly reflected in the Bureau's longstanding interpretation of the Act.

These clarifying changes should not be understood to effect any substantive change in the Act, as interpreted by the Bureau.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3402.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## MENTAL HEALTH BENEFITS PARITY EXTENSION

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4579) 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.

The Clerk read as follows:

H.R. 4579

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

**SECTION 1. ONE-YEAR EXTENSION FOR PROVISIONS REQUIRING PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.**

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 (relating to application of section) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4579.

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

There was no objection.

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

Mr. Speaker, the bill will extend provisions under ERISA, the Public Health Services Act and the Internal Revenue Code regarding mental health parity for 1 year until December 31, 2006.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
*Washington, DC, December 17, 2005.*

The Hon. JOE BARTON,
*Chairman, Committee on Energy and Commerce, Washington, DC.*

DEAR CHAIRMAN BARTON: I write regarding our mutual understanding for the consideration of H.R. 4579, a bill amending the Employee Retirement Income Security Act (ERISA), the Public Health Service Act (PHSA), and the Internal Revenue Code (IRC) to extend certain provisions on mental health benefits. The provisions of this bill amending ERISA are within the sole jurisdiction of the Committee on Education and the Workforce. The provisions of this bill amending PHSA are within the sole jurisdiction of the Committee on Energy and Commerce. The provisions of this bill amending IRC are within the sole jurisdiction of the Committee on Ways and Means.

As you and I understand the importance of extending the provisions to each of these Acts, we have agreed to the scheduling of this bill for consideration in the House of Representatives. However, I agree that we have done so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Education and the Workforce, the Committee on Ways and Means, or the Committee on Energy and Commerce, respectively, on these provisions or any other similar legislation, and will not be considered as precedent for consideration of matters of jurisdiction to each committee in the future. Finally, I would support your request for appointment of conferees on the provisions in your Committee's jurisdiction should a conference arise with the Senate.

A copy of our exchange of letters will be inserted in the CONGRESSIONAL RECORD on this bill. Thank you for your consideration and cooperation in this matter.

Sincerely,

JOHN A. BOEHNER,
*Chairman.*

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COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
*Washington, DC, December 17, 2005.*

The Hon. BILL THOMAS,
*Chairman, Committee on Ways and Means, Washington, DC.*

DEAR CHAIRMAN THOMAS: I write regarding our mutual understanding for the consideration of H.R. 4579, a bill amending the Employee Retirement Income Security Act (ERISA), the Public Health Service Act (PHSA), and the Internal Revenue Code (IRC) to extend certain provisions on mental health benefits. The provisions of this bill amending ERISA are within the sole jurisdiction of the Committee on Education and the Workforce. The provisions of this bill amending PHSA are within the sole jurisdiction of the Committee on Energy and Commerce. The provisions of this bill amending IRC are within the sole jurisdiction of the Committee on Ways and Means.

As you and I understand the importance of extending the provisions to each of these Acts, we have agreed to the scheduling of this bill for consideration in the House of Representatives. However, I agree that we have done so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Education and the Workforce, the Committee on Ways and Means, or the Committee on Energy and Commerce, respectively, on these provisions or any other similar legislation, and will not be considered as precedent for consideration of matters of jurisdiction to each committee in the future. Finally, I would support your request for appointment of conferees on the provisions in your Committee's jurisdiction should a conference arise with the Senate.

A copy of our exchange of letters will be inserted in the CONGRESSIONAL RECORD on this bill. Thank you for your consideration and cooperation in this matter.

Sincerely,

JOHN A. BOEHNER,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
*Washington, DC., December 17, 2005.*

Hon. JOHN A. BOEHNER,
*Chairman, Committee on Education and the Workforce, Washington, DC.*

DEAR CHAIRMAN BOEHNER: I am writing concerning 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,'' which was introduced on December 16, 2005, and referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce and the Committee on Ways and Means.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Internal Revenue Code. Section 1 of H.R. 4579 amends Section 9812(f)(3) of the Internal Revenue Code of 1986 providing for an extension of parity in the application of certain limits to mental health benefits, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4579, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
*Chairman.*

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from California for yielding me time, and I thank the chairman as well.

Mr. Speaker, what we are doing here today is simply renewing an act that will allow mental health insurance to have the same limits in insurance coverage as every other insurance legislation that you would ever have for a physical illness. However, the problem is that we keep doing this each year without addressing the fundamental problem. The fundamental problem is that we have here in the Congress a bill that would require parity in insurance coverage, meaning equal copay, equal deductible, equal premium for those illnesses, for those mental illnesses, when it comes to insurance coverage as there would be for any other physical illness.

Mr. Speaker, I have two major illnesses. I have asthma, which is a chronic illness; and I have an EpiPen, and I have prednisone, and I also have bipolar disorder, and I have Prozac and I have lithium.

Now, I am fortunate enough to have insurance coverage where when I go to get my coverage for my medications, I do not have to pay a higher copay for my mental health drugs as opposed to my asthma drugs. Do you know why? Because the Congress of the United States has mental health parity. Yes, Members of Congress are not discriminated against when it comes to mental illnesses.

However, you in the public out there in America, when you try to go and try to get treatment for bipolar disorder, for schizophrenia, for major depression, for any number of mental illnesses, you are told you have to pay a higher copay, a higher deductible, and you are told that you have to pay a higher premium on top of that, all because this country still treats mental illness as if it is not a physical illness.

Mr. Speaker, I have a chart here that shows that mental illness is a physical illness, for those that do not truly believe it. Here we can see in what is an x-ray called a PET scan the difference between two brains, each differentiating from the other based upon a difference in the disorder that the illness represents. In this case, we have bipolar disorder, and you can see that there is greater activity in one part of the brain here for those that do suffer from it, as opposed to this brain.

The physical qualities of mental illness are well known, so why do we not have parity in this country? Well, we do not have parity because some think that it is going to cost us more money.

Well, the tests are in, the studies have been done, and, quite frankly, to my colleagues who think that this is going to cost the Chamber of Commerce more money, all they need to do is look at The Wall Street Journal for evidence to the fact that it actually saves businesses money. It saves businesses money because it costs us $31 billion a year, $31 billion a year in productivity lost because businesses do not ensure adequate coverage for their employees in mental illness.

Just understand this: anyone who has depression, are you truly able to make it at work and focus on what you are doing? That is called presenteeism. That is when you are at work, but you really are not at work because you cannot concentrate. That is called presenteeism. Then, of course, you have absenteeism. Of course, that is easy to measure.

The fact, my friends, is that an average person who has depression loses 5 hours a week of productivity compared to one that does not. So would you not think that some mental health coverage for the person suffering from depression might actually improve productivity?

Guess what? It does. The studies are in, and, frankly, that is why I cannot understand why the majority of this House has not even brought to the floor of this House a mental health parity bill that will allow us to end the discrimination that currently exists in this country.

We are sanctioning discrimination. We are basically saying, like, for example, cancer, well, we are not going to cover cancer because it is costing too much. That is essentially what we are being told by those who do not want to cover mental illness. We are basically being told ''your illness costs money.''

Well, if it is about saving money, why not just cut out cancer coverage, because, you know, that costs us a lot of money. That is a foolish argument. And equally as foolish is the fact that we would cut out from insurance coverage mental illness simply because of stereotypes and because of stigma in this country.

□ 1730

This legislation today is simply one part of a farce to make people think that we are actually doing something on mental health parity when, in fact, with this legislation what we are doing today, all it does is allow the insurance companies to play the game where they do not actually have to provide the coverage. They can organize various days that actually can be utilized and the number of appointments that someone can have or the kind of drugs that they are prescribed. This legislation might as well have been written by the insurance industry when it comes to coverage for those with mental illness.

So, Mr. Speaker, let me just conclude by stating a few facts. Those who are 65 or older are the highest rate of suicide in this country; 65 and older have the highest rate of suicide in this country. The third leading cause of death for young people is suicide. This year alone we are going to see 1,400 young people take their lives in colleges and universities in this country.

We are not taking this issue, this illness, seriously enough. And if it pulls your heart strings and it is simply about whether you think it is going to save money or not, you can see from these charts that even the Surgeon General of the United States has said that mental illnesses comprise the second leading cause of morbidity, meaning the lost days in life, productive life; and the World Health Organization has ranked it number one.

So how could we be so blind to look at such a significant part of our health care system and then just look the other way when it comes to insurance coverage?

I hope my good friend from California will help me in getting his leadership to help bring to the floor of the House a parity bill that will allow us to finally end the stigma and discrimination that still exists in this country towards those with mental illness.

Let me just say, with respect to our veterans coming back and suffering from post-traumatic stress disorder, when we say that we are not going to cover mental illness, we are making an implicit message out there to America that somehow it is not real, somehow it is not real health care, it is something on the order of cosmetic surgery. You know what that does? That means that there will be fewer veterans coming forward and asking for help. Ninety-six percent of the veterans coming back from Iraq right now are not signing up for any mental health consultation whatsoever. And the reason they are not is because of the stigma.

And by not bringing a bill like parity to the floor, another thing that we do that is unjust is we reinforce the image in America that if you are mentally ill there is something wrong with you, that you ought to just get up, pull yourself up by you bootstraps, and you ought to get with the program, and that it is some moral failure of yours as opposed to it actually being a physical disorder with its roots in the biology of the brain.

I thank the chairman and my good friend, the ranking member from California, for giving me this time to speak. There is so much here to discuss. I would not have all the time that I would need to discuss it. But hopefully if we do get a parity bill on the floor one of these days, we can have an even fuller discussion of this issue.

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

Mr. Speaker, I thank the gentleman for his statement but, more importantly, his incredible advocacy on behalf of those suffering from mental health diseases.

He is quite right: we can do better than simply renewing this law that is now 10 years old. The Senate did pass a meaningful update in this law in 2001 that would have prohibited all forms of discriminatory coverage of mental health services, including day and visit limitations and co-pays and deductibles, and would not allow a plan to opt out by citing increased costs. This bill simply does not do that.

It is as the gentleman from Rhode Island has pointed out, it is absolutely insufficient in terms of treating the needs of millions and millions of Americans and their families who need parity in terms of the kinds of treatment and the coverages of the cost that are associated with this.

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

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

Mr. Speaker, I want to thank my colleague from Rhode Island for his moving testimony today on the issue of mental health. I would be the first to agree that the mental health parity bill that we have will now, as Mr. GEORGE MILLER of California says, and has for the last 10 years been an important step in the right direction.

Is it enough for most people? Probably not. And I think that all of us are aware that Congress and the American people have been in this debate for a long time. We have 45 million Americans who have no health insurance at all, and we know that every time we mandate a benefit on employers' insurance policies, we raise the cost of those policies. And what is the result of higher health insurance policies? More uninsured Americans.

So there is a balance, and I realize that people want more mental health coverage. The debate will continue here in the Congress; but in the meantime, I think it is important for us to make sure that the mandate that is in the current law that does provide some coverage for mental health illness that is going to expire will do so unless we extend this provision. And that is all the bill before us does is extend the provisions already in law to make sure that at least there is a foundation of coverage in the law as people have come to expect.

Mr. DINGELL. Mr. Speaker, I am pleased to support H.R. 4579, legislation that would continue for a year the requirements that insurance companies provide mental health services on the same par as health services. Discrimination against those with mental illnesses or cognitive impairments is well documented. Treatment for these conditions can last a lifetime. Not surprisingly, insurance companies do not want to provide coverage for needed treatments.

The bill we are passing today would ensure that coverage for mental health care receives parity with coverage for physical conditions. The current requirement expires at the end of the year. While ideally we should make this a permanent feature for all health insurance policies, today we are only extending it for one year.

While this legislation will ensure some protections for Americans, the House-passed reconciliation bill includes provisions that would reduce coverage for mental health care under Medicaid. That bill would allow States to charge higher out-of-pocket costs to those needing these services and it would allow States to strip these benefits for beneficiaries, including from children. Medicaid accounts for 44 percent of the Nation's public mental health spending. It plays a critical role in protecting those who need mental and behavioral health services, and fills the gaps that private insurance does not cover.

While the bill today will offer some protections for individuals with mental health needs in private insurance, we also must ensure that the budget reconciliation bill does not erode protections in Medicaid, which provides coverage for those for whom private insurance coverage is not enough or those who have no private insurance.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4579.

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

A motion to reconsider was laid on the table.

## SECOND HIGHER EDUCATION EXTENSION ACT OF 2005

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4525

*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 ''Second Higher Education Extension Act of 2005''.

**SEC. 2. EXTENSION OF PROGRAMS.**

(a) GENERAL EXTENSION.—Section 2(a) of the Higher Education Extension Act of 2005 (P.L. 109–81; 20 U.S.C. 1001 note) is amended by striking ''December 31, 2005'' and inserting ''March 31, 2006''.

(b) EXTENSION OF LIMITATIONS ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended by striking ''January 1, 2006'' each place it appears in clauses (iv) and (v)(II) and inserting ''April 1, 2006''.

(c) EXTENSION OF EFFECTIVE DATE LIMITATION ON HIGHER TEACHER LOAN FORGIVENESS BENEFITS.—

(1) AMENDMENT.—Paragraph (3) of section 3(b) of the Taxpayer-Teacher Protection Act of 2004 (P.L. 108–409; 20 U.S.C. 1078–10 note) is amended by striking ''October 1, 2005'' and inserting ''June 30, 2007''.

(2) TECHNICAL AMENDMENT.—Section 2 of such Act is amended by inserting ''of the Higher Education Act of 1965'' after ''438(b)(2)(B)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section are effective upon enactment.

(2) EXCEPTION.—The amendment made by subsection (c)(1) shall take effect as if enacted on October 1, 2005.

**SEC. 3. ELIGIBILITY PROVISION.**

Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(4)(A)), the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Southern District of New York in July, 2005, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an ''institution of higher education'' under section 102 of that Act (20 U.S.C. 1002).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4525.

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

There was no objection.

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

Mr. Speaker, this is a very simple bill that extends the Higher Education Act of 1965 for 3 months until March 31, 2006. While the committee has passed the reauthorization of the Higher Education Act, it is not completed. The Senate concluded their Higher Education Act amendments in their reconciliation bill, and we expect part of this higher education reauthorization to occur in the reconciliation process. But there will be a balance of it left that does need to be dealt with, and I am hopeful that early next year Congress will, in fact, complete the reauthorization of the Higher Education Act authorization.

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

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

Mr. Speaker, I rise in support of the Second Higher Education Extension Act of 2005. The bill before us today, as the chairman has noted, temporarily extends the laws that govern higher education and student aid while the Congress continues to work to reauthorize the Higher Education Act. I would also like to note for the record that the Department of Education has informed us that they have no objections to the manager's amendment offered by Mr. BOEHNER to this effort.

I rise in support of the second Higher Education Extension Act of 2005.

The bill before us today temporary extends laws that govern higher education and student aid while Congress continues to work to reauthorize the Higher Education Act.

It also extends the partial closure of the 9.5 percent loan loophole and teacher loan forgiveness provisions.

There has never been a more important time than right now to help students and their families afford a higher education.

Despite the tremendous personal and economic benefits of a college education, however, millions of American students and families struggle to pay for college.

Last year the maximum Pell grant scholarship was worth $900 less than the maximum grant 30 years ago.

The typical student borrower now graduates with $17,500 in debt, while more and more students are working long hours to pay for college.

Even with increased borrowing and longer work hours, millions of students and families continue to fall short when paying for college.

But rather than help to make college more affordable and accessible, this weekend the Republican leadership plans to raid the student aid programs by nearly $13 billion—the largest cut in the history of the programs.

As a result, students and families will be forced to pay even more for college.

Rather than work to build a better, stronger America for future generations, they chose to cut our national commitment to a college education for every qualified student.

The Republican leadership plans to use the nearly $13 billion in cuts to deal with Congress' budget mess.

It is wrong to force America's students and families to pay for the irresponsible management of the Nation's budget.

We should be doing more, not less, to significantly increase affordable college opportunities.

For years, Democrats and others have been demanding that the majority join us in stopping excess lender subsidies—such as the 9.5 percent loans—and re-deploy those billions of dollars in savings to students and their families struggling to pay for college.

Billions in taxpayer funds were squandered on super-sized lender subsidies that the majority party is only now, under great pressure, conceding should be constrained.

Unfortunately, the raid on student aid misses a golden opportunity to re-direct billions of dollars in savings by recycling the excessive subsidies paid to student lenders into additional grant aid for students—without any additional costs to taxpayers.

I support this temporary extension today because it ensures that the nearly 11 million students who rely on student grants, loans and work-study to finance their college education will continue to receive this much needed aid in a timely fashion.

However, I urge the Republican leadership and my colleagues to recognize that this is only the first step towards boosting affordable college opportunities and ensuring the Nation's global competitiveness.

The next step is to stop the raid on student aid and to reinvest all of the savings found from eliminating excessive student lender subsidies towards boosting grant aid, lowering interest rates and fees for student borrowers.

Mr. Speaker, I would like to note for the record that the Department of Education has informed us that they have no objection to the manager's amendment offered by Representative BOEHNER to reinstate St. Vincent's Nursing Schools of Brooklyn and Queens, New York.

The St. Vincent nursing schools lost eligibility for Federal student aid in November of this year due to the fact that their parent company, Saint Vincents Catholic Medical Centers of New York, filed for bankruptcy.

Under the Higher Education Act, once a school, or parent company of a school, files for bankruptcy they automatically become ineligible for Federal student aid such as student loans and Pell grants.

It is our understanding that the representatives for the parent company did not understand that filing for bankruptcy would result in students attending the two nursing schools losing their Federal student aid.

The Department of Education has informed us that both schools are in good fiscal standing and that a statutory fix by Congress is necessary to ensure that the students at these two nursing schools can receive federal student aid again.

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

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding. I will be brief.

I realize that this is simply an extension of the Second Higher Education Act, but I would like to make a couple of points here. This act authorizes Pell grants and student loan programs, which are so important to so many students to continue their education. As part of the reauthorization package that moved through the Education and Workforce Committee this year, I was pleased to offer an amendment that would allow the Secretary of Education to award Pell grants on a year-round basis.

We think this is very important because this would allow students to be eligible for Pell grants during summer enrollment. The reason this is important is that we are going to see a rather dramatic increase in college enrollment in coming years.

In over 36 years on the college campus, I saw some rather significant changes in the time that it took for people to graduate from college. When I started on the college campus in the 1960s, most people graduated in 4 years, 4½ years; and now a 5½- to 6-year graduation timetable is very, very common. As a result, with increasing enrollment and also this extended time period, we are putting greater and greater stress on the facilities in colleges and universities.

Therefore, we feel that allowing students Pell grants during the summer which will allow them to go to school year-round and maybe approximate a 4-year to 4½-year graduation time would be very important. I look forward to seeing a reauthorization of the Higher Education Act signed into law in 2006. However, for now we must extend the existing authorization, and therefore I support H.R. 4525.

I thank Chairman BOEHNER for bringing this legislation forward. I urge my colleagues to support passage of H.R. 4525 today.

Mr. HOLT. Mr. Speaker, while I support this temporary extension of the Higher Education Act, I am very disappointed that we have not passed the full Higher Education Act reauthorization and once again we are passing an extension.

Higher Education is more important than ever to ensure America's economic prosperity, security, and health. Just as college has become essential to both individuals and society's success, college tuition has risen dramatically, causing students to take on high loan debt, $17,000, on average; to work long hours that interfere with academic success sometimes; or to forgo college altogether. Yet, Congress has failed to pass the Higher Education Act.

Now, one party controls the White House, the Senate, and the House; the same party. Yet, they have failed to pass a Higher Education Act. Where are the priorities? Congress seems to have no trouble passing tax cuts for the wealthy, but to provide opportunities for students to attend college does not seem to be a priority.

Mr. Speaker, the failure of the House to pass a higher education reauthorization is emblematic of this ineffective Congress. In past years, the Higher Education Act was one of the easiest to pass, one of the most bipartisan, a bill we could count on.

And with this temporary extension, we have missed many opportunities today. We could have increased the Pell grant and provided it year-round. We could have significantly increased aid to minority-serving institutions. We could have increased assistance to low-income and first-generation college students. We could have increased loan forgiveness. We could have eliminated origination fees on student loans. We could have provided child care for parents who are attempting to go back to college. We could have changed the student aid formulas for working students.

But, today, we pass a temporary extension. We have failed to do any of those things, and American college students and their parents are paying for Congress' failure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4525, as amended.

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

A motion to reconsider was laid on the table.

## CONFERENCE REPORT ON S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and agree to the conference report 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.

The Clerk read the title of the Senate bill.

(For conference report and statement, see proceedings of the House of December 16, 2005, at page H12015.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report on S. 1281.

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

There was no objection.

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

Mr. Speaker, I urge support for this important conference report, the first NASA authorization in 5 years. We take up this conference report at a critical time for the Nation's space policy as NASA is laying out the policies and seeking the funding to set its course for the next decade and a half.

This bill will give the agency clear guidance while giving Congress important new tools for oversight at this pivotal time.

□ 1745

Most important, I believe this bill in its very first section makes clear that NASA is to remain a multi-mission agency with robust programs in science and aeronautics, even as it moves ahead with the President's vision for space exploration, and the bill also makes clear unequivocal endorsement of that vision.

The bill also ensures that Congress will have the information it needs to guide and monitor NASA. It requires a multiyear plan for aeronautics and science so that all NASA programs have a clear and well-articulated path, and it requires plans for facilities and workforce so we can see what assets NASA will need to achieve its goals.

The bill prevents any layoffs from occurring before March 16, 2007. The bill requires updated information on the cost of the crew exploration vehicle before NASA awards a development contract, and it requires that NASA provide a range of cost estimates for the CEV, along with the potential impact of each of those estimates on other programs.

The bill applies a version of the Nunn-McCurdy rules to NASA. These rules will not only require NASA to notify Congress early on of any significant cost overruns but will require congressional action if a program breaches a specific gap. This may turn out to be one of the most important provisions of the bill.

The bill also gives NASA the authority it has been seeking to offer larger prizes to encourage a broad range of private sector scientists and engineers to help NASA meet specific technological goals, and the bill establishes a new account structure that will make it easier for Congress to track NASA spending and to ensure that money is spent for the programs intended.

Finally, the authorization levels in the bill make clear that NASA cannot possibly accomplish everything that is now on its plate with the funding it is currently projected to receive. I should add that, for me, the authorization levels do not mean that NASA necessarily

should receive the authorized amount for fiscal 2007. The appropriated level needs to take account of tradeoffs and what is available to other agencies, particularly to other science programs, but the authorization levels do clearly mean that NASA will need to either get more money or to forego or delay activities.

I need to say, right now, even though no one will want to hear it during this debate, that I do not think we should accelerate the crew exploration vehicle development unless key Federal science programs are adequately funded. Launching the CEV in 2014 rather than 2012 will not damage the country, but allowing the erosion of our scientific enterprise will cause real and significant damage, but that is a battle for next year.

Right now, we should all come together to endorse this conference report, which will give NASA needed authority and guidance and will give Congress tools and a context for future debates.

This bill represents a true compromise. For example, I am not fond of several of the provisions relating to the international space station, but they were reasonable elements of a negotiated package that represents the broad range of views of NASA in this Congress. We were able to pull together such a package because everyone was willing to be reasonable. That is a commodity, reasonableness, that oftentimes is lacking in this body.

I want to especially thank the gentleman from California (Mr. CALVERT) who sponsored this bill and who heads our Space Subcommittee, for his unlikely combination of persistence and cooperation. I also want to thank the gentleman from Tennessee (Mr. GORDON) and the gentleman from Colorado (Mr. UDALL) who were true partners in their efforts, and I want to thank all the conferees in both bodies for their openness and hard work. It was not easy but here we are.

This is a thoughtful, reasonable, bipartisan compromise, and I urge its adoption.

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

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

Mr. Speaker, I have a variety of speakers here who would like to speak on this bill, and so I am going to be very brief.

I first want to concur with Chairman BOEHLERT, who I think did a very good job in laying out the content of the bill and the spirit in which it was put together. I want to rise in strong support of the conference report for the NASA Authorization Act of 2005. This bill is a result of constructive bipartisan and bicameral negotiations regarding the future direction of NASA. The issues have been complex, but the conferees have approached them with an open mind and a willingness to compromise.

I think it is important for the authorizing committee with jurisdiction over NASA programs to provide appropriate oversight and guidance to the agency, and I think this bill does that.

Of course, I am sure that each of us have additional provisions that we would have liked to have included as well as some that we would have preferred to drop, but nevertheless, I think this bill is a constructive compromise that will serve NASA and the Nation well.

NASA is facing significant challenges in the years ahead, not the least of which is budgetary outlays for the agency's programs. I think this bill is a constructive step to assist the agency in meeting those challenges, but success is going to require Congress's active involvement in the months and the years ahead.

Finally, before I close, I would like to express my thanks to my colleagues on the House side and, in particular Chairman BOEHLERT, Chairman CALVERT and Subcommittee Ranking Member UDALL for all the efforts they have made on behalf of this bill. I would also like to express my deep appreciation to our friends in the Senate for their bipartisan and bicameral spirit of cooperation they have brought to our negotiations, and certainly without the good staff work on our Science Committee, we would not be here today. It has been a pleasure to work with them to craft this conference report. I would also like to say, again, thanks to the House and Senate staff, as well as to the NASA personnel for their assistance in bringing the conference to a successful conclusion.

In closing, I believe this is a good conference report, and I urge my colleagues to support it.

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

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the distinguished chairman of the Space Subcommittee, a person who has worked very hard on this bill to bring it all together.

Mr. CALVERT. Mr. Speaker, I thank the chairman for the time.

Mr. Speaker, I want to thank Chairman BOEHLERT for his leadership and guidance, for the great job in making sure that we are here today, and I certainly want to thank Ranking Member GORDON and Ranking Member UDALL for their leadership and support, also. I want to commend the Members of the Science Committee on both sides of the aisle for a job well done. I also want to thank the gentleman from Texas (Mr. DELAY) for his guidance and assistance and all his staff working together diligently for long hours to assure that this NASA authorization bill could be accomplished this year. This is the first time since the year 2000 that NASA has had an authorization bill and we have been able to complete it. This bill provides the agency with the rules and tools they will need to succeed.

This is a crucial time for the agency as it is going through a major transition. Our bill represents the first time that the President's Vision for Space Exploration has been fully endorsed by both Houses of Congress. When the President sends to Congress his budget for fiscal year 2007, today's backing by the Congress can only help us to increase the support for our Nation's civil space program and for the Vision for Space Exploration. We also seek equivalent strategic plans for aeronautics and science parts of the budget.

NASA represents only seven-tenths of 1 percent of the Federal budget and is an investment in our Nation's future. Even in this time of budget deficits, the United States cannot abandon NASA's research and technology and its exploration programs. It is not in the American spirit to shy away from this investment in our global leadership.

This bill also authorizes for the first time a competitive prize program at NASA based on the very successful X-Prize. This program will allow NASA to award prizes for those technologies that are useful for NASA's mission. This prize program will encourage our best and brightest scientists, engineers and entrepreneurs to pursue technologies that NASA will need to pursue our Nation's dreams of exploration.

I am pleased that we are doing a 2-year bill through 2008, and we in the Science Committee look forward to providing oversight and authorization appropriate when needed. I want to urge my colleagues to vote yes on this truly bipartisan conference report. We owe it to the administration, to our national space enterprise and to the American people to pass this NASA authorization bill this year.

Mr. GORDON. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. UDALL), my partner and ranking member on the Space Subcommittee.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding me time.

I, too, join my colleagues in acknowledging the bipartisan nature of this very important conference report. I want to thank Chairman BOEHLERT and Chairman CALVERT on that side of that aisle for their leadership and for their good work and, as well, my ranking member on this side of the aisle, the gentleman from Tennessee (Mr. GORDON).

There are four key areas that I would just like to highlight in my remarks that are a part of this very important piece of legislation.

Number one, we beef up the aeronautics effort of NASA, and we make sure that crucial research and development work continue, and the effect it has on our domestic economy, which is very, very crucial.

Second, the Hubble telescope, we will do all we can under this legislation to service the Hubble telescope, and it has

truly become the people's telescope. It is known not only in the scientific community but to lay people on the street. It is a tremendous asset for us today, and it will be in the future.

Third, the legislation includes a piece of legislation I authored 4 years ago that deals with remote sensing data. That is the data that we are generating from the fleet of satellites that look down on the earth, and this data can be of great use to our cities, our towns, our counties and the private sector. The bill puts in place a grant program as well as increased access to that data so that it can be used by the American public.

Finally, there is a provision that further strengthens the space grant program that brings into the career paths of science and technology mathematics and engineering, those young people who will not only teach the students of the future but who will also come up with the great inventions and the new technologies and new understanding from our great efforts in space and in aeronautics.

So, Mr. Speaker, this is an excellent bill. I want to commend it to our colleagues, and I rise in support of this important piece of legislation and would ask every Member to support it.

Mr. Speaker, I rise today to express my support for this conference report.

This report reflects the results of productive, bipartisan negotiations that began between House Republicans and Democrats and continued on with the Senate.

This is a good conference report, and I would like to thank all the Conferees and their staff who worked on this report. In particular, I would like to thank our Conference Committee Chairwoman KAY BAILEY HUTCHISON, Chairman BOEHLERT, Ranking Member GORDON, and Subcommittee Chairman CALVERT.

I have been pleased to see how this group has come together to put together an authorization bill that enables NASA to take positive steps in each of its mission directorates. I believe that it provides an essential balance between NASA's core missions as well as a timely long-term policy direction for NASA as it embarks on the Moon/Mars initiative.

One of the strengths of this bill is that it highlights NASA's non-exploration related research and ensures that innovative work continues to be done in the Science and Aeronautics programs.

To ensure the continued health of each of NASA's core missions, it sets up a budgetary structure that separates NASA's human space flight and exploration accounts from its science, aeronautics, and education accounts—in effect, it erects a flexible ''firewall'' between the accounts.

Turning to some of the program-specific features of the conference report, I am pleased that it encourages NASA to take up three groundbreaking initiatives in subsonic, supersonic and rotor craft R&D under its Aeronautics program.

Progress in aeronautics is crucial to the health of the Nation's air transportation industry, which in turn is crucial both to the continued strength of our domestic economy and our international competitiveness.

That R&D also benefits our quality of life and enhances our national security. We need to encourage it, and this bill does just that.

In addition, while the new Exploration initiative at NASA has gotten the most public attention recently, NASA's science programs have continued to be some of NASA's ''crown jewels''—generating discoveries that have been captivating the American public for decades.

For example, images from Hubble have helped us better understand our universe, but they also allow amateur astronomers of all ages to study the wonders of space.

In short, Hubble has truly become the peoples' telescope, and I am gratified that this bill calls for a mission to service Hubble to be scheduled and authorizes funding accordingly.

This bill also seeks to make sure that the scientific research on the International Space Station achieves its full potential by ensuring that both exploration and non-exploration related research is performed. Microgravity and life science research can help us better understand the affects of space on the human body, moving forward our efforts in human exploration beyond low Earth orbit.

It also has many applications here on Earth, and this bill ensures that the ISS will support diverse research goals by requiring that at least 15 percent of all research funds for the International Space Station are to be used for nonexploration related research such as ground-based, free-flyer, and ISS life and microgravity science research.

I believe it is important that we continue to encourage commercial involvement in our space missions, including through research initiatives. There are several partnerships existing between the science community and industry that perform research on the International Space Station.

This bill speaks to the need to preserve fundamental, applied, and commercial life sciences and other micro gravity research that allows commercial participation in the research performed on Station.

I would also like to highlight another title of this bill that will allow cities and municipalities better access to remote sensing data. Many cities in our country—including in my home state of Colorado—are faced with a real problem of excess growth and sprawl.

We now have technology—using geospatial data from satellites—that can produce very accurate maps that show information about vegetation, wildlife habitat, flood plains, transportation corridors, soil types, and many other things.

This bill includes provisions—based on legislation I had authored several years ago—that would establish in NASA a program of grants for competitively awarded pilot projects. The purpose of the pilot projects would be to explore the integrated use of governmental and commercial remote sensing data and other geospatial information to address state, local, regional, and tribal agency planning and decision-making needs.

State and local governments and communities can use geospatial information in a variety of applications—in such areas as urban land-use planning, coastal zone management and erosion control, transportation corridors, environmental planning, and agricultural and forest management. As I indicated, the provisions in this conference report will allow cities and municipalities access to such data from many available commercial sources, as well as from governmental sources.

Lastly, I would like to point out the NASA education programs authorized in this bill that engage young students in space and earth science and encourage them to pursue science, technology, engineering, and mathematics (STEM) education and careers. It is no secret that the United States is falling behind in producing graduates in STEM disciplines. Through programs such as Space Grant, NASA is reaching out to students to provide a hands-on experience studying space-related fields.

As a nation we must do more to ensure our students are getting the science education they need to compete globally, and I believe these NASA programs are taking steps in the right direction to do this.

Mr. Speaker, there are many other provisions I could highlight, but in closing, I simply would like to say that I strongly believe that this is a good conference report. It is the product of open dialog and negotiations between Democrats and Republicans, House and Senate alike, and I am pleased that we were able to bring it to the floor today.

I would again like to thank my colleagues on the Conference Committee for their hard work to make this report a reality. This is the right policy for NASA and I urge members to support its passage.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), another very distinguished member of the committee.

Mr. FEENEY. Mr. Speaker, I rise to thank Chairman BOEHLERT and Chairman CALVERT and the respective ranking and minority Members.

We will recall in the aftermath of the *Columbia* accident, many of us on Capitol Hill and the space community observed the drift. America's human space program seemed to be adrift in terms of our space flight initiative and vision. The President responded with his vision which has now become America's vision.

The conference bill and the report provides unambiguous and bipartisan endorsement of America's Vision for Space Exploration. The direction of human space flight has now been set for future administrations and congresses. I look forward to progressing on this ambitious journey of exploration and science.

As we do move forward, Mr. Speaker, I hope we take to heart the *Columbia* accident investigation board's reminder and admonition that NASA ''is an organization straining to do too much with too little.'' As we work to provide NASA with a focused mission, including but not limited to human space flight, we need to avoid overloading and micromanaging this agency and its fine leader, Mr. Griffin.

With that, I thank the chairman for the time.

Mr. GORDON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 1281, the NASA reauthorization bill of 2005. This important legislation will authorize appropriations for NASA for the fiscal years 2006 to 2010.

□ 1800

It provides guidance for the agency and encourages research, exploration, and education.

NASA is important to my State and to the Nation. It has been known for its leadership in space exploration, but I want to point out just a few of the numerous other benefits NASA research has brought to us.

Satellites allow instant access to information around the globe. Cell phones, cordless appliances, VELCRO, and Teflon all were developed through our space program.

NASA research has been an integral part of our Nation's military efforts as well. Satellite imagery and global positioning systems have been critical to helping our Armed Forces pinpoint the enemy in battle. Unmanned aerial vehicles allow us to see our enemies without putting our troops in harm's way.

Perhaps our greatest achievement has been in the field of medical science. In the late 1960s, the Jet Propulsion Laboratory developed digital imaging processing to better view the Moon. Similar technology is now used by doctors to view organs inside the body. CAT scans and MRIs are revolutionizing our ability to detect tumors early and save lives.

None of these technologies would be possible without NASA research. The NASA authorization bill is overdue, and I urge my colleagues to support it. I want to thank the leadership both in the House and the Senate for bringing us to this point.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. DELAY), a long-time champion of NASA.

Mr. DELAY. Mr. Speaker, I want to thank Chairman BOEHLERT, Subcommittee Chairman CALVERT, Mr. UDALL, and Mr. GORDON. I just want to thank everyone in both Houses who worked on this conference report, especially the staff who has done such a fabulous job. And it is good that this is a strong bipartisan effort. Space is not Republican or Democrat, and I am very proud of the work that you did.

This conference report meets NASA's immediate and long-term needs and puts into place the policies needed for NASA to take its next giant step for mankind over the next 3 years, and that of course will not only make good on President Bush's Vision for Space Exploration; it will make good on the brave and brilliant capabilities of the men and women of our space program.

Specifically, the conference has wisely chosen to fully fund the space shuttle program and its 19 remaining missions; to fully fund the buildout and assembly of the international space station; and to fully fund the crew exploration vehicle.

To meet those vision-related challenges, the conference has also combined the space shuttle and its exploration activities accounts to provide NASA greater flexibility in deploying those resources; it calls for the elimination in any gap between the retirement of the shuttle and the deployment of the CEV, so that America is never voluntarily shut out of space.

It encourages NASA to tap the valuable knowledge of its highly experienced shuttle workforce in the development of the CEV, and it includes new authority for NASA to increase its visibility with a national public awareness campaign to articulate its exciting missions and publicize its tremendous accomplishments.

Mr. Speaker, in this conference report, the first reauthorization in 5 years and the first since the President announced his vision, we have set NASA's course, relying on the courage and ingenuity of the NASA family to accomplish their mission by returning mankind to the Moon and sending us on to Mars.

Mr. GORDON. 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 from Tennessee for yielding me this time, and I want to applaud the chairman of the full committee and the ranking member for their leadership and the work that they have done in working with all the Members for what I think will be a very large scientific statement for America.

I want to also thank the subcommittee ranking member and the subcommittee chair, as well, for their collegiality and their interest in moving NASA forward and the members who work on the committee and the subcommittee.

I am very pleased to congratulate all who have had a part, also the staff, in this great coming together of not only reinforcing our commitment to space exploration but a recognition of the need for balance in the Nation's budget.

I am very pleased to note the $10 billion for exploration systems and space operations and the continuing support of the international space station. And might I also thank my colleagues for being very sympathetic to the language that we included that deals specifically with the question of safety and the language that was added that provides for a review of NASA's safety management as well as a report on the use and dissemination of best practices, and expanded whistle-blower protection that allows those employees of NASA to be able to report without concern of recrimination on the issue of safety and the issue of health.

Let me also thank my colleagues for accepting my language on creating the framework for a commission to investigate future U.S. space vehicle accidents as well as a task force to evaluate and report on international space safety.

Again, I am very pleased that the international space station has been declared a national laboratory, because it was this kind of research that found us new advances in HIV/AIDS, stroke, and other diseases.

And I guess my greatest appreciation is for the announcement of 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. Might I share with you that in a 2001 graph we saw that of the science and engineering doctorate holders 2.8 percent were black and 2.7 percent were Hispanic. And in engineering it was 1.8 percent black and 2.0 percent Hispanic. We want America's youth to find their way to engineering and the sciences. This program in the NASA organization will be a great step towards that.

Many of us remember Dr. Mae Jemison. She blasted into orbit aboard the space shuttle *Endeavour* on September 12, 1992, making her the world's first woman of color to go into space and the city of Chicago's first astronaut in U.S. history. As a young girl and teenager, she was always interested in science, especially astronomy, and was encouraged by her parents and teachers to pursue not only her science studies but also dance and art.

She went on to receive her bachelor of science in chemical engineering and a B.A. in Afro-American Studies from Stanford and her medical doctorate from Cornell University. She joined NASA in 1987.

Dr. Jemison was quoted in Newsweek as saying, ''One of the things that I'm very concerned about is that as African Americans, as women, many times we do not feel we have the power to change the world and society as a whole.'' She certainly changed the world and society as a whole, along with Eileen Collins, who was one of the outstanding commanders that we had in the recent space flight.

I believe this legislation will move us forward; and I would like to thank James Williams, my staff, and all the staff for the great work they have done. I ask my colleagues to enthusiastically support this legislation.

Mr. Speaker, I rise in complete support of the National Aeronautics and Space Administration Authorization Act of 2005 which authorizes funding for NASA for fiscal years 2008 and 2009, and among other things gives Congressional endorsement to the Vision for Space Exploration and authorizes. Before continuing I would like to first thank Members on both sides of the aisle and their staffs for all the hard work that went into making this bill a success. I am also pleased to see that in light of the limited time we have remaining in the year; we were able to move quickly on this bill.

Let me take a moment to state that NASA is at a very pivotal moment in its history and therefore it is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. After the tragic *Columbia* Space Shuttle accident the Science Committee and this Congress were forced to re-evaluate NASA's purpose. I have stated that safety must be the number one priority of NASA; however this should not deter NASA from pushing the boundaries of technology and discovery. I feel confident that this Reauthorization bill addresses both safety and discovery in a comprehensive manner.

I am also pleased to see that we were able to address a few issues of importance to me. Two of which are Whistleblower Protection for NASA employees and the creation of 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. In terms of Whistleblower Protections for NASA employees, it is important that we move forward in providing protection to NASA employees who present concerns about health and safety. During a hearing held in the Science Committee, Admiral Gehman and the Columbia Accident Investigation Board explained how fear of retaliation by management, had lead some engineers to stifle their concerns about the safety and well-being of NASA missions and crew. My Whistleblower language creates needed protections for NASA workers and sets forth certain specific reporting requirements for NASA. These two combined will help to bring about a safer and more productive NASA.

In terms of Dr. Mae C. Jemison, the language in this bill would create a grant program named in honor of Dr. Mae Jemison blasted into orbit aboard the space shuttle *Endeavour* on September 12, 1992 making her the world's first woman of color to go into space, and the city of Chicago's first astronaut in U.S. history. As a young girl and teenager she was always interested in science, especially astronomy, and was encouraged by her parents and teachers to pursue not only her science studies, but also dance and art. She went on to receive her Bachelor of Science in Chemical Engineering and a BA in Afro-American Studies from Stanford and her medical doctorate from Cornell University she joined NASA in 1987. Jemison continues to serve as a role model to women and African Americans. She told Newsweek, ''One of the things that I'm very concerned about is that as African-Americans, as women, many times we do not feel that we have the power to change the world and society as a whole.'' With her life and accomplishments she has proven that idea truly wrong. While the bill only establishes the program, I look forward to working with appropriators when we return next year to fully fund this program.

Before closing, I am also pleased to see that the bill requires NASA's Administrator to 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. The independent task force shall, to the extent possible, undertake the following tasks:

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.

Make recommendations for corrective actions.

Provide any additional findings or recommendations related to ISS safety.

Prepare a report to the Administrator, Congress, and the public.

As I close and as a Member of the House Science Committee, I am honored to have been a part of this process and the successes achieved here today.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank Chairman BOEHLERT for yielding me this time, and I commend him and Ranking Member GORDON for the hard work they did. It was a long process moving this piece of legislation through. I also want to commend Subcommittee Chairman CALVERT. I know he worked very hard on this.

It is now almost 2 years since President Bush first enunciated a vision to go back to the Moon and on to Mars; to develop a new space vehicle to replace the space shuttle. We in the House quickly recognized when the President put forward this ambitious plan, and it was a wonderful thing the President did in doing this, because many people felt it was the first time since Jack Kennedy's original call to go to the Moon by the end of the decade of the 1960s, that it was the first time since then that a President had boldly stood up and proclaimed a vision for NASA.

We knew then, Members of the House, that we would need new authorizing legislation, particularly for the process of retiring the space shuttle and bringing a new man-rated launch vehicle on line that would have the capability of carrying men and women into space.

This legislation is very important. It is very needed. Though I tend to focus mainly on the issues that pertain to the manned space flight program, as the representative of the area that includes Cape Canaveral and Kennedy Space Center, this legislation has important sections that deal with our Nation's critical investment in aeronautics research and science; and, therefore, it is critically important that we pass this legislation as we move forward next year.

The bill calls for additional funding for NASA in the 2006 appropriation, as well as 2007 and 2008, that will meet the critical needs for our Nation's aerospace industries and our manned space flight program in the years ahead. I commend the work of all those involved.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in strong support of the NASA reauthorization act. I would like to begin by thanking those colleagues who worked so hard to create a bill that is beneficial to the Nation. Chairman CALVERT and Ranking Member UDALL deserve thanks for their leadership in ensuring NASA remains well balanced and healthy. I want to thank Chairman FRANK WOLF for his support in this endeavor, and also Congresswoman DAVIS.

I also want to thank Mr. DELAY for his support in our efforts to maintain NASA in Cleveland. I would like to thank members of the Ohio delegation who worked with me to ensure the bill's success.

I want to stress that there is a lot that happens here where we have partisan conflict, but on this bill we had tremendous bipartisan support in the Ohio delegation, which included STEVE LATOURETTE, SHERROD BROWN, STEPHANIE TUBBS-JONES, MICHAEL TURNER, JEAN SCHMIDT, PAUL GILLMOR, TED STRICKLAND, DAVID HOBSON, MICHAEL OXLEY, STEVE CHABOT, MARCY KAPTUR, JOHN BOEHNER, PAT TIBERI, BOB NEY, TIM RYAN, DEBORAH PRYCE, RALPH REGULA, Senator DEWINE and Senator VOINOVICH, and in addition, ROB PORTMAN. We all worked together on this. Every one of us made an effort.

This is a landmark bill because it affirms that so much depends on a healthy NASA. A healthy NASA, in turn, depends on an emphasis in aeronautics in addition to an emphasis on space. This is critical to the economy.

Aeronautics contributes more to the U.S. balance of trade than any other U.S. manufacturing industry. NASA's aeronautics research is also critical to national security. It has spawned technologies from surveillance systems that monitor aircraft flight paths, to the development of secure communications systems. NASA's aeronautics research has contributed to aircraft safety, reducing wind sheer and icing as major risks in airline travel.

In order to maintain their unparalleled track record, NASA first needs a road map for aeronautics, just as it had one for the Vision for Space Exploration. This bill provides that road map.

While the map is being drawn, NASA's aeronautics infrastructure must be preserved, starting with the world-class, award-winning workforce at NASA's field centers like NASA Glenn in Cleveland. This bill prevents involuntary reductions in force until at least March of 2007 and calls for a workforce shaping plan. It also provides necessary funding.

This bill further prevents reckless and semipermanent elimination of testing facilities, like wind tunnels and propulsion testing facilities, and encourages long-term basic research in areas like low-emissions and zero-emissions aircraft, microgravity, engine efficiency, and noise reduction. These are all tremendously beneficial to Ohio and the Nation.

This bill makes NASA more sustainable. It strikes a balance between space and aeronautics and ensures that NASA will continue to contribute to our economy, national security, airline safety, and the environment. It is a significant step forward for Ohio, and I urge my colleagues to support it.

I want to thank the chairman and the ranking member for their support and their leadership on this matter.

Mr. BOEHLERT. Mr. Speaker, for the reasons just cited by my distinguished colleague from Ohio, I remain an enthusiastic supporter of a robust aeronautics program at NASA. It provides so much benefit to the U.S. economy.

Mr. Speaker, I am proud to yield 1 minute to the distinguished gentleman from Texas (Mr. HALL).

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

Mr. HALL. Mr. Speaker, I join in lauding the leaders, the chairman, the minority leaders, the subcommittee chairman, and everyone who has worked on this to hammer out this bill.

Investing in NASA not only keeps this country at the forefront of exploration and innovation but it is also vital to our economy and our national security. By investing less than 1 percent of the budget, we get exponential growth in scientific and technological spinoffs. From the development of MRI technology to microchips, the scientific partnerships between NASA and American universities and companies ensure our Nation's viability.

We need to keep America at the forefront of innovations and discovery for generations to come.

When President Bush announced the new Vision for Space Exploration in January 2004, I was excited to see that NASA had a new direction and focus for the future. Our ventures into space not only keep America at the forefront of exploration and innovation, but they also are vital to our economy and our national security. This new Vision sets America on a course toward the Moon and Mars, and we should embrace this dream and work to make it a reality.

Today's authorization act for NASA outlines the broad goals of this Vision. While it embraces the exploration agenda of the space agency, it also bolsters other vital NASA programs in science and aeronautics that keep America competitive globally.

This is a well-balanced bill, and I commend my colleagues and their staff for crafting such a fine piece of legislation. I am particularly pleased that the bill includes my provision that directs Administrator Griffin to develop a Crew Exploration Vehicle with a robust crew escape system. As we implement the new space vision, I will work to ensure that NASA fulfills this priority and minimizes the risks for our brave men and women who fly our space missions. Our hopes and dreams ride with them, and we must do all we can, at whatever cost is necessary, to ensure their safety.

I urge Members to pass this bill. With the Space Shuttle and International Space Station, America has proven its preeminence in Space. We need to keep America at the forefront of innovation and discovery for generations to come.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the House's poet laureate.

□ 1815

Mr. FRANK of Massachusetts. Mr. Speaker, if someone had said some of the most fiscally, self-proclaimed, conservative members of the House were going to come to the floor and ask us to spend $100 billion or $200 billion on a nonessential project, people would have said, when pigs fly. Well, that is this bill. Did you see who got up to speak? Everybody who has got a NASA facility. The pork is very much in this bill, but it is flying pork. So this is literally the occasion when pigs fly, at least in the nature of pork, when all of the representatives of the NASA places come up here.

Now, I agree with the gentleman from New York and my friend from Cleveland.

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

Mr. FRANK of Massachusetts. I yield briefly to my friend from Ohio.

Mr. KUCINICH. I just want to, for the record, state that I am a vegan. I do not consume pork.

Mr. FRANK of Massachusetts. The gentleman may not consume pork, but he sure produces it.

The fact is that we are about to take up a continuing resolution that will make severe cuts in many, many important programs here on earth, and we will be told that the problem is the fiscal constraints. Members will lament the fact that we cannot adequately fund health care and environment and transportation and other things, and then we vote for a bill that says, as a binding policy, we are going to send a man to Mars. My friend from Missouri asks me, well, what happens when he gets there? Well, he comes back. That is why it is so expensive.

I agree about what was said about aeronautics; it is so important. I agree with space experimentation, primarily unmanned. But sending human beings to Mars, which this bill unfortunately endorses, is an extravagance; it is a psychological stunt. The amount of scientific gain you get comes from the aeronautics, from the unmanned space, even from some of the manned space in a more limited way. But when I first got here, we were told we had to do the space shuttle because we had to compete with the Soviet Union, and I did not think it was a good idea, the space station, not the space shuttle. Then the Cold War ended, and now we are told we have to keep doing the space station to cooperate with the Soviet Union. If we go a few more years, we will have to do it in memory of the Soviet Union.

There is a determination to spend far beyond any rational principle. I agree with much of what is here, but going to Mars? A country that faces the fiscal problems we face? We are quibbling, we are arguing over how well to protect New Orleans: Do we go to category 3 or category 4? But then in this parallel universe, we are going to spend $200 billion to send men to Mars. Of course, you can tell it is a parallel universe; it is the one no one lives in; it is the one where they are willing to spend money.

So as you are told to accept the tough cuts that the gentleman from Wisconsin is going to outline when you vote for that CR and when you try to tell people back home, ''I am sorry, I could not give you money for health care and for education and for the environment and for transportation,'' remember that you are mortgaging that with this useless piece of flying pork of sending men to Mars.

Mr. BOEHLERT. Mr. Speaker, I want to thank my distinguished colleague from Massachusetts for his observations, and I wish to add to his comfort level. Because on page 5 of our report, it points out in section D: Enabling humans to land on and return from Mars and other destinations on a timetable that is technically feasible and fiscally possible.

As the gentleman well knows, my interest is in advancing the science agenda for the Nation. The good science that is part of the space vision does not guarantee a vehicle to go to Mars, it guarantees that good science goes forward.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I yield to my colleague from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman. And I have never been happier that it is the Hall of Fame and not NASA that is in Cooperstown.

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

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

Mr. Speaker, let me first inform my friend from Massachusetts that I have no NASA facility in or near my district, so I try to be an honest broker in this authorization. I will also point out, in this 2-year authorization, more than 99 plus percent of the authorization goes to non-Mars related issues. So I think we have tried to put a balance in here. As the chairman has pointed out and I have pointed out, we very much think that NASA needs to be a multi-mission agency with aviation, education and so many other things that are so important to this agency. For that reason, we put firewalls into this bill so that they cannot be poached for things that we think might be a lesser priority. So, hopefully, we will be able to reach that balance.

Let me also just finally say that I am sure that Spain had a very tough budget when Isabella decided that it was worthwhile to make an investment in Columbus. I think that when we look at these issues, certainly education, nutrition programs, all these things are important, and one can say even more important. But there needs to be a balance. We have tried to reach a balance that we think has been a responsible balance, and that is why it has been a bipartisan, bicameral approach.

I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Tennessee for yielding.

This is a bill that also focuses on science, and science has, over the years, been the economic engine of our Nation. The more we are at the cutting edge of science and the inventions that provide new opportunities for work, new opportunities for industry, we are

advancing the economic opportunities of Americans. That is what is within this bill in many, many instances, beyond where the NASA centers are located.

I want to thank, again, the chairman and the ranking member for working together and having the focus of this bill really be on science and all that we can produce through scientific research.

Mr. GORDON. Mr. Speaker, I will just close by saying that a purpose for having an authorization is a portion of oversight. And I think Mr. FRANK really has been beneficial for us in making us justify ourselves, making us have part of this oversight. It is a better bill, a healthier bill for that. I think it can live up to the scrutiny.

With that, I would like to yield to my friend from Missouri for some remarks.

Mr. SKELTON. I thank my friend for yielding.

Mark Twain once said: The more you explain it to me, the more I don't understand it.

I want to know where the Defense bill is; 3 o'clock yesterday afternoon, we ended our conference. By 5 o'clock, we filed the necessary signatures, both the Senate and the House, and yet the Defense bill is not even on any calendar whatsoever. This is outrageous.

I understand the Republican leadership wishes to put some extraneous matter onto the bill. But the proper procedure was followed. It was a torturous, difficult, but a fair ending, and we signed the report. Yet, the Defense bill is not there, being held up for some extraneous misunderstanding, reason. I just don't understand it.

I want that Defense bill on the floor. The United States of America wants it on the floor. We have young men and young women in uniform all over this world, Afghanistan, Iraq, and yet we can't get the bill here that authorizes a pay raise, TRICARE for reservists, all the ammunition that they need, the medical care that we need, the policies set forth in the detainee language, all of this that has been worked out. Yet we don't have the bill. I don't understand it.

Please explain it to us and to the American people: Where in the world is the Defense bill, the authorization bill?

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, as a House Republican who, I believe my fiscal conservative ratings are typically among the top ten most conservative in the House; I have no NASA facilities in my district; and I am a passionate advocate for NASA, a strong supporter of this legislation, because I recognize the importance of investing in our Nation's future through investments and the scientific and technological innovations that only NASA and the space program have been able to produce for us. From the Blackberry on our belts, the microcomputers, the computer chips on our office desks, to satellite technology and cell phone technology to medical technology, NASA has touched every one of our lives. I applaud the chairman and the leadership for bringing this bill to the floor, and it is very important that we get behind President Bush's vision, because only by investing in NASA and strengthening our investment in scientific and medical research will we maintain America's leadership role in the world.

Mr. GORDON. Mr. Speaker, I again urge passage of this bill and yield the remainder of my time to my friend from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, just quickly, to follow up what Mr. SKELTON has talked about, the Defense authorization bill was signed, and here is what I read in CQ: ''House Armed Services Chairman Duncan Hunter confirmed through a spokesman that he inserted the provision,'' this is totally extraneous, apparently, if that happened after the signatures, ''at the behest of House leadership.''

And this is a quote: '' 'Hunter reserves the right to support the leadership team,' said Harald Stavenas, his spokesman.''

Get the authorization bill on the floor.

Mr. BOEHLERT. Mr. Speaker, I want to thank the staff who have worked so diligently on this bill all year and who have been really on constant alert since the loss of the space shuttle *Columbia*. That staff includes David Goldston, John Mimikakis, Bill Adkins, Roselee Roberts, Tom Hammond, Ken Monroe, Johannes Loschnigg, Shep Bryan, Ed Feddeman, Christy Carles, as well as the minority staff, Chuck Atkins and Dick Obermann. They have been a team working together in common cause.

I would also be remiss if I did not thank Administrator Griffin and his staff, particularly Brian Chase, who are always available and who were willing to work to reach a compromise. And might I say how refreshing it has been to be so candid as Administrator Griffin has been. Administrator Griffin continues to do a superb job, and we hope this bill will help him do that job, even though, like all of us, he would not have written each provision the way we did. But in the final analysis, we have got a good bill that is worthy of the support of this House. We have got a good bill that is good for America because of the vitality it brings to the economy, and we have got a good bill because Democrats and Republicans worked it out together.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the conference report on the Senate bill, S. 1281.

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

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 863. An act to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 959. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 1310. An act 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.

S. 1312. An act to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

S. 1892. An act to amend Public Law 107–153 to modify a certain date.

## CORRECTING ENROLLMENT OF S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 324) directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1281, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 324

*Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of 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, the Secretary of the Senate shall correct the title so as to read: ''An Act to authorize the programs of the National Aeronautics and Space Administration.''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## TERRORISM RISK INSURANCE REVISION ACT OF 2005

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and concur in the

Senate amendment to the House amendment to the Senate bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

The Clerk read as follows:

Senate amendment to House amendment:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

***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 SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Pennsylvania (Mr. KANJORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, on the morning of September 11, 2001, this Nation suffered a series of brutal terrorist attacks. Al Qaeda's terrorists murdered thousands of innocent Americans, caused billions of dollars in damage and placed our financial markets in jeopardy. While the marketplace was ultimately able to survive the more than $30 billion loss, insurance reserves were demolished and solvency was put at risk. Insurers could not predict when another terrorist attack would take place or how damaging the next attack could be and were forced to begin to exclude terrorism coverage from commercial policies, leaving policyholders bare. The resulting lack of terrorism insurance put at risk numerous development projects and threatened our Nation's economy.

□ 1830

To respond to this crisis, the House Financial Services Committee immediately created the Terrorism Risk Insurance Act, or TRIA. A year later, the Senate finally acted and the President signed TRIA into law.

TRIA has provided a Federal backstop protecting policyholders against future catastrophic terrorist attacks. TRIA has been a resounding success in ensuring the availability of terrorism coverage for commercial policyholders.

TRIA is set to expire at the end of the year. Unfortunately, the risks from terrorism remain acute and the private markets cannot function without an appropriate government backstop. The legislation before us today, S. 467, the Terrorism Risk Insurance Extension Act, temporarily extends the terrorism risk backstop for 2 years, while increasing participation of the private sector.

As in our committee legislation, this bill raises the program trigger from $5 million to $50 million in the first year of the extension and then to $100 million for the second year, ensuring that

Federal participation will only happen for large-scale attacks.

It also increases the insurer deductibles by a reasonable amount each year and significantly increases the taxpayer payback to better protect consumers.

Mr. Speaker, it is with some frustration and sadness when I say that Members of Congress and the administration who believe that the risk of terrorism will disappear in 2 years are fooling themselves. It is my firm belief that a TRIA extension should have included some actual reforms to reinvigorate the private sector and replace our Federal program with a permanent private sector solution.

While this legislation is bereft of any reforms to build long-term protections for commercial policyholders, I am confident Congress will be forced to return to this issue before 2 years have expired. It is a sad commentary on our ability to look forward and to be creative, which I think the House legislation clearly did. It is unfortunate that our brethren in the other body saw fit to take such a narrow attitude.

I hope that the Presidential working group that is created by this legislation will examine the need to create dedicated, long-term terrorism reserves and private pooling and risk-sharing facilities to permanently protect our Nation from the economic threat of terrorism.

If such forward thinking and planning is not done as contemplated in our bill, the industry will be back at the Federal trough seeking yet another extension of this program; and make no mistake about it, whatever it is, Congress will respond.

We should give special recognition to the subcommittee chairman, the gentleman from Louisiana (Mr. BAKER), for introducing legislation developing a long-term private sector reform to strengthen the private-public sector partnership, to improve terrorism insurance for consumers.

I also applaud my colleagues Mrs. KELLY, Mr. SESSIONS, Ms. PRYCE, Mr. DAVIS, Mr. FOSSELLA, Mr. RENZI, and Mr. FERGUSON for their help and leadership, as well as Ranking Member FRANK, Mr. KANJORSKI, and Mr. CAPUANO for their bipartisanship cooperation and commitment to protecting our Nation.

Their leadership is proof that the House can work together to get things done for America. Too bad we did not have better cooperation from the other side. I urge all of my colleagues to vote in favor of this important and necessary legislation.

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

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

Mr. Speaker, I join my colleague in expressing a little disappointment in the failure of the other body to rise to the occasion.

A considerably better piece of legislation was drafted and passed here in the House and sent over to the other body, only to get to this 11th hour and get back some legislation that is less than a good product.

It does several things; and I dare say, I have to rise to support it because it is the only thing flying in town tonight. And since terrorism reinsurance will expire in 2 weeks to an incredible disadvantage of American business and American jobs, I think we have no alternative but to support this piece of legislation tonight.

What it does not do, however, is it does not pass on and consider legislation taking care of nuclear, chemical, biological, radioactive terrorism incidents. What it does not include is allowing for a commission that would sit down and analyze and develop a mechanism so that we can pass the responsibility for the public back to the private sector in a smart and reasonable way.

And it does not extend it nearly for long enough or provide for the continuation of this type of coverage into the future, because as the chairman well said, 2 years is entirely too short. The only thing we are certain of is we will be back in this Chamber within the 2 years to do something over again, having lost 2 years of work product and probably again 2 years of involvement.

Finally, the last thing the bill does not include today that is a great disappointment to me is comprehensive health coverage insurance. It seems that we are willing to insure the buildings, but not the people. Group life was included in the House side of the bill, but has fallen out as the bill has come back from the Senate.

I guess the last sport I would complain about with the Senate is, if I recall, several days ago or maybe a week has gone by, we had the appointment of a conference committee in the House. And our coach was lined up and ready to go. We all went out and bought uniforms and prepared to do battle, and somebody forget to give the referee a whistle. As I understand, the conference never started or ended. This is merely a product sent over as a last-ditch effort, take it or leave it. That is what we are faced with.

But with all of that said, I think it is another example that, at least here on the House side, the Financial Services Committee has had and has displayed a great deal of capacity to work together in trying times.

I wanted to thank and recognize all the folks on the Republican side of the aisle that were so bipartisan in working on this. And I think we were of common mind to get it done, and we got a good product done.

On my side of the aisle, many of the participants in this legislation will have an opportunity to speak, and they can critique the legislation and their own role as they do speak.

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

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I appreciate the time yielded by the gentleman.

Mr. Speaker, today the House will vote on legislation that continues the commitment Congress made in 2001 to safeguard our Nation's economy in the event of another catastrophic terrorist attack. Chairman OXLEY and Chairman BAKER and their staffs deserve enormous credit for the hard work throughout this process, because just last week the House passed a bill which presented a balanced and very responsible approach to continuing the TRIA program.

It provided for the availability of terrorism insurance, encouraged the development of private capital, and required full mandatory taxpayer reimbursement of Federal assistance granted to the insurance industry.

While the House version included more forward-looking market-based provisions than the final bill that we have before us today, passage of this legislation nonetheless remains necessary.

The potential for another terrorist attack is frightening enough, but hamstringing our Nation's ability to recover finally is unthinkable and irresponsible. Without action today, our economy would suffer. This bill is about more than our insurance industry. Businesses large and small depend upon the availability of this insurance.

We must provide certainty to our manufacturers, our builders, our bankers, retailers, Realtors, developers and others; and we are dedicated to securing our country against the physical and economic consequences of another terrorist attack.

I appreciate so much Chairmen Oxley and Baker's hard work on this issue, Congressman KANJORSKI as well. Congress must continue to work to find a permanent solution enabling the private market to better provide terrorism insurance, and I am sure we will continue to seek that solution.

Mr. KANJORSKI. Mr. Speaker I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the hard work and the candor of the chairman of the committee. It really is disappointing. We did a good bipartisan effort here, put together a bill. There were some questions about it. It was a comprehensive bill and attacked a number of the issues.

What happened in the Senate was a travesty of the legislative process and a refusal finally by the chairman frankly of the committee to engage us at all. We are left with this Hobson's choice, in the literal sense, that is, no choice at all, that is, we have to pass this bill or else this program expires.

Unfortunately, a number of things were left out. We will hear from the gentlewoman from Florida about her important provision protecting people against unfair discrimination in their travel plans. One of the things that we

will also hear is from the gentleman from New York (Mr. ISRAEL). He worked hard with the families of 9/11.

Mr. Speaker, I will submit for the RECORD a packet of correspondence to and from the families. They wanted a commission to study this issue as part of this. They wanted representation. And the families of 9/11, after all, are the people out of whom this whole terrorism response grew, the victimization of their loved ones.

They asked for a commission. We in the House worked with them on a bipartisan basis. We have that commission. The Senate simply blatantly ignored them. And they tried. They appealed to the Senate and they appealed to the White House and they were turned away.

Group life is gone. This is kind of like, remember the old neutron bomb? It killed people and left the buildings standing. We have neutron terrorism insurance. It protects the buildings, but it ignores the people. It is both a travesty of the legislative process, what the Senate has done; and I have to say this, despite the fact that we got good bipartisan corporation here, and there were differences, we had differences where ideology got into play, but unfortunately there is a right wing ideological fundamentalism so entrenched in this Capitol in various places that that is why we do not have the kind of terrorism risk insurance bill we ought to have.

I believe in the market. I believe in the market's function, but we have people who believe in the market when it does not exist. And that is the case in terrorism insurance.

FAMILIES OF SEPTEMBER 11, INC.,
*New York, NY, November 3, 2005.*

Hon. MICHAEL G. OXLEY,
*Chair and Co-Sponsor of the House TRIA Bill, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.*

Hon. RICHARD BAKER,
*Co-Sponsor of the House TRIA Bill, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.*

Hon. BARNEY FRANK
*Ranking Democrat, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.*

DEAR REPRESENTATIVES OXLEY, FRANK and BAKER: The undersigned is Chairman of the Board of Families of September 11, Inc. (FOS11). FOS11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. The FOS11 mission is to raise awareness about the effects of terrorism and public trauma and to champion domestic and international policies that prevent, protect against, and respond to terrorist acts. Our members (over 2,000) reside in 48 states and 20 countries.

Soon after its founding FOS11 began analyzing and responding to issues raised by the Air Transportation Safety and System Security Act (the Act), of which the September 11th Victims Compensation Fund of 2001 (the Fund) forms a part, and subsequent legislation. In June of this year FOS11 submitted to the Justice Department its Final Report on the Fund, an Executive Summary of which was placed in the CONGRESSIONAL RECORD. In that report FOS11 expresses deep concern about the wide swath of immunity granted by the Act and subsequent legislation to public and private entities for the consequences of the September 11 attacks. We observe that the deterrent goals of our American compensation system—imposing the cost of harmful acts on those who could and should have, but did not, prevent them—were not achieved. Nor could they have been. The reason. The insurance industry had not (understandably) appreciated and analyzed the terrorist exploitable vulnerabilities of its insureds and the magnitude of the exposures and built the reserves and provided the limits necessary to pay the losses that resulted.

The FOS11 Final Report on the Fund concludes by urging Congress to:

a. use the perspectives of time and experience in implementation of the Victim Compensation Fund to consider carefully issues it was forced to address hastily in the immediate aftermath of the terrorist attacks of September 11, 2001;

b. assess how well the rules adopted in 2002 to implement the legislation met Congressional intent;

c. consider the incentives and disincentives to reducing the risks of terrorist attacks implicit in the legislation; and

d. fashion legislation that will reduce those risks and ensure that victims of future terrorist attacks and their families are made whole.

Although FOS11 believes that the Terrorism Risk Insurance Act (TRIA) is not the long term solution to deterring and, if deterrence fails, paying for future terrorist losses, it does believe that it is a necessary bridge to comprehensive forward looking legislation that will allow the insurance industry to play the vital role of providing remedies to the casualties of future terrorist attacks and, through risk assessments and premium allocations, a safer America.

FOS11 joins the Defense Research Institute in its support of legislation that (1) extends TRIA until December 31, 2007, to ensure an orderly transition to a long term solution to the terrorism risk insurance questions and (2) provides for a Presidential Working Group or Congressional Commission to develop a viable and solvent program to succeed TRIA.

The unique perspective of FOS11 equips it well to participate in the creation of solutions to the complex accountability, responsibility, remedies and related prevention issues raised by the continuing threat of terrorist acts and the vital role insurance can (must) play in these solutions. We ask that FOS11 be a participant in this crucial debate.

Very truly yours,

DONALD W. GOODRICH,
*Chairman of the Board.*

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FAMILIES OF SEPTEMBER 11, INC.,
*New York, NY, December 12, 2005.*

Re Preservation of the Commission approach in the Compromise Terrorism Risk Insurance Act that reconciles S. 467 and H.R. 4314.

Senator PAUL S. SARBANES,
*Senate Committee on Banking, Housing and Urban Affairs, Washington, DC.*

DEAR SENATOR SARBANES: Last week, Ron Robinson, Chair of the Defense Research Institute's TRIA Subcommittee and I met with most of the Senior Staff for Senators Shelby, Bennett, Dodd, and Kennedy and Representatives Oxley, Baker, Shays, Crowley, Israel and Maloney and of the Senate Banking and House Financial Services Committees to listen and to debate the captioned matter.

Families of September 11 remains fully committed to a reconciliation of these two bills in favor of the mandate, membership and direct broad stakeholder participation in the House Commission approach. We also support adding each of the members of the Presidential Working Group to this Commission and a representative from Homeland Security, an actuary and a risk manager/modeler.

Unless Congress takes a leadership role by providing this neutral forum for all stakeholders to openly and ''face to face'' debate the complex and interdependent issues necessary for the insurance industry to play its traditional role, we will be no further along in two years than we are now. Congress's leadership is far more important than its dollars on this issue. We need to prepare, so that government will not be obliged to step in again, as it did following September 11, 2001. Failure to provide such a forum will increase the risk of future terrorist attacks and result in an unplanned and disproportionate government response at taxpayer expense.

Moreover, achieving viable, solvent and long term terrorism insurance that is driven by the private sector, but appropriately supported by government, is not a matter of resolving unilaterally one or a few simple ''insurance'' questions. The issues are many and touch every social, economic, and political policy in our nation. Congress can use this Commission to lead the private sector stakeholders to a day when they will find it in their economic interests to reduce the risk of the next terrorist attack (sadly, there will be one) and have the resources, in the form of insurance, to respond to the losses. The compromise we support is a critical opportunity for loss mitigation and remediation at all levels of our society.

I urge you and your staff to work with your counterparts in the House to reach the Commission compromise Ron and I support. He and I have pledged our groups and ourselves to work as hard with the Commission to achieve this goal over the next year as we have with Congress to date on the terrorism insurability/risk transfer debate.

Very truly yours,

DONALD W. GOODRICH,
*President*

FAMILIES OF SEPTEMBER 11, INC.,
*New York, NY, December 14, 2005.*

Re Preservation of the Commission Approach in the Compromise Terrorism Risk Insurance Act That Reconciles S. 467 and HR 4314.

DEAR MR. HUBBARD: The undersigned is President of Families of September 11, Inc. (FOS11). FOS11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. The FOS11 mission is to raise awareness about the effects of terrorism and public trauma and to champion domestic and international policies that prevent, protect against, and respond to terrorist acts. Our members (over 2,000) reside in 48 states and 20 countries. Solvent and viable terrorism insurance is a weapon against terrorism and the matter in caption is vital to this goal.

Although FOS11 believes that the Terrorism Risk Insurance Act (TRIA) is not the long term solution to deterring and, if deterrence fails, paying for future terrorist losses, it does believe that it is a necessary bridge to comprehensive forward looking legislation that will allow the insurance industry to play the vital role of providing remedies to the casualties of future terrorist attacks and, through risk assessments and premium allocations, a safer America.

FOS11 takes no position on the insurance specific differences between the TRIA extension bills from the House and Senate now in informal conference, but it is fully committed to a reconciliation of those bills in

favor of the mandate, membership and direct broad stakeholder participation in the House Commission approach. We also support adding each of the members of the Presidential Working Group contemplated by the Senate bill to this Commission and a representative from Homeland Security, an actuary and a risk manager/modeler.

Unless the White House takes a leadership role by supporting this neutral forum for all stakeholders to openly and ''face to face'' debate the complex and interdependent issues necessary for the insurance industry to play its traditional role, we will be no further along in two years than we are now. Leadership is far more important than dollars on this issue. We need to prepare, so that government will not be obliged to step in again, as it did following September 11, 2001. Failure to provide such a forum will increase the risk of future terrorist attacks and result in an unplanned and disproportionate government response at taxpayer expense.

Moreover, achieving viable, solvent and long term terrorism insurance that is driven by the private sector, but supported by sound government policies, is not a matter of resolving unilaterally one or a few simple ''insurance'' questions. The issues are many and touch every social, economic, and political policy in our nation. These policy issues need open and rigourous debate by a broad spectrum of perspectives in order that the private sector stakeholders will come to a day when they will find it in their economic interests to reduce the risk of the next terrorist attack (sadly, there will be one) and have the resources, in the form of insurance, to respond to the losses. The compromise we support is a critical opportunity to achieve loss mitigation and remediation at all levels of our society.

Solutions to the complex accountability, responsibility, remedies and related prevention issues raised by the continuing threat of terrorist acts and the vital role insurance can (must) play in these solutions are essential to the war on terrorism. I urge you and your staff to work with your, counterparts in the House and Senate to reach the Commission compromise FOS11 supports. Only with the cross debate and transparancy this type commission assures can full participation by the private sector in the war on terrorism here on our soil be achieved.

Very truly yours,

DONALD W. GOODRICH,
*President.*

Attachment: Letter from Representative Barney Frank dated December 9, 2005.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, December 9, 2005.*

DON GOODRICH,
*Chairman of the Board,*
*Families of September 11.*
RONALD R. ROBINSON,
*Chair, TRIA Subcommittee,*
*Defense Research Institute.*

DEAR MR. GOODRICH AND MR. ROBINSON: I thank you for your support for the extension of the Terrorist Risk Insurance Act and for your constructive suggestion to not only have a Commission with broad membership, but also to include a representative of the victims of terrorism on the Commission. As you are no doubt aware, on December 7, 2005 the House passed legislation that includes those provisions by a vote of 371 to 49 and sent it to the Senate with a request for a conference.

We only have about 10 or 12 days to work out the differences between the two bills, and the Administration has expressed its opposition to the House-passed bill and will likely try to get the Senate to oppose compromising with the House. We will work hard to preserve the Commission and the inclusion of a victims' representative on it. I urge you to continue your efforts in support of the House provision, and I will work with you to be as persuasive with the Senate as you were with the House.

BARNEY FRANK.

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Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), who has been one of the leaders on very important issues and chairs the oversight subcommittee.

Mrs. KELLY. Mr. Speaker, I rise today to urge my colleagues to vote for this bill, although I do so with a great deal of disappointment.

This bill does reauthorize TRIA for the next 2 years, and failure to reauthorize the program would lead to gaps in insurance coverage that could kill economic growth and recovery nationwide. Unfortunately, this bill contains none of the improvements to the TRIA program that the House passed earlier. The bill before us today lacks group life coverage. It lacks coverage for domestic terrorism. It lacks a commission to study the availability of terrorism insurance for the World Trade Center, and other sites after this current extension ends.

The other body's refusal to negotiate with this House on ways to make TRIA work better for the taxpayers, policy holders, and regulators is beyond seriously disappointing. As Chairman OXLEY said, and you have heard from other Members, this legislation simply kicks the can down the road. It is an opportunity that has been lost.

I want to thank Chairman OXLEY and Chairman BAKER for their hard work. I want to thank my colleagues on the other side of the aisle. We have worked together to try to create a very strong bill that would help the United States of America economically.

Mr. Speaker, I look forward to immediately working with them on a better, stronger reauthorization of the program before it expires again in 2009.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL) for 3 minutes.

Mr. ISRAEL. Mr. Speaker, I did not become involved in the issue of TRIA because of my seat on the House Financial Services Committee. I became involved in it because my district is located approximately 50 miles from Ground Zero, because I represent over 100 families whose lives and livelihood were completely upended as a result of the attacks on our Nation on 9/11.

Mr. Speaker, I am going to support this extension, but I join with my colleagues on both sides of the aisle in supporting it with some measure of disappointment. Our committee, under bipartisan leadership, reported a strong, comprehensive TRIA extension that included group life and covered domestic terrorism, had a public-private commission to ensure long-term alternatives to TRIA. None of that was included in the final product that we are going to vote on today.

I have two major concerns that I will share with my colleagues, Mr. Speaker. One is the public-private commission on long-term solutions. The 9/11 families very much wanted to participate in a commission that would develop new policies, new alternatives to TRIA. Not only was their voice left out of this bill, but the commission itself was left out of this bill.

Instead, we are going to have a bureaucratic report produced by a Presidential working group. I am sure it will be a good-faith effort, but surely those families deserve to be heard.

□ 1845

Surely those families have a tragic expertise in how lives can be destroyed and how livelihoods can be lost. And I am very disappointed that they have been excluded, that their voices have been silenced.

And the second concern that I have, Mr. Speaker, is that group life was not included in this product despite the best efforts on both sides of the aisle. It seems to me common sense and certainly compassion that if we are going to insure bricks and steel and glass and mortar, then surely we should insure the lives of people who work inside the bricks and the steel and the glass and the mortar, that surely their lives are just as valuable as property. So it is with a measure of profound disappointment that group life was excluded from this final product.

This is, in fact, an imperfect bill, and certainly it is drastically less perfect than the language that was reported on a bipartisan basis from the House Financial Services Committee. But we ought not let an imperfect bill stop an adequate bill. And so because this is a good start and because we do have an opportunity to still get this right, I will support this extension and urge all of our colleagues to continue to work together to pass something that makes the most sense for our Nation and its economy.

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

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this extremely important bill.

And I rise in strong support of the extension of the Terrorism Risk Insurance Act for an additional 2 years.

The creation of antiterrorism insurance after 9/11 stabilized our Nation's economic footing, but it is set to expire at the end of this year. Businesses in my district with insurance policies that have expired since this September have told me that they cannot find insurance coverage in this country anywhere. They have been forced to look in England. Homeland security includes economic security, and after 9/11, of all the acts of this body, the most important was the antiterrorism insurance. It helped us start to rebuild and to build our economic foundation in New York and across this country.

That is why it is so very important that we pass this extension. Clearly, the terrorist threat remains, and TRIA is still an economic necessity.

I am disappointed that the good work of the Financial Services Committee to create a stronger bill that would help the private sector take on the problem of terrorism insurance has been set aside in favor of a more limited bill that simply kicks the can down the road, as Chairman OXLEY so correctly put it and as Ranking Member FRANK and Mr. KANJORSKI have highlighted. The bill before us would be better were it to extend to group life, domestic terrorism and if it covered nuclear, biological, chemical or radioactive events, and were it to create the commission to study the problem and make recommendations, as included in the House bill. We should task the private sector with developing innovative solutions instead of just relying on the government.

Because I feel these elements are so very important, I am cosponsoring a bipartisan bill with my New York colleague Vito Fossella to establish the commission and to provide flexibility in extending coverage for target sites such as Ground Zero.

Though the House bill did much better than this bill, we need to pass what we have before us today and continue to work on the problem together.

Once again, I thank my colleagues on both sides of the aisle for their help and support to New York City, and I thank the leadership on both sides of the aisle for backing this bill and passing TRIA. It is important, and we will continue to work together.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER), a valuable member of the committee.

Mr. NEUGEBAUER. Mr. Speaker, I thank the chairman for yielding me this time.

Like many of the previous speakers, I, too, am very disappointed this evening that we did not have an opportunity to bring some real reform to this process. The committee, I think, worked very hard in making sure that we move down the road of transitioning this insurance program back to the private sector, which is where it belongs. Unfortunately, the version that we are considering tonight will not do that.

Another thing that is extremely disappointing, I think, about tonight's version is that, in the event of a catastrophic event, the American taxpayers were going to step up in a gap basis but eventually get all of their money back. In this particular bill, that will not be the case. This is an area where the government, I think, stepped in at an appropriate time to shore up the marketplace, the insurance marketplace; but I think one of the things that is very important is that, as we move forward, while we are going to extend this for a period of 2 years, I think it is important that the committee continue to work very diligently to make sure that we work towards a process working with the private sector, ensuring that we move and transition in a way that really puts this back into a free marketplace, which is where it belongs.

So I want to thank the chairman for his hard work. I know that he shares in the disappointment that we are not really considering the House version, which is a better version, tonight and which was a more fiscally responsible version.

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the infinite risks associated with terrorism demonstrated their potential to destabilize our Nation's markets after the attacks of September 11, which is why I will support the final version of TRIA before the House today. However, I, too, do so with strong reservations and some disappointment in what could have and should have been.

In spite of the tremendous leadership, hard work and cooperative efforts put forth by House Financial Services Committee Chairman MICHAEL OXLEY and Ranking Member BARNEY FRANK, the other body chose to forego a fair and democratic conference process and needlessly tossed away an opportunity to truly strengthen our markets and protect consumers.

I commend Chairman OXLEY, Ranking Member FRANK, Mr. KANJORSKI and Mr. BAKER and all the members and staff, especially, of the Financial Services Committee for producing an initial bill that included a number of critical reforms to help protect Americans and our economy in the event of another terrorist attack.

This initial bill passed by an overwhelming majority here on the House floor and included a number of important consumer protections. As has been discussed, it would have extended the Federal backstop to include group life insurance, thereby ensuring that taxpayer dollars would be used not only to undergird real estate and insurance companies in the event of brick and mortar losses, but it would have provided financial protections to families who suffered the loss of a loved one in the event of another tragedy like September 11.

Moreover, those same taxpayers are being denied the right to travel freely by some of the very insurance companies who sought the extension of TRIA in the first place. The House's bill included a provision that I introduced and passed with the support of my colleagues on the Financial Services Committee during the markup of TRIA to address this unfair practice. While Americans can legally travel without the fear of government standing in our way, some life insurance companies do stand in the way, and they will continue to do so until this Congress acts.

As Americans, one of the liberties we cherish and enjoy is the freedom to explore and travel legally and freely around the world, be it for recreational, religious or cultural purposes. The unrestrained lawful foreign travel of American citizens is generally considered to be in the best interest of the United States.

Potential future travel to countries, especially our Nation's allies, should not be the sole basis for denying individual life insurance coverage. When we allow this to occur, we give in to terrorists and others who wish to change our way of life. While we should be proud that this provision gleaned broadbased, bipartisan support in the House, it is wrong that the other body refused to conference on the important elements in the House-passed version of TRIA. We cannot stop fighting for American consumers and taxpayers. We must back up our tough talk about fighting terrorism with action.

And, again, Mr. Speaker, I wish to thank Chairman OXLEY and Ranking Member FRANK for working cooperatively together. It is a privilege to serve on a committee that puts as a high priority working together for the greater good.

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

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank my friend from Pennsylvania for yielding me this time.

Mr. Speaker, I rise in support of the Terrorism Risk Insurance Revision Act of 2005.

As one of the original voices calling for an extension of this important Federal backstop, I am pleased we are voting on this bill before today and allowing the TRIA program to continue for an additional 2 years.

And while I support this bill and do so because I recognize the importance of this legislation and its critical need to our economy, especially in major urban areas like New York City, this is not the bill I would have written. The House Committee on Financial Services, under the leadership of Chairman MIKE OXLEY and Ranking Member BARNEY FRANK, produced a strong bipartisan bill; then we responsibly named conferees to hammer out the differences between the Senate- and the House-passed bills.

Unfortunately our colleagues in the Senate, led by Chairman SHELBY, refused to participate in civics class 101, ignoring the House bill and ignoring the important contributions of the House. They ignored major provisions such as the inclusion of group life coverage in this bill so that the Federal TRIA program would cover not only buildings destroyed by terrorists but the people in them as well. The Senate ignored language that would have prohibited the denial of life insurance to Americans who have traveled or even planned to travel to countries that actuaries view as ''troublesome,'' such as Israel or Colombia.

The Senate refused to include language to provide for a real commission to look into a long-term nongovernmental solution to the issues involved in insuring and reinsuring for the threat of terror. And this bill ignores language to provide insurance protections for the rebuilding of the World Trade Center, the actual reason we created this Federal backstop program in the first place.

But while I am not happy about the process and exclusion of important provisions, the underlying need for TRIA to be extended is reason enough for me to vote for this bill, and I urge all my colleagues to do the same.

I want to thank Chairman OXLEY for his honesty, for all of his hard work on this bill, as well as Congressman STEVE ISRAEL, MIKE CAPUANO and Congressman PAUL KANJORSKI, all who have worked very hard to see this pass. But most importantly, I want to thank Ranking Member BARNEY FRANK, who has pushed for the reauthorization of this program for over a year, has incorporated ideas from both sides of the aisle and has been a true champion in developing and in crafting legislation that helps keep our economy moving.

With that, Mr. Speaker, I urge all of my colleagues to support this worthy legislation.

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I just rise briefly to congratulate the chairman, the ranking member, and the chairman and the ranking member of the subcommittee.

This is a classic piece of legislation that hopefully will never, ever, ever be used. No one, hopefully, will ever know that we actually did this because if they do, it means we will have suffered another terrorist attack. At the same time, it is absolutely necessary.

We have heard of all the details of what is not here, but to me, the most important thing that is not here is the formal mechanism to make sure that we are not stuck in the same position a few years from now. I fear that if we do not get to work in an official way through a commission, that we will be here a few years from now doing this all over again, simply saying we could not get it done and we did not do it right, and that is a travesty to the American people. It is unnecessary, and I will tell the Members that, based on this experience and past experience, particularly with the chairman, he is a man of honor, he is a man of his word, and I know he will be pushing as best he can to get this Congress to pay attention to this issue for the next year so that we will not be placed in this position.

Mr. KANJORSKI. Mr. Speaker, I urge all of my colleagues to support this legislation because of its necessity to America's working men and women and the business community of America.

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

Mr. OXLEY. Mr. Speaker, in closing, I just want to say, and a lot of us have intimated this, we could do better than this that we have before us today. We did better in the House version, and I think all of our committee members know that, and I think most of the Members of the House know that. But there is a time to hold them and a time to fold them.

At this point, I would ask that the House do adopt this conference report.

Mr. GUTIERREZ. Mr. Speaker, I am very pleased that we are passing this crucial Terrorism Risk Insurance Act (TRIA) extension, which will provide necessary stability for our Nation's economy in a post 9–11 world. I have strongly supported this legislation from the outset, and I congratulate Chairman OXLEY and Ranking Member FRANK for their hard work and the excellent product as it passed the House. While I wish more of the House provisions we passed 10 days ago had survived conference, I am pleased that we are able to extend TRIA before the deadline, so that it does not expire in 2 weeks. I urge my colleagues to vote in favor of this important conference report.

A stable, secure insurance market is vital to the health of our national economy. More than 4 years ago, the stability of the insurance industry, and all of our Nation's policyholders, were put in jeopardy when insurers and reinsurers lost more than $30 billion as a result of the 9/11 attacks. After these substantial losses, insurers were unable to make terrorism insurance available, which left many of our Nation's businesses vulnerable to unacceptable risk.

In response, Congress overwhelmingly passed TRIA to provide a temporary, limited federal backstop in the event of another catastrophic terrorist attack. While we still expect the insurance industry to eventually develop methods for making terrorism insurance available without government support, the market has not yet stabilized to the point where this is possible. Extension of TRIA, which is necessary to prevent the chill of development in our cities, has wide, bipartisan support, and should be enacted promptly.

Mr. CANTOR. Mr. Speaker, I rise today in support of the Terrorism Risk Insurance Extension Act. This bill provides key safeguards to stabilize the economy in the event of a terrorist attack while putting us on a path toward restoring a private terrorism risk insurance market.

This legislation will ensure that terrorism insurance coverage is available, providing a degree of certainty in a still uncertain market place.

It is time to make the reforms necessary to encourage the continued development of a market for terrorism risk insurance. A healthy market for terrorism insurance is critical to continued economic growth and expansion. America's taxpayers expect Congress to help that market develop and relieve their burden for assuming much of the risk in the existing TRIA program.

That is what this legislation will do, and I am proud to support it.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill, S. 467.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

□ 1900

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. LEWIS of California. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2006, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 75

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 109–77 is further amended by striking the date specified in section 106(3) and inserting the following: ''December 31, 2005''.

SEC. 2. Section 114(b) of Public Law 109–77 is amended by striking ''and December 1, 2005,'' and inserting ''December 1, 2005, and January 1, 2006''.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I am bringing to the House a continuing resolution for fiscal year 2006. This CR runs through December 31. It is clean without exception. This CR will fund agencies in our last two remaining bills, the Labor-HHS and Defense bills, at the lowest level possible.

When we passed the last CR, my hope was that it would bring a strong motivation for Congress to complete its work in regular order. I want the body to know that the Committee on Appropriations has been strongly committed to bringing to this floor individual conference reports for each and every bill. The committee does not support an omnibus in any form and has done everything in its power to ensure that that did not happen.

The Appropriations Committee passed each bill of the 11 subcommittee bills off the House floor by June 30, the earliest that has been done in some 18 years. The Appropriations Committee has remained committed to moving these bills individually and within the framework of the budget resolution.

Mr. Speaker, the Appropriations Committee has kept its word. I am convinced that moving bills individually is the only way to get us back to regular order. Lacking regular order, there is a tendency for the remaining bills to become ''Christmas trees,'' if you will,

and for spending to grow out of control. In my view, that is simply not acceptable. I hope that, next year, we do not find ourselves in the position we are in today.

We are presently attempting to work with the Senate to finish a disaster assistance package that would be fully offset. It may include some avian flu preparedness money. Some have suggested that legislative language related to ANWR be included as well. This language has the potential, in my judgment, to sink the entire package once it reaches the Senate.

The underlying bill, the DOD appropriations bill, is the most important of our annual appropriations bills for it funds our national security. Agreements have been reached on all major issues in the DOD portion of the bill. Frankly, we could have passed this bill weeks ago. We are at war, we have troops in harm's way, and we still have not passed this critical legislation. There are funds in this bill to provide body armor for our troops, up-armored Humvees and a military pay raise. Failure to enact this bill in a timely fashion is a disservice to our men and women in uniform.

Mr. Speaker, I urge my colleagues to support this CR and would like to close my remarks by wishing all my friends on both sides of the aisle a Merry Christmas and a Happy New Year. It is great to be with you.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I want Members of the House, at least those who are around, to understand what the controversy has been with respect to this continuing resolution today. Let me back up even further.

As the gentleman has indicated, the House Appropriations Committee was able to pass every bill through the House before we left for the August recess. Despite that fact, for a variety of reasons, most of which have nothing to do with the Appropriations Committee, the fact is that, today, we are 2 months into the fiscal year and the Department of Defense and the Departments of Labor, Health, Education and Social Services still have not received their funding for the year under a regular appropriation bill. That means that about 65 percent of the discretionary spending in the budget still has not been tied down for the coming year.

That is not just a problem in Washington. It means that local people cannot plan. It means that school boards cannot plan. It means that the Pentagon cannot plan. And it discombobulates everybody. This is not the first time it has happened, but it is certainly one of the most troubling episodes that we have had in a long time.

I think we are here with so little of this work finished because I really do believe that the leadership of the House has tried to impose an agenda on the House and on the Senate which is so extreme that even members of their own majority party have rebelled. Example: We take a look at what happened on the PATRIOT Act. Example: We take a look at the inability to pass the labor health bill, first in the House and now in the Senate. It seems to me that a little more flexibility on the part of the House leadership could have resolved a lot of those problems.

Anyway, to bring us up to date, 10 minutes before the House opened today, we were informed on this side of the aisle that the continuing resolution to keep the government functioning for these agencies who have not yet received their funding, we received notice that a decision had been made to change the effective date of the continuing resolution, which meant that it would be extended through February 15 rather than simply to the end of the year.

It is one thing to provide a short extension so that the President has the ability to review legislation passed by the Congress before he signs it. It is quite another to try to leverage one group or another into a severe disadvantage with respect to some of this funding.

The problem with extending the CR to February 15 is that it creates a number of anomalies in both funding for the Defense Department and in the funding for the social service agencies which I do not think this Congress wants to be responsible for.

The problem with allowing the Pentagon, for instance, to continue on a CR, which is what would happen, the problem is that, at the levels under this CR, the military would be expected to run out of money for Iraq operations in January. That could create some significant problems for them. In addition, Pentagon contracts could be significantly delayed. Now, that could be overcome if we do manage to pass the Defense Appropriations Bill, and I hope we do, but we still would have a major problem with funding in the Labor-Health-Education bill.

Example: Everybody knows that, just a few days ago, the majority party restored funding to Rural Health Outreach Grants in order to try to overcome their inability to pass the Labor-Health bill earlier in the week. Guess what? The CR before us today takes out that additional money for Rural Health Outreach Grants, and it again returns us to a funding level which is 73 percent below last year. I do not think people want to do that, but that is the result of the continuing resolution.

The Community Services Block Grant Program, under the funding level in this CR, that program is cut in half from last year. The Low Income Heating Assistance Program, we had all kinds of people talking about adding money for that program, and yet under the funding level in this CR, LIHEAP is cut by $176 million. Under No Child Left Behind, under the funding level in this resolution, No Child Left Behind programs would be cut more than $1.1 billion below last year's level.

We have heard a lot of fulminating on both sides of the aisle about IDEA, about special education. Guess what? The funding level for this continuing resolution would freeze IDEA grants.

The International Labor Affairs Bureau, which protects American workers and wages through its efforts to eradicate child labor around the world, would be cut by 87 percent under the funding level in this continuing resolution. Unemployment help for people who are looking for jobs would be cut by $157 million under this continuing resolution level.

Now, it is one thing to say, all right, we will let that go for a week because it simply is a short-term convenience to the President. It is quite another thing to say that we are going to hold those programs to that level of funding through February 15. When you do that, you ruin some of those programs and you make miserable the lives of a lot of people who depend on those programs, which is why we objected on this side of the aisle.

Now that the majority party has returned to the original understanding that the CR will extend only for a week, time for us to get our work done; now that we are in a position where we are not going to be able to conveniently take a vacation until February 15 while these other programs suffer, I am perfectly happy to withdraw my objection.

So I congratulate the gentleman for talking to whoever he had to talk to in order to bring them to their senses.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS) that the House suspend the rules and pass the joint resolution, H.J. Res. 75, as amended.

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

A motion to reconsider was laid on the table.

## STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2520.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2520, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 664]

YEAS—413

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
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
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
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
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)
LaHood
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
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
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
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
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
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Akin
Baca
Barton (TX)
Becerra
Davis, Jo Ann
Diaz-Balart, M.
Ehlers
Fossella
Hostettler
Hyde
Istook
Kolbe
Manzullo
McCarthy
Murtha
Myrick
Paul
Radanovich
Slaughter
Watson

□ 1937

Ms. BERKLEY changed her vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Leader, obviously the Members as we all know on both sides have been here for some period of time today and are very obviously desirous of knowing what our schedule is.

I yield to the gentleman from Missouri.

Mr. BLUNT. I thank my friend for yielding. As you know, it is hard to predict how exactly everything is going to work out. It is a little difficult to predict these last days before an adjournment period or before we leave for a work period, either one.

We will officially convene tomorrow at 1 p.m. I think it is highly unlikely that there would be any vote before around 5, and we would give 2-hour notice in any reasonable way that we could before the first votes would occur.

Mr. HOYER. Reclaiming my time, would it be safe, therefore, for Members to conclude that they need not be here before 5? If we went in at 1, you gave 2 hours' notice, the first vote would be 3, but am I correct that the Defense appropriations conference has not convened because the chairman sadly lost his mother, and it is my understanding he is coming back sometime, maybe he came back this afternoon, but would I be reasonably correct in saying that the chances of the Defense appropriations bill being ready to report prior to 5 would be very slim?

I yield to my friend.

Mr. BLUNT. Mr. Speaker, I thank my friend for yielding. We do have some suspensions for tomorrow, a few more suspensions. So we could have those before the report if it was not ready. I appreciate your comments also about the chairman's being away for his mother's memorial service. He did return this evening.

I believe the current plan is for their committee to meet early in the morning to have as much work as possible done before the committee meets and then to have that to Rules by midday. Obviously, we may not make all of those deadlines. If we do, we could very well be having our first votes at 5. We would give 2 hours' notice before that. So the earliest I would expect Members to get a notice that we would have votes in 2 hours would be around 3 o'clock.

Mr. HOYER. Reclaiming my time, what I think then the message, correct me if I am wrong, Mr. Leader, is that Members can be assured that they will not have votes prior to 5 p.m. tomorrow, and presumably, notice would go out at 3 o'clock if votes were to be at 5 o'clock; would that be accurate?

Mr. BLUNT. I thank my friend for yielding, and that is my accurate view of what is almost certain to happen tomorrow.

Mr. HOYER. Reclaiming my time, we do understand that the Defense appropriations committee conference report would probably be on the agenda. Can you tell us whether we expect the Defense authorization and/or the budget reconciliation bill also might be under consideration tomorrow?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding.

You are right. The Appropriations Committee product, we have already discussed and we would expect, matter of fact, we are certain, as certain as you can be this time of year, of that for tomorrow. I think there is an excellent chance that we could get the budget reconciliation bill tomorrow, and we are still working to do what we can to bring Defense authorization to the floor.

Mr. HOYER. I thank the gentleman for that information. Can you tell us, can Members be relatively assured that they will be able to plan at least at

some point in time Sunday or early Monday morning that that would be the end of the session, at least for the period of time prior to Christmas?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding and for the question. We have certainly given every indication in every meeting, the Speaker has, I have today, that that would be our timetable, that we would finish, possibly some things could carry over into early Monday morning, but we would not be here on Monday for any official actions of that regard on Monday, though there may be some pro forma thing that has to be done that I am not aware of standing here.

Mr. HOYER. I thank the gentleman for that information.

Mr. Speaker, I would hope on behalf of my side, and I have talked to my friend from Missouri (Mr. BLUNT) on the other side, I know both of us want to bring this session to a close. Members had hoped to be home certainly this weekend. Christmas is a week from tomorrow. I am hopeful that we can conclude tomorrow, and I would hope that we would all work towards that end.

## ANNOUNCEMENT REGARDING RECOGNITION OF HELEN SEWELL'S RETIREMENT

Mr. BLUNT. Mr. Speaker, I have a brief announcement. The announcement is that we would also plan in our activities tomorrow to have a brief recognition of Helen Sewell, who has run the cloakroom here for a long period of time. Between she and her father, who started work here 87 years ago, they have been a continued presence in the cloakroom on this side. Tomorrow will be Helen's last official day before she retires.

□ 1945

## HOUR OF MEETING ON TOMORROW

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 1 p.m. tomorrow.

The SPEAKER pro tempore (Mr. CONAWAY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. HOYER, Maryland

Mr. CUMMINGS, Maryland

## COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
*December 15, 2005.*

Hon. J. DENNIS HASTERT,
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to section 1909 (b) of SAFETEA–LU (P.L. 109–59), I hereby appoint to the National Surface Transportation Policy and Revenue Study Commission the following individuals:

Mr. Frank J. Busalacchi, Secretary of the Wisconsin Department of Transportation, of Brookfield, Wisconsin.

Mr. Steve Heminger, Executive Director of the Metropolitan Transportation Commission, of San Francisco, California.

Best regards,

NANCY PELOSI.

## COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
*Washington, DC, December 15, 2005.*

Hon. J. DENNIS HASTERT,
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (P.L. 106–398), I hereby reappoint Ms. Carolyn Bartholomew of the District of Columbia and Mr. George Becker of Pittsburgh, Pennsylvania, to the United States-China Economic and Security Review Commission for two-year terms expiring December 31, 2007. Their current terms expire December 31, 2005.

Best regards,

NANCY PELOSI.

## DEFENSE AUTHORIZATION BILL

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

Mr. MEEHAN. Mr. Speaker, the Republican leadership is trying to add to the Defense authorization bill a controversial piece of legislation by Mr. PENCE that would blow the lid off the Campaign Finance Reform Act that Republicans and Democrats joined together to support and pass into law and that President Bush signed into law.

Mr. Speaker, this country is at war. We need a Defense authorization bill to assist the men and women who are serving our Armed Forces. We have reached an agreement on that bill to help our troops; and now, at the last minute, the chairman of the Armed Services Committee wants to take a controversial piece of campaign finance reform legislation and insert it into that bill.

He was exposed by the other Chamber. The chairman of the Senate Armed Services Committee took the floor and condemned it; and now he still wants to add this legislation, controversial legislation, against the public interest. He wants to attach it to a Defense bill at a time when this country is at war.

Surely we can do better on this holiday weekend. It is despicable, and I hope this leadership stands up to this. This is one of the worst things I have ever seen this Republican leadership do, A piece of controversial legislation to a Defense bill at a time of war.

## EXTREME ALITO VIEWS

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, I am struck by the extent to which the right wing seems not to understand how unpopular their agenda is. It is their inability to get a majority for it that keeps us here so many days after we should have gone.

It is also interesting to watch them try to deny the very, very deep conservatism of the nominee for the Supreme Court, Judge Alito. They are hiding his views on abortion. Recently, in the Boston Globe, an article by Kenneth Starr and Ronald Cass tried to explain away one of the most astounding examples of his extreme conservatism: his opposition to the basic principle of one man, one vote as articulated by the Warren Court. And given the difficulty of trying to get someone confirmed who has views that extreme, these two advocates tried to explain it away by claiming it was all about gerrymandering and proportional representation.

Fortunately, Professor Michael Tolley of Northeastern University wrote a very good letter exposing the inaccuracy of this attempted defense of Judge Alito and reaffirming that in fact what was involved in his 1985 statement was an objection to that basic principle of democracy articulated by the Warren Court, that it should be one man, one vote.

The following are the inaccurate article and the correction:

ALITO'S STICKY THICKET

(By Kenneth W. Starr and Ronald A. Cass)

A Political sidebar that made surprising news the last few weeks is a phrase in a 1986 job application from now-Judge Sam Alito questioning the Warren Court's reappointment decisions. That tidbit sent shock waves through the political and pundit classes.

It shouldn't have. Justice-to-be Alito's statement wasn't an attack on equality, voting rights, or protecting victims of racial discrimination. It was a simple observation that a liberal court created a doctrine that, however salutary, has significant problems.

Americans have long embraced the idea of equality from ''all men are created equal'' forward. Equality did not mean identical political influence in every respect. Yet the past 40 years have seen repeated judicial efforts to prescribe something that looks like

identical influence for voters. Prior to 1962, the Supreme Court rejected efforts to draw the judiciary into the ''political thicket'' of apportionment. That changed with Baker v. Carr, when the court decreed that states could not depart too far from the principle of ''one-man, one-vote'' in allocating legislative representatives. Since then, the problem has been figuring, out what is too far.

Politicians often attempt to allocate political representation in ways that both dramatically increase and decrease the influence of citizens' votes. But the Framers designed checks and balances to prevent any group from dominating another permanently or from taking property or liberty to serve prejudice or politics. Integral was a division of government power reflecting different influences, some defined by historical boundaries, others by more local populations. The Constitution does not sweepingly embrace one theory of political representation but instead allocates power in several disparate ways.

Useful as ''one-person, one-vote'' is, it isn't a universal directive. Consider the Senate. The Constitution decrees that each state has two senators, regardless of the state's population or acreage. In contrast, the House of Representatives is based mostly on population, except for the requirement that each state have at least one representative. Making House districts roughly equal has been a source of dispute for 200 years. In the early 1800s, Elbridge Gerry redistricted Massachusetts to help his political allies, creating one district shaped like a salamander—thus giving birth to the term ''Gerrymander.''

After Baker v. Carr, the courts have insisted on greater degrees of mathematical equivalence in votes across districts. Since then, the problems associated with apportionment have grown. The Supreme Court rejected a plan with less than seven-10ths of one percent difference among districts. Courts have repeatedly invalidated efforts to draw lines between districts without totally disrupting traditionally established communities. At times the result has been to divide neighborhoods.

Added attention to other aspects of the reapportionment process, encompassing equality along racial and ethnic lines as well as across geographic districts, spawned further opportunities for realigning political districts to suit political interests rather than historical ones. Although boundary adjustments probably have increased minority representation in Congress, the jurisprudence of reapportionment has become needlessly complex and largely ineffective. The court has permitted a realignment of political power to advantage incumbents, create more safe districts, and facilitate greater division among elected representatives who no longer have to appeal to swing voters.

After fragments on the standards on racial gerrymandering, the court came up with no realistic way to assess what constitutes political gerrymandering. As Justice O'Connor said in Davis v. Bandemer in 1986—roughly contemporaneous with Judge Alito's statement—the court's effort to identify political gerrymandering was ''flawed from its inception.'' Justice O'Connor charged that the court's decisions have been ''contrary to the intent of [the] Framers and to the traditions of this Republic.''

No one should be alarmed that Alito—like many other justices—found some aspect of the court's reapportionment decisions unfortunate. His position should reassure us that, as a justice, he will be open to seeing the flaws as well as the virtues of constitutional decision-making by judges. That is an important virtue in a Supreme Court justice.

ALITO'S VIEWS AND O'CONNOR'S

(By Michael Tolley)

Be alarmed when two partisan advocates—Kenneth W. Starr and Ronald A. Cass—say ''no one should be alarmed'' (''Alito's sticky thicket,'' op ed, Dec. 11). Their attempt to defend Judge Samuel Alito's disagreement with the Warren Court's reapportionment decisions by linking his position to Justice Sandra Day O'Connor's views fails for two reasons:

The two quotes they rely on in Davis v. Bandemer (1986) express O'Connor's view on whether the 14th Amendment's equal protection clause requires the principle of ''proportional representation,'' not the principle of fundamental voting equality—one person, one vote. Second, Baker v. Carr (1962) and Reynolds v. Sims (1964), two of the landmark Warren Court decisions on reapportionment that Alito disagreed with, are actually treated favorably in O'Connor's concurring opinion in Davis v. Bandemer.

O'Connor was careful to distinguish the Supreme Court's legitimate concern about racial gerrymandering from partisan gerrymandering at issue in Davis v. Bandemer. Only by misreading O'Connor's opinion can Starr and Cass bring Alito's views in line with moderate justice he has been nominated to replace.

Does Alito believe, like O'Connor, in the principle of ''one person, one vote''? Or is he against the use of federal judicial power to remedy discrimination resulting from malapportioned legislative districts? The difference between disagreeing with the extension of the principle ''on person, one vote'' to issues such as partisan gerrymandering and disagreeing with the principle of ''one person, one vote'' is the difference between a moderate and someone out of the judicial mainstream.

## 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.

## DOMESTIC SURVEILLANCE

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

Ms. WOOLSEY. Mr. Speaker, merely hours after the Bush administration was celebrating the Iraqi election as a triumph for human freedom, what did we discover courtesy of the New York Times? That our own government, through the National Security Agency, is secretly spying on the phone calls and e-mails of American citizens without a warrant or a court order. And they have been doing so for nearly 4 years at the explicit direction of the President of the United States of America himself.

This is even more egregious than any of the other suspensions of civil liberties that we have seen in the last 4 years. It makes the PATRIOT Act look like it was written by the ACLU. Has anyone in the White House read the Bill of Rights and the fourth amendment about the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures? It is a part of the same Constitution that the President has sworn to preserve, protect, and defend.

Mr. Speaker, I am not exaggerating when I say that sometimes I do not recognize my own country. Secret gulags in Eastern Europe, the Vice President personally lobbying Senators to give the CIA the right to torture detainees, and now this. What do I tell my grandchildren about what America stands for?

Does this White House believe in any transparency or oversight for anything they do, or do they think that getting 51 percent, or 51 out of every 100 votes gives them a mandate to operate behind a veil shielded from the day-in and day-out accountability that sustains a functioning democracy?

Remember, this is coming from the folks who preach about limited government. It turns out that they only want limited government as long as it would protect the wealthy and the powerful from high taxes and burdensome regulations. When it comes to privacy rights and ordinary Americans, they are in favor of the most intrusive and invasive big government imaginable.

The whole thing is Orwellian, Mr. Speaker. To defeat totalitarian extremism, we are adopting extremist totalitarian tactics of our own. In defense of freedom, we are undermining freedom. The whole thing is morally incoherent.

Let us remember that the war on terrorism is partly an ideological struggle. It is about winning over hearts and minds. But when we violate the very principles of freedom that we are preaching in the Middle East, what happens to our moral authority? What happens to our global credibility? Why should anyone take us seriously?

Those around the world who are skeptical of American values are surely noticing that we do not honor those values ourselves. And those who hate us will hate us even more when our government's hypocrisy is exposed.

And even if you do not believe this surveillance authority holds the key to victory on the war on terrorism, let us think for a minute about whom we have empowered to exercise it. The very same intelligence apparatus that has proven itself dysfunctional time and time again over recent years.

After all, the President himself just got through telling us this week that the U.S. intelligence community got it wrong on the most monumental and consequential issue it has faced in decades: whether Iraq had weapons of mass destruction. If they blew it on something as fundamental as that, why should we have confidence that they are conducting this domestic spying operation competently, without any abuses or overreach.

Mr. Speaker, is that what more than 2,100 Americans have given their lives for in Iraq, the right for a government to snoop and eavesdrop on its own people without probable cause? If we, the

supposed liberators, endorse and adopt these kinds of oppressive tactics, then what was the point of toppling Saddam Hussein, especially given that he did not even have weapons of mass destruction?

This disgraceful episode makes me believe more strongly than ever that we must reevaluate our entire approach to providing national security, and it should start with bringing our troops home from Iraq. Not one more American should have to die for values that our government is willing to sacrifice here at home.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–357) on the resolution (H. Res. 631) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–358) on the resolution (H. Res. 632) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4011.

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

There was no objection.

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

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

## BORDER SECURITY

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

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

Mr. CULBERSON. Mr. Speaker, I rise tonight to bring to the attention of the American people the reasons why it is so important the House acted yesterday to pass such a strong border enforcement law and order bill that will bring law and order to our southern and northern borders, but in particular the southern border.

I am a native Houstonian, born and raise in Houston; but I had no idea until recently the scale of violence our law enforcement officers, Border Patrol agents, our local sheriffs are facing along the Rio Grande, and it is the result of a lack of enforcement of our immigration laws, as the Border Patrol has been pulled back and our border has been unprotected at the same time the narcoterrorists and the drug lords have figured out that there is a vacuum there.

A war has developed between the gulf cartel of drug lords and the megacartel. Now, the megacartel extends its territory essentially from, and I am going to use these, Mr. Speaker, to help illustrate for people what I am talking about, this war between the megacartel, the drug lords, and the gulf cartel, is a full-scale battle. The lawlessness is so severe, Mr. Speaker, that the sheriffs in Laredo will not even approach the river at night without turning off all their lights.

And, in fact, when I went down to the river in mid-October with a group of sheriffs, the sheriff sent a marked sheriff's deputy vehicle ahead of me down to the river with the lights out. I asked, why are you sending him ahead of me with the lights out? And the response was, Congressman, we want him to get shot at instead of you. Which really alarmed me. And I asked the sheriff, please tell that young man to turn on the strobe lights on top of his vehicle. They sort of laughed at me and said, Congressman, you do not understand. The violence is so bad down here on the river, that if that deputy sheriff turns on his strobe lights, it will make him a better target and he is very likely to be machine gunned immediately.

□ 2000

This is what our law enforcement officers face every day, and the type of people that they are dealing with is shown in this photograph here. This is a photograph of one of the military style commandos that are being used by the Gulf Cartel as their army of enforcers. This is a photograph of a Guatemalan special forces, they call them kabiles, and their motto, which is difficult to see here at the bottom, but let me read it for the viewers. Their motto is: If I go forward, follow me. If I stop, urge me on. And if I turn back, kill me.

The Gulf Cartel is also using a group of commandos trained in the United States at Fort Bliss called the Zetas that were part of the Mexican army originally, and their commander and 31 of their top troops went over the drug lords, bought out by the drug lords, and the Zetas are now running at least one and probably up to four narcoterrorist training camps in northern Mexico right across the river from Texas. There is one operating out in the open near Matamoros, maybe two or three others in the immediate area, one near Rio Bravo, and another apparently has opened up recently near Del Rio. These are narcoterrorist training camps run and operated by the Zetas and the Gulf Cartel to train and equip these commandos to enter the United States to deliver the loads of weapons or drugs and kill anybody that attempts to stop them.

Let me show people the effect of just a typical arrest. Now, this is just another week at the office for our law enforcement officers on the Texas border. This is on September 27, 2004. This occurred in Nuevo Laredo, just across the river, and this is spilling over in the United States because the drug Lords are fighting over Nuevo Laredo, the Nation's largest inland port, and whichever drug cartel controls Nuevo Laredo will control the most profitable smuggling center in the United States.

On September 27 of 2004, this gun battle ensued, and as a result of this gun fight, there were captured and in this one fight, they found four AK–47 machine guns, two AR–15 rifles, ten grenades, a number of pistols, 12 40-millimeter grenade rounds, and 12 40-millimeter grenade launchers. Now, these devices here across the bottom are 40-millimeter grenade launchers that are supposed to be attached to M–16 rifles, but the Zetas, the drug lords' army, have converted them to handheld pistols, and this is standard equipment that are now issued to these commandos as they deliver their loads of weapons, drugs and even terrorists. The Customs Immigration Service knows that the terrorists are using the smuggling routes established by the drug lords to smuggle Islamic terrorists into the United States. I had the FBI director testify to my committee under oath that there are individuals from countries with known al Qaeda connections changing their Islamic surname to Hispanic, adopting fake Hispanic identities and entering the United States pretending to be Hispanic immigrants and disappearing. This is going on in large numbers. These narcoterrorist armies, this is, again, just one arrest; these 40-millimeter grenades launchers can be held as pistols, and they are used to shoot at law enforcement officers, anybody who attempts to stop them.

This is a photograph of some of the vehicles after this particular gun battle. This arrest took place, and I think the date is on here. This shows some of the 40-millimeter grenades that are used as time-delayed bombs.

I applaud the House for passing this strong bill so we can have law and order on the border instead of the law of Plata o Plomo.

## AN EXTRAORDINARY NIGHT

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

Mr. MCDERMOTT. Mr. Speaker, as we enter this Christmas season, there will be many children sitting down around the country listening to a story that begins, 'twas the night before Christmas.

I want to tell you about another night before Christmas that will be going on in the next week and has been going on for the last 20-some years. There is an extraordinarily tragic situation ongoing in a stunningly beautiful country in Africa, Uganda.

In recent weeks, a group of Rotarians from my district and surrounding areas went to northern Uganda with one item on their agenda: to advance the common good by providing polio vaccine and other assistance.

Ben Abe is a Ugandan from my district. He led this mission by the Rotarians, along with our former secretary of state from the State of Washington, Ralph Munro. They brought back an excruciatingly shocking and painful account of an extraordinary night where they observed firsthand a heinous tragedy that has been perpetrated on children in northern Uganda for years. It is only now beginning to see the light of day in mainstream media in publications like Vanity Fair and the Smithsonian Magazine. It occurs in Gulu in northern Uganda. Each night, a human mass moves through the pitch dark roads of Gulu. These are the night commuters. Not a late shift going to work, but a gigantic mass of thousands of children fleeing their unsafe homes, walking miles in the darkness to retreat behind locked gates in hopes of avoiding abduction, rape, disfigurement and, most horribly, to avoid being forced themselves to become the murderers of children as abducted child soldiers in the Lord's Resistance Army.

Over 25,000 children have been abducted over the last 19 years; more than 21,000 children walk miles each night seeking a safe harbor. These young children seek sanctuary in tents, hospitals, warehouses and empty lots. They sleep piled up on each other, sometimes with a blanket but most often without, and they are separated from their mothers and fathers every night. Thousands of those Ugandan kids never make it to a safe haven.

Seventeen-year-old Daniel is an example. He is one of the boys abducted from school by the Lord's Resistance Army. One boy escaped but was caught. The rest were then forced to tie him to a tree and stone him to death. Daniel said, ''That is what we did, because if we did not kill him, we would be killed.''

Anna Grace was 11 years old when she was abducted. The Lord's Resistance Army forced her to march and carry someone else's baby. Then they threw a bomb at her, blowing off the baby's head. Anna Grace was raped and gave birth to her own child in 2005.

Dave, 10 years old, was kidnapped in March of 2004 and watched as his two brothers were beaten to death with a log.

The only chance these night commuters have to reach safe harbor every night is to walk without adults, without protection, without light. The Rotarians from my district walked with these kids, moved with this mass of kids as they set out defenseless, in the deep darkness of night, seeking shelter to stay alive for just one more day.

The winner of the 2005 Sidney Peace Prize, Olara Otunnu, recently declared Uganda the worst place on earth to be a child today.

Though this despicable outrage has occurred for almost two decades, the Congress and the international community has not lifted a finger about what we proclaim is our duty, to protect children. There has been no dedicated international commitment or intervention to end this abhorrent situation. These Rotarians came back rightly incredulous over the international community's failure to mobilize and blunt this highly visible tragedy occurring every single night.

As Americans sit down and read that Christmas story, whether they read the one about the reindeer or the one about the baby Jesus coming to Bethlehem, these kids will be moving through the darkness. These Rotarians ask: How can this continue in a world where we proclaim our love and dedication to all children? They are right to ask these questions. Each night, that savagery hides in northern Uganda.

During this season of goodwill, this Congress and the entire national community must combine our collective strength to give some hope to these children, these night commuters, and their families. We can do better than we have.

If you believe, as I do that it is our utmost obligation to work toward a world safe for children, this obligation does not stop at our borders or oceans—all children are our children and we must act. The U.S. alone cannot break this outrageous nightly tragedy, but we can and must assert our political will, and insist that we meet it head on.

## HONORING PRIVATE JON ABELS

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

Mr. MCCAUL of Texas. Mr. Speaker, I rise today to honor a soldier and a hero from Pflugerville, Texas, and to pay homage to the sacrifices our fighting men and women make every day for America and for the world.

Last week, I had the honor of visiting Walter Reed Hospital where Private Jon Abels of the Army's 101st Airborne Division is receiving top notch medical care for the wounds he received in battle.

On November 29, Private Abels, who is a radio operator, was stationed in Iraq and on patrol in Baghdad when his platoon came under fire from insurgents. Private Abels and his fellow soldiers managed to find cover and safety in an abandoned residence that was frequently used by the insurgents. Outnumbered 20 to 6 and trapped in a house, they tried to fight off the insurgents who were surrounding their position. Undoubtedly, many of the soldiers inside, if not all, would have been killed until Private Abels sprang into action.

Private Abels radioed for help and then found and hotwired the insurgents' truck in the house's garage. He then loaded his men in the truck, and they drove from the enemy's trap. As they left, they took on heavy gunfire that injured Private Abels and two others and, ultimately, killed three more as their truck crashed.

Injured and still in the range of the insurgents' fire, Private Abels helped the other survivors to safety and administered medical attention to his wounded platoon leader. His actions brought him and the other survivors just enough time for support fire to arrive, and ultimately, he saved three lives.

Last week, Private Abels proudly received his Purple Heart at Walter Reed Hospital and is making a quick and fast recovery.

Clearly a hero, Private Abels' actions exemplify the efforts of all of our fighting men and women in the war on terror. I was inspired by his optimistic attitude, even as a severely injured soldier at Walter Reed Hospital. He believes that we are getting the job done and making great progress in Iraq.

So as we stand together here this evening in peace, America's soldiers are united in protecting our country as they remain in distant lands fighting the threat and the horror of terrorism. We are there to root out the terrorists who wish to do us harm, who wish to harm Americans.

These terrorists, like the insurgents that Private Abels fought in Baghdad, have a track record of being patient until they succeed in their evil agenda, so we must continue to support our soldiers now more than ever and give our military men and women every tool necessary to protect us and to complete and to win this war on terror.

Some say that we should retreat in this war on terror, but to them I say that our fighting men and women have succeeded on all fronts. In places like Iraq and Afghanistan where oppression, tyranny and inhumane treatment once flourished, we now find nations waking up to the reality of self-ruled government and the benefits that come with their democracies. This success is most embodied by the free and democratic elections in Iraq that took place this very week.

To quit now would not only be an insult to those waging this liberating battle but a dishonor to those who made the ultimate sacrifice, their lives, for freedom and for the greater

good. Few causes are as worthy, and few prices are as great. America prides its freedom on how our determination can accomplish any task and defeat any foe. So finish the job we will. And because of heroes like Private Abels, I have no doubt in my mind that we will prevail.

## DEFENSE APPROPRIATIONS

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, our soldiers need us, and they need the funding and the support that an appropriations bill can give to them and their families. Not only the soldiers that are on the frontlines of Iraq and Afghanistan, but the many soldiers returning home and the enlisted personnel stateside along with their families.

The Defense appropriations bill will provide a salary increase long overdue or at least needed again in these very difficult economic times. The bill will also provide and enhance improved health care for our soldiers. And recognizing that all Americans look forward to prosperity and a better way of life, I can assure you, in visiting with soldiers and families in my district, the limitations of their health care cries out for repair.

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Soldiers and their families are on limited opportunities for diverse health care, hospitals are limited, the care is limited; and certainly for those families who have elderly parents or dependents, family members who are ill, children who need health care, our soldiers' compensation and a bad health plan is a bad mixture for America.

And so I would ask the conferees, as they make their way in gathering and moving this legislation to the floor, remember the people who need the Defense appropriations bill. It is not filled with politics, because those of us who have raised our voices for redeployment, peace, and a better way in Iraq still understand the importance of providing for our men and women in the United States military.

This time around the Defense appropriation will be more than just the anchor for our military; it will be the anchor for those who have lost greatly in this last year. This will be the anchor for the Katrina survivors. And anyone who has interacted with them knows that they are not deadbeats. They are Americans who are simply looking not for a handout but for a helping hand.

Thousands live in the 18th Congressional District in the city of Houston, and I applaud the mayor and the council members and other elected officials; and I applaud Americans in general for the outpouring of their generosity, and particular Houstonians. But we need your help. We need your help in helping FEMA continue its funding of apartment contracts that were supposed to be for 12 months and 18 months, otherwise we will see Katrina victims, their families and children dumped into the streets.

We need the funding to continue to provide hotel compensation until February 7 or longer, or we will see Katrina survivors dumped into the streets. When I use the word ''Katrina,'' I really mean Americans, for the American Federal Government should be the safety net for all Americans in time of trouble. If we do not have the funding that we should have, we will see Katrina survivors stranded throughout America, 44 different States where they are located, with a one-way ticket to those States and no return ticket home.

FEMA will provide that ticket with the continuing funding for them to return home to their States. Now we understand that Defense appropriations will have 527s, issues dealing with campaign funding. That is not a Defense bill. We also find out that in addition to the Katrina resources, we will be putting the development and the expiration of ANWR.

Many of us are disagreeing with that. We believe in energy development, but we are disagreeing with going into ANWR, because we believe it has not been proven that that is a source of energy, other than, of course, an enhancement and opportunity for Alaska, one State. We applaud them for that, but there are many other resources that can be utilized to keep energy prices down.

We can explore in the gulf. It has not been explored to the extent that it should be, and there is a welcoming attitude about the exploration in the gulf, not only for energy oil but also for gasoline or gas.

Let me also say that there are still districts in the city of Houston that are in greet need of the funding that is in this bill. In the city of Houston, Houston Independent School District spends $186,000 a day for the additional visitors, or students, from Louisiana and Mississippi.

We are in debt $30 million. We have 5,000 students. We welcome them. We want to teach them. We want to help them, but we need the support that is in this Defense appropriations bill. We want this bill to come to the floor, and certainly what we want most of all is to be able to have a free-standing bill to help our soldiers, our veterans to give them good health care, good housing, and good support.

We want to be able to be the safety net for all Americans in time of tragedy, provide for the Katrina survivors, the Wilma survivors, the Rita survivors to be able to have school in the place where they do not live; and we want most of all to be able to have housing and the travel trailers to get where they have to go.

Let us get the bill on the floor. Let us do what America needs us to do. Let us provide a safety net for America.

## OPPRESSION IN BELARUS

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

Mr. SHIMKUS. Mr. Speaker, I rise today in recognition of the ongoing oppression in the country of Belarus. On October 16, the Belarusian people celebrated a day of solidarity with political prisoners, activists, their families, independent journalists, and all who fight for freedom and democracy.

Many people switched their lights off at 8 p.m. and lit candles to show hope for a free and democratic future for Belarus. Unfortunately, only 2 days after this historic event, a prominent correspondent of the oppositional newspaper Narodnaya Volya, Vasil Hrodnikau, was found dead in his home.

According to family members, Mr. Hrodnikau was murdered for his fearless striving to bring a fair press to the Belarusian people. It is time for the U.S. Congress and our European allies to make a definitive statement on Dictator Alexander Lukashenko's policies and actively support the opposition movement in the region.

I encourage my colleagues on both sides of the aisle to take a closer look at the atrocities occurring daily in Belarus and work together to do what we can to bring about democratic elections for the Belarusian people.

In the European edition of Time magazine, in an article titled, ''Where Tyranny Rules,'' which highlighted the fate of Nikolai Statkevich, a political dissident who ran for president against Lukashenko in 2001, since 2003 he has been in jail for resisting the authorities and obstructing traffic.

Two years for resisting authorities and obstructing traffic. And he still resides in jail today. Unfortunately, this is not an isolated case. Every year thousands of Belarusians are jailed for minor infractions, for example, attempting to publish newspapers, and regularly face police harassment.

Another good example occurred last August when Belarusian KGB, yes, they kept the infamous Soviet institution's name to intimidate civilians, the KGB raided the apartments of several college youths who had e-mailed each other cartoons involving Lukashenko. These students now are facing many years in prison.

Imagine that: prison terms for e-mailing political cartoons. As cochairman of the House Baltic Caucus, it is my sincere hope that the United States will continue to remember those fighting daily for democracy in Belarus and do all that we can to support this movement, the movement for change in this region.

I am encouraged by the change in the international community in support of democracy for Belarus. I encourage all of us to work together to keep up the great work and keep a watchful eye on the nation of Belarus and its dictator,

Alexander Lukashenko, in the upcoming elections in 2006. The opposition is united, the people are motivated for change, and we just ask for free and fair elections.

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

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

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

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

## FILM SUPREME COURT PROCEEDINGS

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

Mr. POE. Mr. Speaker, over the past year I have addressed many issues I have with the judgments handed down by the highest court of our country, the Supreme Court, right across the street.

Recent rulings by the Supreme Court of the United States, particularly pertaining to the separation of church and State, property rights, the right to say the pledge of allegiance, and the use of foreign law by our Supreme Court in interpreting the American Constitution, have prompted an outcry by the American people and a growing interest, or better yet, confusion, confusion on how those decisions are made.

The decisions made by the Supreme Court have a direct impact on the lives of Americans and every American in the future. With that said, I believe it is past time that every American be afforded the opportunity to see how those decisions are made in this Court.

I filed legislation that would allow cameras to broadcast Supreme Court proceedings so that we can all see the arguments made before the Supreme Court and how they make those decisions that affect our lives from now on.

I am no stranger to cameras in the courtroom. I was one of the first Texas judges to allow cameras in the courtroom. In addition, I was the first judge in Texas to oversee a capital murder trial broadcast in its entirety on television. Our sense of justice says the more open and public a trial, the more likely justice will occur.

I found that cameras only enhanced this concept. As a criminal court judge for 20 years, I have had countless cases covered by the media from all over the world. Critics argue that attorneys play to the cameras; but the truth is, they play to the jury. They always have played to the jury. Juries are the ones that make the decisions, not the audience.

Courts have the ability to prevent filming of the jurors, child witnesses, assault victims while letting the community see the public trial. Cameras make the ability of the people to view justice as it is in progress.

In the case of cameras broadcasting the Supreme Court hearings, there is no jury, just nine Justices who have the final say on the American Constitution. Because of the magnitude of the rulings handed down by this Court, these proceedings above all others should be as open to the public as possible.

While the hearings are, in fact, open to the public, not everyone has the ability to travel to Washington, D.C. and view these proceedings. This is why it is precisely time to come to the reality to open the Supreme Court to public hearings and allow their proceedings to be filmed by cameras.

Cameras can be unobtrusive. There are no big lights. There are no big cameras. In fact, many people do not even realize there are cameras in this Chamber. So it is time to film these proceedings. Opening these proceedings to the American public is much more important than seeing the child molestation trial of the King of Pop or the murder trial of some ex-football player.

Yet there was no concern over viewing these proceedings on television. Why should there be concern over a Court that has the final say on how our Constitution is interpreted? This year the Iraqi country, the Iraqi people have formed a new democracy, and part of that is a new judiciary. And yet they are already filming their trials, because the tyrant of the area, Saddam Hussein, his trial is on international television. This is their democracy and their courts seem to be somewhat more open than even ours.

Those judges and critics who do not want the public to view what they are doing in those courtrooms, Mr. Speaker, maybe should not be doing what they are doing behind those closed doors. It is time to open the Supreme Court to public viewing of their proceedings on television.

## FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2141. An act to make improvements to the Federal Deposit Insurance Act.

## CONGRATULATIONS TO APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM

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

Mr. HAYES. Mr. Speaker, I join my friend and colleague, Ms. FOXX, tonight. This morning I paid tribute to our wonderful men and women in uniform for a great win for freedom in Iraq.

But tonight, Representative FOXX and I want to pay tribute to a great team, Appalachian State, for a wonderful win in the national championship that they won last night in Division I–AA football. What a thrill it was to watch those young men, their fans, their school administrators, the whole Appalachian community come together through a tough play-off, exhibiting sportsmanship, hard work, commitment, incredible enthusiasm, and to win that game last night.

Take nothing away from Northern Iowa, they played hard. They played well. Appalachian prevailed. Seeing the spirit that those young men and women exhibited, coaches, who by the way, ladies and gentlemen, Coach Jerry Moore, the winning coach, was given his first coaching job by our colleague, Coach OSBORNE. And Coach Moore reflects all of the wonderful qualities of Coach OSBORNE.

By the same token, I thank Representative FOXX for calling attention to my son-in-law, Lonnie Galloway, who coaches there; and I am so proud of him and all of the folks.

Mr. Speaker, I now yield to Representative FOXX for some comments.

Ms. FOXX. Thank you, Mr. HAYES.

I am glad you mentioned with Coach Moore serving with Coach OSBORNE, Congressman OSBORNE. I did not get a chance to mention that this morning. I agree with you: he exhibits so much of all of the wonderful traits of our colleague, and we are lucky that we have at least three people in this body who have connections to Appalachian and to the great win that they had last night.

I am really sorry that our duties here prevented us from being in Chattanooga last night with so many Appalachian students and supporters.

I would have loved to see firsthand that crushing defense in the fourth quarter led by Jason Hunter and Marques Murrell. I wish I could have been there to witness in person the courage of quarterback Richie Williams, who played through a painful ankle injury suffered last week in the semifinal game against Furman.

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Appalachian is getting a lot of attention because of this football win. But the gentleman and I know and the people of western North Carolina and, indeed, all North Carolina know that Appalachian has always been known as a first-rate college and a first-rate university. It has a very proud history,

particularly in the area of teacher administration and administrators of the public schools. And I think getting this win for the football team simply rounds out its reputation in terms of being a really top-notch school. Its academic program has been strong forever. And now with this win from the football team, the first national championship ever for Appalachian, they show that it is a number one university in all respects.

Mr. HAYES. Mr. Speaker, I thank the gentlewoman for her comments and, again, calling attention to this great victory. My almost 90-year-old mother was there, all my family, except for us. But we were here following the action very closely. We have an Iraqi Marine veteran who plays on that team, number 89, Mr. Stokes. I do not know how Winslow survived without me there to keep her from having a heart attack, and Barbara suffered, too.

But, again, my congratulations, heartfelt, and the gentlewoman's as well for such a wonderful performance representing North Carolina, the academic, the athletic, the school community, Boone, and western North Carolina and the mountains.

Congratulations to Appalachian. A wonderful victory. I thank them for representing us.

Mr. Speaker, I now yield to the gentlewoman from North Carolina.

Ms. FOXX. And, Mr. Speaker, now we both need to say, Go Mountaineers.

Mr. HAYES. Go Mountaineers.

## THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House, and we would like to thank the Democratic leadership for this opportunity, Democratic Leader NANCY PELOSI; our whip, Mr. STENY HOYER; and also our chairman, Mr. BOB MENENDEZ; and chairman to be Mr. JIM CLYBURN.

As the Members know, Mr. Speaker, we have a 30-Something Working Group that comes to the floor every opportunity we have to talk about the good things that are happening here under the Capitol Dome and also some of the bad things that are happening and the things that are not happening at all that should be happening on behalf of the American people.

Today, as the Members know, Mr. Speaker, there has been quite a bit said in the Capitol, very little done in the first session of this Congress, facing some of the needs that the American people are wanting to be addressed. The American people want to have issues such as health care, veteran affairs, also making sure that we have a strategy in Iraq for success, making sure that we stand up on behalf of those Americans that have been devastated by natural disasters, making sure that we get down to the bottom and get rid of a culture of corruption and cronyism and incompetence under the Capitol Dome, and also making sure that we can expand jobs for Americans and also for small businesses.

But in the last 24 to 48 hours, there have been quite a few strange things that are going on here in the Capitol. There have been bills that Members have tried to put amendments on that are not passable and should not be even honored with the paper that they are printed on, of personal agendas and agendas on behalf of the special interests.

So with that, Mr. Speaker, I would like to share this hour tonight with Mr. RYAN and also Ms. WASSERMAN SCHULTZ but also with a respected Member this House with whom Mr. RYAN and I serve on the Armed Services Committee with, and he is also the ranking member on the Budget Committee and has been working very hard on a number of pieces of legislation. He is from South Carolina.

I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding to me.

And I would like to turn to a matter of some significant concern to me and to the gentleman because, as he said, we both serve on the House Armed Services Committee. We both have worked diligently to see a good Defense authorization bill put together this year and finally, we thought, put to bed last week. But here is what is happening, to everybody's dismay, on this side of the line.

On Thursday afternoon, the House appointed conferees on the Defense authorization bill to go to conference with the Senate. Thursday afternoon. Within hours, the conference committee met for the first and only time. We made a cursory review, which is all we had time for, of the conference report which staff and mainly the Republican Members had worked up and put together over the last several weeks. We reviewed it. We reviewed the salient points. We made some objections. And finally, we approved it.

This summary procedure is not my idea or I think the Framers' idea of how we would make law, particularly law that authorizes the expenditure of $440 billion for something as important as the defense of this Nation. This kind of summary procedure should not be repeated. This year, we were late getting started. The Senate was even later getting started. So we had to do it in record time. And I am glad we got it done, but it is not the best procedure.

As bad as that procedure is, the worst was yet to come. After the conference report had been signed, signed by the Democratic conferees, signed by the Republican conferees, signed by the Senate, signed by the House, after it had been signed, the Republican leadership decided it needed a must-pass moving vehicle, some kind of bill to which they could attach legislation that otherwise could not be passed, maybe would not stand the light of day. Reputedly, it dealt with section 527, political advocacy corporations and campaign limits. We suspected it also dealt with a bill known as Pence-Wynn. We do not know yet because we have not seen the conference report that they have tried to amend.

In any event, we know this: These bills are about campaign finance reform. They have absolutely nothing to do with the defense of the United States. This is not a technical change they are trying to make. It is not even about defense. Far from it.

Worse still, it is fundamentally serious major legislation. It is not something minor that you bobtail on or piggyback on another bill. Pence-Wynn, if that is the legislation they are trying to append to this conference report, is a major fundamental revamping of the campaign finance laws of this country, lifting the limits enormously on all kinds of corporations from PACs and individuals, creating virtual carte blanche for the wealthy of this country to contribute to political campaigns.

Our ranking member, Mr. SKELTON of Missouri, heard what was happened, to the extent that he could find out anything. He protested and pulled our names on the grounds, the House Democratic names, from the conference report on the grounds that they were amending or seeking to amend that the conference agreement that had been signed and sealed and all but delivered to the House floor for action, amending it after the fact, Members who were not even parties to the agreement trying to change the bill in a significant way without any kind of collegiality, any kind of comity, any kind of consultation with our side. He pulled our names.

In the Senate, the chairman of the Senate Armed Services Committee, Republican, the very distinguished Senator WARNER, was so outraged to see this gross violation of the processes of the House, the procedures of the House and the Congress, of fundamental fair play, that he said, if the Republican leadership in the House tried to unilaterally change this agreement after it had been signed, he would vigorously object and pull out the signatories at least on the Republican side. And Mr. LEVIN, the gentleman from Michigan who is the Democratic Senator who is the ranking member of the Senate Armed Services Committee, said the very same thing.

Now, we ask tonight, what is the status of this bill that has taken months to produce, that addresses our troops deployed all over the world, that contains important personnel provisions that probably will not be overlapped in the appropriations bill? Where is the bill that we have worked and produced, that we signed and had ready to go?

Where is the bill? Where is the Defense authorization bill? Where is it left if we do not take action on it?

It is left in limbo. It is left hanging. It is left unauthorized, unpassed. A hard effort coming to no worthy conclusion.

Representative PRYCE, who chairs the Republican conference, is quoted as saying in the CQ Daily that Congress may not even consider this bill before Christmas. Why not? It is ready to go. All we need is 1 hour on the floor. It is written. The conference report is ready to come to the floor. Why would we not consider it before Christmas? And, more importantly, what are the consequences if we do not consider it before Christmas?

Well, let me tell my colleagues just a few of the things that will not be enacted that otherwise might be a nice package to send to our troops in Iraq and Afghanistan and the ramparts around the world where they are standing up for freedom. Let me just mention a few things that are not covered in the appropriation bill and may never come to pass if we do not pass this bill: There is a 3.1 percent pay increase. Not a big increase, but I am sure that every troop will be glad to get it. There is an end-strength increase. We think the ground forces are undersized, so we have called for a couple of years for an increase in the size of the ground forces, Army and Marines, 30,000 in the Army, 4,000 in the Marines, in fiscal year 2006. That will not be done.

There is a death gratuity. The conference report increases the death gratuity for all active and activated servicemembers up to $100,000 retroactive to October 7, 2001. For the 2,100-odd troops who have been killed in Iraq and Afghanistan, in Iraq in particular, I am sure this would be welcomed by their families as some token of appreciation for the ultimate sacrifice they had to pay.

TRICARE: For the first time ever, reservists who agree to continue service in the Selected Reserves will have an opportunity, depending on their status, to buy into the government-subsidized TRICARE standard health program for themselves and their families.

Recruiting: Enlistment bonuses will expire unless we reauthorize it. There is a whole list of things like this.

Life insurance: It was previously increased for servicemen, life insurance, SGLI, to $400,000 in amount. We said in this bill, if they are in Iraq, if they are in Afghanistan, if they are putting their lives on the line in a hazardous duty zone, by golly, as a part of their hazardous duty pay, we will pay that first $150,000. I wanted to pay more of it. But that will be a nice addendum, a nice Christmas present for the troops who are in the field and for their families back home who worry, if our servicemember does not come home, who will provide for us? The least we can do is increase the life insurance.

I could go down the list with other personnel changes. They are numerous. Let me give you just one. This conference report would extend TRICARE coverage also for children of servicemembers killed in the line of duty until they reached the age of 21. This is just a sampling of what will not be done if, for petty, high-handed partisan reasons, the conference report, already finished on the Defense authorization bill, is not brought to the floor.

This is an outrage. It is an outrage. It is sort of inside baseball to some people, hard to explain to the American people because, in the parliamentary sense, it is so complicated. But it is an outrage, and it should not be allowed to happen. This is the one bill we should pass before we go home.

I thank the gentleman for yielding to me.

Mr. MEEK of Florida. Mr. Speaker, I am so happy that Mr. SPRATT came to the floor tonight to share with the Members what is important in this bill. And this was an authorization bill even before it went to conference that a super majority of the Members voted for because they believe that many of those provisions needed to be enacted on behalf of our security.

And we hear a lot of talk about what needs to happen now, what the troops need, what our Armed Forces need throughout, rank and file, officers, flag officers, individuals who are interested in being a part of our military, and to be able to send a very strong signal that we support them 110 percent. And for it to be held up for political purposes, and I can tell my colleagues for political purposes because in that 527 bill, there are a lot of special interests that would like to have access, more access than they have right now, to this majority. And it is very unfortunate that it is being held up. Of all things, the Defense authorization bill. It is hard to explain with a straight face. And Mr. RYAN was there in committee when we voted this bill out, and he was here on the floor and also Ms. WASSERMAN-SCHULTZ. For this to be happening now in the closing days of the session and possibly held off in the authorization bill until 2006 is beyond reproach, in my opinion.

□ 2045

Mr. RYAN of Ohio. We have been on the committee 3 years now, Mr. SPRATT has been on the committee a few more years than we have, but when you first get on the committee, I think the leadership on our side has always told the younger Members who come on, you know, this is a bipartisan committee. This is one of the committees in Congress where we try to do what is best for the men and women in uniform, to do what is best to protect the security of the United States of America. And I think this tradition we have had has really been damaged throughout this whole process. I am sure Mr. SPRATT knows a lot better than I do.

Mr. SPRATT. I have been on the conference committee every year for at least 20 years, and I never seen this happen before. I have never seen the leadership of either party come forth and say, you may have signed it, you may have closed it, you may have signed and sealed and delivered it; but we can still change it and add to it things that are totally out of the scope, out of scope because they are not in the jurisdiction of our committee, and out of scope because they have never been considered by either committee in either House, hearings, markup, on the floor, in the committee, anywhere. Totally out of the blue to come at the 11th hour.

And to impose this on the bill in deference to wealthy contributors who do not want to be encumbered with limits on what they can contribute is outrageous. There is no nicer word for it.

Mr. RYAN of Ohio. We talk a lot on the 30-something group here about how the Republican leadership in this Chamber and the Senate and in the White House right now consistently over the past few years have put their party's interests above the country's interests. We know on Energy and Commerce, you know, you are talking about telecommunications and there are a lot of business interests and labor. There are fights, there are scraps, and it gets very partisan.

For this kind of attitude I think to permeate into the Armed Services Committee during a time of war is outrageous. It really is. And Mr. SPRATT, I cannot thank you enough, because we come down every night, and to have someone of your caliber, your experience, your understanding of the issues to come down and share with us means a great deal. But for campaign finance issues to work their way into the Defense bill is just crazy.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, I am the new kid on the block here, and I do not sit on the Armed Services Committee; and I completely agree it is a privilege and honor to have Mr. SPRATT join us tonight.

But, you know, Mr. SPRATT, my observation being of the shortest tenure among the four of us is, at least since I have been here, we should not be surprised that they would do this, because you start at the beginning of this year, and it was very clear that the leadership here has no regard for the process, no regard for the system of checks and balances, they have no regard for the judiciary.

At the beginning of this year, 10 weeks into my tenure, they put the Terri Schiavo bill on the floor, even though you had months and years of court decisions that made it clear that it was not appropriate for Congress to insert itself into one family's tragedy. Yet to them it was seemingly the right thing to do, to insert the legislative branch of government into an area that was clearly the jurisdiction of the courts.

Now you fast forward to the end of the year, and throughout this year they have had other examples of their lack of regard for the governmental

mechanics and the lack of regard for decency into what the American people support. Adding campaign finance provisions or anything other than the protection and defense of this country to the Defense appropriations bill? I mean, really.

If they were so concerned about campaign finance reform, why are they waiting until less than 24 hours before we are supposed to adjourn here? Really, we were supposed to adjourn weeks ago. I mean, they have so little regard for process that they are not able to get the job done. I mean, we are here, and it is a week before Christmas and Chanukah and the beginning of the holiday season, and we are still here in the Chamber debating things that should have been settled long ago.

So it has just been obvious to me since I began my term that they have no regard for the process, no regard for the American people's priorities, and they just keep setting example after example.

Mr. RYAN of Ohio. We heard a lot in the last few weeks, you know, that you are sending the wrong signal to the troops. You are sending the wrong signal to the troops, when we want to have a discussion about when we are going to actually pull the troops out and end the war and redeploy and how things are going to work and what does it look like and how is this all going to end. You are unpatriotic, you should not have that discussion. You are not allowed to talk about that kind of stuff, you know. The people may find out that maybe things are not going as well as we think they are going, so let us not talk about it because it will affect the morale of the troops.

I have got to tell you, when we went to Iraq, it was probably the first meeting, as soon as we got there in Baghdad, Mr. MEEK was in the meeting with the troops and there was about 20 of us sitting there, and I specifically asked one of them, I think we were with the marines, specifically asked, does the debate that we are having now in the United States, that was shortly after Mr. MURTHA came out for his redeployment efforts in 6 months and figuring this out, and I asked one of the kids, I said, does this hurt your morale over here? Does this offend you?

The kid said to me, this is why we are here, so the Iraqis can have this kind of discussion. We expect people in Washington to be having a debate in a democracy, in a representative democracy. The great Republic should have these debates. And he just said that is why we are here, so the Iraqis will be able to have this discussion too one day.

Would that not be great, if the Iraqis can have a parliament and get in a squabble and fight without someone saying that that is somehow having a negative effect on the troops.

So we hear that a lot, that this debate may hurt them, which it is not, hurting the morale of the troops, which the troops are telling us it is not, it is okay. But then to try to somehow take the Defense bill and put campaign finance language in it so that the Republican majority can raise more money to further corrupt the institution is an outrage.

Mr. MEEK of Florida. Mr. RYAN, I just wanted to say when you talked to that marine, we were actually in Mosul at the time, and I am going to be a third-party validator as it relates to your discussion with them. Also, it was a bipartisan delegation, and we heard it on both sides of the aisle.

One thing that I want to say, even Mr. SPRATT as we talk about the authorization bill, as you know, defense seems to be the vehicle to pass all pieces of legislation or thoughts or ideas that the majority has problems in passing under regular order. They have problems passing drilling in the Arctic National Wildlife Refuge in Alaska, so they want to attach that onto a piece of legislation and try to push it through the process.

But I can tell you that this abuse of authority is stepping in the middle of national security at this point, and it is very, very unfortunate. And it is not like coincidence; it is not like something that is blowing through the air conditioner vents here.

I am so glad, sir, once again, that you came down. We are talking about this subject. Many times some Members may not know what is going on. The American people may not know what is going on. That is the reason why we are here, to make sure they do know what is going on.

Mr. SPRATT. I will guarantee you the people do not know what is going on. Until I got back this afternoon, I had to go home and make a speech and started reading some of these dailies that we get over our fax machines and got some phone calls from others who had found out, pieced it together. I did not know about it, so I am sure the American people do not know about it.

Let me just take a second, if I can, maybe a minute or two, and read from the memo that was given to us as conferees just as to what the personnel provisions of this bill are. For the most part, these will not be backstopped by overlapping provisions in the appropriations bill. It simply will not be done unless and until this bill for 2006 is enacted.

I already mentioned a pay raise of 3.1 percent to all servicemembers. I mentioned the increase in end strength needed for our stretched-out ground forces. The death gratuity is raised substantially to $100,000, but, even more important, provided for retroactively to October 7, 2001. And we remove, and only we can do this, we remove the combat-related requirement for the death gratuity.

TRICARE, I mentioned the changes there. In addition, there are some other changes for TRICARE Reserve Select. It enhances that coverage, not as much as we wanted; but it is better than what we have got.

Enlistment bonuses, the authority for those is increased substantially. We have got recruitment problems. We have retention problems. We need this authority to help our recruiters if they are to keep end strength in.

The enlistment age. There are some folks out there that would like to get back into the service, age 42, still in good physical condition. This would allow persons who have previously served who would like to enlist again to be considered up to the age of 42.

Here is something that everybody has noted, given the condition of many soldiers who are coming back from the Iraqi and Afghanistan theater: the establishment of a mental health task force that will look at how the Department and services can treat better, identify better, and support better mental health needs, particularly including post-traumatic stress disorder.

It enhances programs and policies to improve the transition of servicemembers who are severely wounded or injured back into civilian life.

It provides temporary authority to the Army to set up four innovative recruitment tests to see if it can improve its recruitment.

It increases hardship duty pay to $750.

It allows the establishment of a pilot program that would match enlisted members' contributions to the Thrift Savings Plan.

It provides foreign language pay, which we badly need, given the shortage of Arab-speaking servicemembers, up to $12,000.

It extends TRICARE, as I said earlier, for children of servicemembers killed in the line of duty until they reach 21 years of age, or 23 if they are a full-time student.

These are just the personnel changes, but every one has a particular appeal to them. They were carefully considered in our committee and the Senate committee and put into the conference bill. Much of this will not be done if this bill does not get passed, and it certainly will not be done until it is finally enacted.

Mr. MEEK of Florida. I just want to ask you a quick question, Mr. SPRATT. I think it is important not only for the Members to know, but for everyone to know: How much work has gone into this Defense authorization bill? It just was not something that one meeting took place. I am pretty sure hours and hours of testimony and also committee work.

Mr. SPRATT. As the gentleman knows, we get the budget the second week in February. Our hearings start almost immediately in the authorization committee because we have got all four services, we have procurement, personnel, research and development, all kinds of issues that have to be thrashed out every year.

We do not mark up and bring a bill to the floor typically until May, sometimes until June. Then we wait on the Senate to get their work done; and usually, if we are lucky, they get theirs

done in July. If we are not lucky, theirs gets done in September or October, and we find ourselves playing catch-up, which is what we are doing in the extreme this year.

Nevertheless, it is a year-long process. We carefully sift through all these issues. We go back to what we did the previous year and see if it worked. If it did not, we make adjustments. It is an ongoing, continual process. An immense amount of work goes into this.

You can say the appropriators do the same thing; but their committee is much, much smaller than ours. Therefore, they do not get into all of these elements nearly as deeply as we do. That is why this authorization is so critically important as part of the process.

Mr. MEEK of Florida. You never heard of a measure coming before the Armed Services Committee dealing with elections. Maybe absentee ballot access for troops or something, but that is about the extent of it, I am pretty sure.

Mr. SPRATT. That is a very good example of something you can spend a lot of time on, but it is important to troops. They are over there fighting for our freedom. We need to make it possible for them to have the fundamental right to vote and make sure their vote will count, make sure it will not be held up somewhere and not get transmitted to be counted. That is not as easy as it seems in some cases. So we have to give a lot of consideration to it.

That is one of the reasons this bill is done annually, every year, because we have to come back and look at what we did last year and see if it is working. If it is not, we make further adjustments and also find out what new problems have cropped up in the past year.

Mr. MEEK of Florida. Well, Mr. SPRATT, I want to thank you once again for coming down and bringing clarification to that. But this is just an ongoing issue.

I can tell you, I had the opportunity, I wanted to share with the Members, to be a guest at 8 a.m. this morning on Washington Journal. And Mr. RYAN knows, as Ms. WASSERMAN SCHULTZ knows, not to put me in charge of an 8 o'clock volunteer breakfast. It is kind of rough for me at 8 in the morning, even though many mornings I am driving my kids to school. But I do not have to speak on the issues that are before the Congress.

It was very strange, like Mr. SPRATT mentioned. There are a lot of things that happened just today, today, that do not ordinarily happen here under the Capitol dome.

□ 2100

To be able to have an authorization bill, to try to put some sort of campaign, let us take the roof off the limits, on to a must-pass bill is very, very unfortunate. To have the whole discussion about the Arctic National Wildlife Reserve where we have Senators on the other side of the aisle saying, well, we are not going to vote on the budget. Before we vote, we will vote on the Defense appropriations bill, and we want to put this in because it cannot pass on its own merits. So it is very, very unfortunate.

I always say, I do not fault the special interests for fighting for what they want. That is their job. That is what they are supposed to do. We are sent here to represent the people of the United States of America, and if we allow it, then shame on us.

I can tell you, fighting against this, any Member can come and can file a piece of legislation, and in some cases we have seen legislation filed early one day and passed later on the same day. In this case, for this to come in on the back of national security and Defense is just beyond me.

I think the American people need to know about it, and the Members need to pay close attention to it. When you have a majority that feels that they can do exactly what they want to do it when they want to do it, that is okay when it is a personal decision. We talk about that. If we make a personal decision and there is a mistake, it is on us. When we make a decision affecting the American people, the men and women in uniform, need it be here, we have a number of military bases that this bill helps for those troops that are here and the civilian personnel that is involved with the Defense Department and other measures throughout, even contractors in this bill.

For them to come in and do this to those individuals right now, putting something on the bill, I hope through our efforts and through many efforts and through, hopefully, some of our friends on the other side of the aisle, we can take this off the bill and be able to take care of our business and give our troops what they need.

Ms. WASSERMAN SCHULTZ. We thank the gentleman from South Carolina so much for joining us. Your expertise is incredibly helpful in terms of us highlighting the problems that we are trying to address in this Chamber.

Do you know how I would analogize the fact that the Republican leadership has now allowed the drilling in the Alaskan National Wildlife Refuge to be added to the Defense appropriations bill, that they have actually agreed to that? I would analogize it this way, and analogize the addition of any extraneous material, campaign finance reform, well, I would say, we almost would have to say ''reverse campaign finance reform,'' because the 527 legislation that they are talking about is more insidious, not being done in a way that would be designed to help add to the public discourse.

But the addition of campaign finance issues or oil drilling in the Alaskan National Wildlife Refuge to the Defense appropriations bill, the way I would analogize it is similar to insurgents in Iraq and in other areas of the world using children as shields. When our troops go into a neighborhood in Iraq and the insurgents put women and children in front of them so that they get killed instead of the insurgents, that is exactly what the Republican leadership is trying to do here. They are trying to put things in that they cannot get passed on their own because they cannot stand on their own merits.

They are putting the Defense appropriations bill, analogous to the women and children in war-torn countries, in front of items that have no merit, that do not have broad bipartisan support, and that cannot pass by themselves and, as a result, causing significant, unnecessary harming to this country. It is just absolutely unconscionable.

It is another circumvention of the process. It is another example of not dealing straight; another example of the incompetence, of the corruption, of the cronyism. Why can they not just be straight?

I serve on a committee where we work together in a bipartisan fashion. We lay our cards on the table in the Financial Services Committee. We agree on some things; we do not agree on others. But there is no clandestine backroom dealing. There is no attempt in that committee to try to stick things in that they can hide what they are really trying to do.

The American people want openness. They want us to vote clearly. I want a clear shot to vote tomorrow. I support defense of this country. Since I have been here, I have taken every opportunity to vote ''yes'' on defending this country to the degree that we need to. But I have serious problems, and so do my constituents, with drilling in the Alaskan National Wildlife Refuge. Quite honestly, we have a raging debate about oil drilling off the coast of Florida. Fortunately, that is not in this bill, but it could have been.

If we are going to continue the debate that we have had on campaign finance reform, then it should be done in the open. It should be done not at the last minute when we are trying to get out of here for the holidays. It should be done in the deliberative fashion, in the appropriate place, in the committees of jurisdiction. But they cannot get it in the honest and straight and fair way. It has to be the back door. It has to be clandestine. And it has to be putting things that they feel like most Members could not vote against in front of, just like insurgents put women and children in front of them so that they can get hurt first.

The American people are going to get hurt first when extraneous material that has nothing to do with the defense of our country is in front of some awful proposals that would never be sustained on their own.

Mr. RYAN of Ohio. There is no question, it is the abuse of power. And we have been given an awesome gift to just be here in the Chamber, to be here as a Member of Congress. To be in the majority is even a greater gift. And to take that and to use the power that

you are given by the American people for the sole purpose of advancing the cause of your own political party, the Republican Party, instead of looking out for what is in the best interest of the United States of America, that is an abuse of power. I think we have seen it here time and time and time again.

We saw it here during the prescription drug bill where we were here until 3 in the morning and it passed by just a couple of votes. We were told as Members of Congress voting on that bill that it was only going to be $400 billion, and then this bill ends up being over 700 almost $800 billion. And the Democrats had two provisions that we wanted to put in that bill: allow for reimportation from Canada to drop the costs of prescription drugs in the United States and, therefore, save the taxpayers' money; and also allow the Secretary of Health and Human Services the opportunity to negotiate down the drug prices and go to America and say, if you want the contract from the Medicare recipients, you have to sit down and we have to negotiate price. Just think how much money we would have saved the taxpayer if we would have done that. Just think about that.

Mr. MEEK of Florida. Let me say, just to back up what you were saying and be a third-party validator on that, I have the facts here. You want to talk about abuse of power? It was printed just this afternoon a story that was posted around 7 p.m. tonight about what is going on in the back Halls of Congress. I mean, we have leaders in the Senate saying that we have an agreement with a said Senator, but I do not want to go into details. That is what our leadership says here in the House.

At the appropriate time when I find the cover sheet to this one story, I will enter that into the RECORD because I think that needs to go into the CONGRESSIONAL RECORD so that when folks start backtracking on what happened in the 109th Congress at the closing of the first session of the 109th Congress, I want them to clearly know what the thinking was on behalf of the majority. These are two majority leaders that are talking about this kind of ''we have a deal worked out, but we do not want to go into details,'' meanwhile holding up the Defense authorization bill. Not only that, holding up the Defense appropriations bill. There are other bills that we would like to get through this Congress.

Mr. RYAN talked about abuse of power. Let me take you down memory lane for a moment. October 7, the Republicans held open a 5-minute vote on Gasoline American Security Act. It lasted over 40 minutes to pass an energy bill that does nothing to lower gas prices, and that bill actually passed only by two votes. The Republican leadership, they have bills that even Republicans do not want to vote for.

I think it is important that the American people are made aware of that and also Members that may need to freshen their memory.

November 22 of 2003 in the 108th Congress as it relates to the Medicare Prescription Drug Bill: 3 hours we stood in this Chamber, Mr. Speaker, waiting on this bill, waiting on us to close the board. When we say ''the board,'' we are talking about the voting board. We sat here for 3 hours while the arm twisting went on. Leader PELOSI came to the floor and put forth a resolution in detail talking about some of the activities on that given evening here on this floor that I am speaking on.

I think it is important we go down memory lane to make sure that people understand when folks talk about fairness and inclusion and that Democrats have access to the process, we just need to go down a brief history of what is going on. And that is the purpose of the 30-something Working Group, that the American people understand exactly what is going on here.

You want to talk about arm twisting? Just recently, July 24 and 28, on those two dates the vote was held open for so long. Leaders held the vote open for 1 hour, well past the 15-minute voting time as they rounded up enough votes to pass CAFTA, which was in the final vote 217–215. Even some Republicans on that side of the aisle could not vote for that piece of legislation because it did not meet the merit to be able to be a sound free trade agreement the American people can embrace. It took an hour for that to happen. Let us go down memory lane once again.

Veterans Affairs, the chairman being pro-veteran, goodness gracious, if you are pro-veteran in the Republican majority, you are going to lose your chairmanship. This is not just our report that we have in the back room here and we said, let us see if we can fabricate something.

January 6, this year, 2005, House Republicans ousted Mr. CHRIS SMITH as chairman of the Committee on Veterans' Affairs for bucking his leadership and being a tireless advocate on behalf of veterans rights. He was not only removed as chairman, which he served on the committee for 24 years, but he was kicked off of the committee, off of the committee.

Mr. RYAN of Ohio. Unbelievable.

Mr. MEEK of Florida. It is one thing, Mr. Speaker, it is really rough to be removed as chairman and then to be kicked off the committee that you served on for 24 years.

Mr. RYAN of Ohio. I served on that committee my last term in Congress. I sat on the Committee on Veterans' Affairs. And that gentleman that you are speaking about had a relationship with the veterans that was unsurpassed. It was unbelievable. The veterans groups loved Mr. SMITH. Loved him. And he advocated for them on their behalf as chairman of the veterans committee.

You do not have to ask me or the 30-something Working Group; you do not have to ask us. Go talk to the head of the disabled veterans groups, go talk to the head of AMVETS, go talk to any single veterans group and they will tell you that they loved them, and he advocated for them, and he disagreed with not fully funding and providing mandatory funding for our veterans health care benefits.

Mr. MEEK of Florida. I have a tail end to that statement on this whole abuse of power, and I am glad you have the perspective from the 108th Congress about what actually took place and how you served with this past-chairman and past-member of the Veterans' Affairs Committee.

The change was widely denounced by leaders of several veterans groups. Richard Fuller of the Paralyzed Veterans of America said in response to that, ''The Republican leadership has made a statement that the country is making too much of a commitment to the men and women who have served in uniform.''

This is from the New Jersey Star Ledger. I think it is important that this is a man, this is obviously a man that has served. He is the president, or was the President, at that particular time of the Paralyzed Veterans of America in response to that. And they have made a very strong statement that they are not willing to make the commitment to men and women that have served in uniform.

□ 2115

So when we talk about the abuse of power, we look at this budget that is under consideration right now. We have been talking about the budget now for several weeks. I think if this Republican majority could give millionaires and billionaires a tax break, they would borrow as much money as they have to borrow to make it happen.

Mr. RYAN of Ohio. Who are they borrowing it from?

Mr. MEEK of Florida. Mr. Speaker, this Republican majority is willing to borrow as much money as possible to give millionaires a tax break.

Ms. WASSERMAN SCHULTZ. Before you change the subject, I just want to say, on veterans, because if we are going to talk about tails, there is the tail the size of a doberman and one the size of a German shepherd. I want to do the length of a German shepherd on this.

We are not talking about the fact that a chairman here who was wonderful for veterans was removed from the chairmanship and removed from the committee. We can go much further and lengthen the tail and talk about the commitment or severe lack thereof commitment to veterans and their health care and sustaining veterans who have given not just their lives but dedicated their lives to this country and put their lives on the line.

Just 6 months ago, we finally had a culmination of a debate that we had begun where we, as Democrats, have been insisting that the Veterans Affairs had a significant shortfall in their budget, at least $1 billion, and there was denial after denial that that was the case. I was not here. In fact, I was

not a Member of Congress at the beginning of that debate.

Then I joined the Congress, and a few months later, we are on the floor passing a supplemental appropriation because the Republican leadership here had to finally acknowledge that there was a shortfall. We had to come in and pass an emergency appropriation so that our veterans could continue to get health care.

As it is, the Republican administration here makes them wait at least 6 months to get any health care services. Now, in this budget, we are going to be cutting, under the Republican's plan, veterans health care by as much as $600 million, even as we have the number of our veterans growing with the war in Iraq and Afghanistan.

So it is not just what we are doing to veterans by throwing out the Members here on both sides who support them, but we are also totally shortchanging them. I just wanted to add that.

Mr. MEEK of Florida. Really, to get to the nitty-gritty of the whole veterans, they instruct the Republican majority, which I must say, when the budget came through this House, Mr. Speaker, not one Democrat voted for the budget. Not one Democrat said, well, maybe I need to vote for this reduction and maybe I just need to do it because of the folks back home; I just do not want to vote against the budget. Not one Democrat voted for the budget that they passed on the backs of the American people, and to come here with a straight face and talk about how we are going to borrow as much money as we have to borrow to give billionaires the majority of the tax breaks of a proposal that we put forward, and these are the very individuals that are standing up with all kinds of markers behind them and charts and everything, fiscal responsibility, ''trust us'' kind of thing, and I can tell you right now, Mr. Speaker, we should have as much trust and confidence within our government. But when we see our leaders act in such a way legislatively, I think it is something that should be quite alarming.

I want to come to the gentleman from Ohio (Mr. RYAN) for a second, but I want to hit this chart since we are talking about being responsible.

If I could, I would like to kind of get a billboard placed probably right where the Members come in to vote, if I could. If I could talk to House Administration to see if I could do that, I think it would be helpful for the financial well-being of every American. So when the Republican majority is driving in here and saying, I want to borrow as much money as I can to make sure that oil companies have the subsidies that they would like to have, even though they are making record profits, we are going to give them more than we are giving to the American people or more than we are giving to Leave No Child Left Behind to improve that Act.

There are going to be 11 States that have filed suit against the Federal Government because it is underfunded, but meanwhile, here we are speaking of, let us borrow as much as we can to give billionaires their tax break, $1.05 trillion this President has borrowed with the Republican majority, in just 4 years, from foreign nations such as China, Saudi Arabia, Japan, you name it. They have a piece of the American pie now because we have borrowed $1.05 trillion. Forty-two Presidents before this President and before this overwhelming so-shall-it-be-written-so-shall-it-be-done Republican majority, 42 Presidents in the past, $1.01 trillion, 42 Presidents, 224 years of a country and trying to be as fiscally responsible as possible. I think it is important that the Members pay very close attention to this chart, and unfortunately, Mr. Speaker, this is continuing to go up and up and up and up and up.

Mr. RYAN of Ohio. Mr. Speaker, when you are having your Christmas party or your Chanukah party or your Kwanzaa party or your holiday party or whatever you call things these days, because I even get nervous wishing somebody a merry Christmas anymore, when one of the billionaires, one of the millionaires are around the party table in the next week or two and they are holding up their glass, they should say, thank you, Chinese government; thank you, House of Sahd; thank you, Japan, for loaning my country the money to be able to give me a tax cut. Do not thank us. Thank the people we are borrowing the money from. Thank them, because we are borrowing money from the Chinese and the Saudi Arabians and the Japanese to give a tax cut to the wealthiest people in the United States of America.

Not only are we borrowing it, but the money we do take in, look what we are spending it on in Iraq: $1.5 billion a week. Look at these Iraqi projects: Transportation and communication, $508 million. Look what we are cutting over here in the United States: $500 million to our student loan programs. In Iraq: Electricity projects, $4 billion for electricity projects in Iraq. In the United States, we are cutting $4.9 billion from child support to go after deadbeat dads; $1.72 billion in Iraq for oil infrastructure. What are we cutting back here at home? Farm commodity and conservation programs, just about the same number, $1.76 billion, we are cutting here at home.

We are borrowing from China. We are giving that money to the richest people in our country, and then we are putting the cuts that we have to have over here, because this administration and the Republican majority cannot get the economy up and running; we are cutting here child support, student loans, free and reduced lunch. All these things are happening on the backs of the American people.

Ms. WASSERMAN SCHULTZ. While we are at it, while we are cutting the budget and basically paying for what is going on in the war in Iraq, we are providing billions of dollars in tax cuts for the wealthy, and we are all about third party validators here.

On top of what you just outlined, tax analysts agree, and this is in the New York Times, third party validators, tax analysts agree that the overwhelming bulk of the dividend goes to the top 5 percent of income earners. We just passed a $56 billion tax cut package over 5 years one day last week after we passed another tax cut package that is $39 billion over 5 years. There was no argument, no argument at all that the tax cuts that we have been passing go to the top two-tenths of 1 percent of the wealthiest people in America.

When I go home, I represent a fairly middle class district, working families, not the depths of the poor, working families. When I stand up in town hall meetings, I ask my folks to raise your hand if you have benefited from any of the tax breaks that have been handed down by the Bush administration for the last 6 years. Do you know, maybe one, two hands go up in a roomful of hundreds of people? Who are getting these tax breaks? The Rolls Royce Republicans. That is who are getting these tax breaks. That is what this administration and this leadership is all about, the Rolls Royce Republicans.

Mr. RYAN of Ohio. That is a great point because this is not your father's Republican party. This is not the Richard Nixon Republican party or Abraham Lincoln Republican party. This is a right wing agenda that is coming down the pike here with ANWR drilling coming in. If you are pro-environment and you are with the right wingers, you are in the wrong party because they want to drill. And they do not want to have an alternative energy program.

Mr. MEEK of Florida. Once again, I just have to point out, and this is going to take me about 10 seconds to do it. They cannot get Republicans in this House to vote for drilling in ANWR. They cannot get them to do it. So I do not blame Republicans, and I do not even blame the Republican Party. I blame the Republican leadership that is leading the Republican side of the aisle and even giving the oil companies and the special interests the thought that they can invade the Defense appropriations bill of all bills. Republicans, their stomach is all messed up over this.

The Republicans need to ask elected Republicans when they go home, why did you change on me? You changed uniforms in the middle of the football game. I am not an advocate for the majority, but I am just saying, there is something fundamentally wrong here. I want to know, what is the problem, and who is whispering in whose ear?

I did find the article, Mr. Speaker, and I would just like to insert it, but it is, Plan to Move ANWR to Defense Bill Moves Budget Deal Forward. That is CQ Today, December 17 article, Mr. Speaker, and I will enter that into the RECORD at this point.

[From the CQ Today, December 17, 2005]

PLAN TO MOVE ANWR TO DEFENSE BILL MOVES BUDGET DEAL FORWARD

(By Steven T. Dennis and Liriel Higa)

A conference report on a $45 billion budget savings package was nearly complete Saturday evening after House leaders reached an agreement with Senate Defense Appropriations Chairman Ted Stevens to move a provision allowing drilling in Alaska's Arctic National Wildlife Refuge (ANWR) out of the legislation and into the Defense bill.

The agreement on moving ANWR came on a day of negotiations on multiple fronts. On Saturday night, the House by voice vote passed a stopgap spending measure (H J Res 75) to temporarily fund Defense programs and other government operations after a day-long dispute between Republican leaders in both chambers over when the measure would expire.

A new stopgap measure must be cleared by Congress and signed by President Bush by midnight, when an earlier stopgap spending measure (H J Res 72) expires.

On Sunday, House leaders expect to bring the budget package (HR 4241, S 1932) to the floor for a vote. And they expect Stevens, R–Alaska, to sign the budget conference report.

Stevens, a staunch supporter of ANWR energy exploration, had vowed not to do so until the lawmakers cleared the Defense spending bill (HR 2863) with drilling provisions intact. But he later agreed to allow the budget conference to move forward provided that the House passes the Defense bill with ANWR attached.

''We have an agreement with Sen. Stevens, but I don't want to go into all of the details,'' said House Speaker J. Dennis Hastert, R–Ill.

House Budget Chairman Jim Nussle, R–Iowa, said Saturday afternoon that his panel was expecting final reports from authorizing committee chairmen by the evening and that once the final bill is scored by the Congressional Budget Office, the budget savings package should come close to the $45 billion goal set by House leaders.

Nussle said that they ''need, want, expect'' Stevens' vote on the budget bill. He said the House would vote on the Defense spending bill Sunday before voting on the reconciliation bill.

The Senate also would likely vote on the Defense bill with ANWR attached before voting on the budget reconciliation package according to a senior Senate GOP leadership aide. The timetable for Senate action is unclear.

It is uncertain if Democrats would attempt to filibuster the Defense measure. But they were hoping to muster the 51 votes needed to reject attaching ANWR drilling to the conference report.

The budget savings package is protected from filibuster in the Senate under special budget reconciliation rules, but the Defense spending measure has no such protection.

''This language has the potential, in my opinion, to sink the package once it reaches the Senate.''

The ANWR provision, which was included in the Senate's version of the budget package but not the House bill, has been a sticking point in finishing work on the legislation—especially for House moderates and Democrats. Negotiators hope that moving the proposal to the must-pass Defense bill makes the budget legislation easier to pass while making it harder politically for Democrats to filibuster.

A number of other provisions in the Budget savings bill opposed by House moderates—including savings in food stamps, child support enforcement and welfare—would not be in the final bill either, Nussle said.

But a $3.2 billion House provision shifting trade dumping penalties to the U.S. Treasury instead of aggrieved companies was still in the package, Nussle said.

Medicaid and Medicare provisions were still being hashed out late Saturday afternoon, as negotiators awaited scoring of the provisions.

The package still needed to go through a so-called ''Byrd bath,'' to ensure that it does not run afoul of the Byrd rule. Named for Senator Robert C. Byrd, D–W.Va., the rule prohibits provisions in budget legislation that would have a negligible spending impact.

Meanwhile, Republican moderates in the House began to worry that their victory in stripping ANWR from the House budget package was becoming a fleeting one.

Representative Sherwood Boehlert, R–N.Y., said he and other moderates would consider voting against the budget savings package unless ANWR is removed from the Defense bill. ''The my way or the highway crowd'' has been winning, and moderates need to consider changing tactics, he said.

House Appropriations Chairman Jerry Lewis, R–Calif., said appropriators were close to a deal on additions to the Defense appropriations bill, including hurricane relief, flu prevention funding and a 1 percent across-the-board cut that would apply to Defense but spare veteran's benefits. That cut would save about $8 billion a year.

STOPGAP FUNDING

Lewis lost in an intraparty dispute Saturday with Senate leaders over how long to temporarily fund government operations covered by spending bills have not yet cleared, including Defense.

Since the fiscal year began on Oct. 1, Congress has twice enacted such stopgap spending measures. On Saturday, Lewis introduced a third continuing resolution lasting until Feb. 15, but the Senate insisted that the measure expire sooner, on Dec. 31.

The continuing resolution would fund programs covered under the Defense bill and the Labor-HHS–Education appropriations measure (HR 3010)—the only two spending measures that have not yet cleared.

Lewis had said he was seeking a Feb. 15 extension because of concerns that the Senate would not be able to clear the Labor–HHS spending measure before adjourning.

Lewis rejected a proposal floated Friday by Senator Arlen Specter, R–Pa., chairman of the Labor-HHS–Education Appropriations Subcommittee, to tack the bill on to the Defense Appropriations measure.

Ms. WASSERMAN SCHULTZ. We have got to stop thinking about the special interests before we think about the average American because that is really what it boils down to, and those Republicans that you are talking about, I represent a lot of them.

I live in a town that precinct by precinct, 13 precincts in my town, in this city of Weston; every single one of them is majority Republican registration. I cannot walk down the street without interacting with a Republican registered voter, and by the way, I win every one of those precincts with more than 60 percent of the vote. I am certainly not a Republican, and the reason that happens is because it happens to be a community that has some wealth. People stop me in the supermarket, on the soccer field all the time and say: DEBBIE, keep the darn tax cut. I do not need the tax cut. It does not help me that much. I want my kid to have a good education. I want people to have health care.

They understand. They understand that the economy does not boom because the top two-tenths of 1 percent of Americans get a tax cut. They understand that it is kids who grow up and can get a good education and who sit across the desk from these constituents of mine, most of whom are employers, who are bosses who are interviewing kids who graduate from high school unprepared for the path that they choose in life because we are not adequately funding education because they come to work sick and have to go home early because we have 45 million people who do not have health insurance.

They want to know where this Republican leadership's priorities are, where their Republican party that they have chosen to affiliate themselves with, where their priorities are, because it is not with them. I am not sure what our other colleagues' Republican constituents are saying to them, but that is what mine are saying to me.

I think we have got to stop being the Congress of the special interests and return to being the Congress of the American people. While we are on the subject of the success of this administration, and you talk about how significant that deficit, and the combination of 42 other Presidents combined, had a bigger deficit. The President does like to talk about the success of the economy and how it is experiencing a resurgence and how we are really in real good shape right now. I want to just show you a chart that I had made up. It gives you an example of the economic success of America under the Bush administration.

□ 2130

Let us go down memory lane. Under the administration of Bush 41, the Dow went up 10.1 percent. Under President Clinton's first Presidency, 19.6 percent. Second Clinton Presidency, 12.3 percent. Negative. Three percent under this President's first term; now two-tenth's of 1 percent. Literally, President Clinton's Dow went up 225 percent; and under this President, the Dow has gone up 3 percent. Not exactly a stellar record in terms of improving the economy.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. There is no doubt about it, and here is where not only the Dow is not growing at the clip we need it to, this is where the tax cuts are going.

And I think we have to make this point. We talk about health care and education, and the Democrats have talked about how we have reformed those systems, not talking just throwing money at them, but we need new innovative progressive ways of educating our kids and delivering health care. The Democrats have a plan to do that. These are good investments.

The gentlewoman was talking about the millions of kids who do not have

health insurance and how people in her community are smart enough to know we need to do that. Those kids end up in the emergency room much sicker than they would be if they had some preventive care. What we are advocating for is to make sure we provide this kind of care for those kids, to make sure we save the taxpayer money in the long run.

So as this is probably our last 30-something for 2005, Happy Chanukah, Kwanzaa, Merry Christmas.

Ms. WASSERMAN SCHULTZ. A joyous holiday season.

Mr. RYAN of Ohio. Have a very happy, joyous holiday season, because we are all Americans. And I would like to now give the e-mail address here: 30somethingdems@mail.house.gov. That is 30, the number, somethingdems@mail.house.gov.

Does the gentleman from Florida have any final words to share with the American people and his colleagues?

Mr. MEEK of Florida. Well, first Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I look forward to coming back and joining my colleagues in the 30-something Working Group next year.

Mr. MEEK of Florida. I just want to say to my colleagues here, and Mr. SPRATT, who was here earlier, that it has definitely been a great joy and honor to be a part of this group that we have that is working so hard, and also Mr. DELAHUNT and many other members of the 30-something Working Group. On behalf of all of us, we want to thank not only the Speaker-to-be, hopefully in the next Congress, Leader PELOSI, but also our Democratic whip, Mr. HOYER. And I want to congratulate Mr. BOB MENENDEZ on being appointed to the Senate in the very near future, and also to Mr. CLYBURN.

Mr. RYAN of Ohio. And also Mr. Tom Manatos, who keeps us all together down here. Tom, you are the man.

Mr. MEEK of Florida. And, Mr. Speaker, we wish you a Merry Christmas, too, sir.

## FOREIGN POLICY

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, our country faces major problems. No longer can they remain hidden from the American people. Most Americans are aware the Federal budget is in dismal shape. Whether it is Social Security, Medicare, Medicaid, or even the private pension system, most Americans realize we are in debt over our heads. The welfare state is unmanageable and severely overextended.

In spite of hopes that supposed reform would restore sound financing and provide for all the needs of the people, it is becoming more apparent every day that the entire system of entitlements is in a precarious state and may well collapse. It does not take a genius to realize that increasing the national debt by over $600 billion per year is not sustainable. Raising taxes to make up the shortfall is unacceptable, while continuing to print the money needed will only accelerate the erosion of the dollar's value.

Our foreign policy is no less of a threat to us. Our worldwide military presence and our obsession with remaking the entire Middle East frighten a lot of people both here and abroad. Our role as world policeman and nation-builder places undue burdens on the American taxpayer. Our enormous overseas military expenditures, literally hundreds of billions of dollars, are a huge drain on the American economy.

All wars invite abuses of civil liberties at home, and this vague declaration of war against terrorism is worse than most in this regard. As our liberties here at home are diminished by the PATRIOT Act and national ID card legislation, we succumb to the temptation of all empires to spy on American citizens, neglect habeas corpus, employ torture tactics, and use secret imprisonments. These domestic and foreign policy trends reflect a morally bankrupt philosophy devoid of any concern for liberty and the rule of law.

The American people are becoming more aware of the serious crisis this country faces. Their deep concern is reflected in the current mood in Congress. The recent debate over Iraq shows the parties are now looking for someone to blame for the mess we are in. It is a high-stakes political game. The fact that a majority of both parties and their leadership endorsed the war and accept the same approach towards Syria and Iran does nothing to tone down the accusatory nature of the current blame game.

The argument in Washington is over tactics, quality of intelligence, war management, and diplomacy, except for the few who admit that tragic mistakes were made and now sincerely want to establish a new course for Iraq. Thank goodness for those who are willing to reassess and admit to those mistakes. Those of us who have opposed the war all along welcome them to the cause of peace.

If we hope to pursue a more sensible foreign policy, it is imperative that Congress face up to its explicit constitutional responsibility to declare war. It is easy to condemn the management of a war, one endorsed, while deferring to the final decision about whether to deploy the troops to the President. When Congress accepts and assumes its awesome responsibility to declare or not declare war as directed by the Constitution, fewer wars will be fought.

Sadly, the acrimonious blame game is motivated by the leadership of both parties for the purpose of gaining or retaining political power. It does not approach a true debate over the wisdom or lack thereof of foreign military interventionism and preemptive war.

Polls indicate ordinary Americans are becoming uneasy with our prolonged war in Iraq which has no end in sight. The fact that no one can define victory precisely, and most Americans see us staying in Iraq for years to come, contributes to the erosion of support for this war. Currently, 63 percent of Americans disapprove of the handling of the war, and 52 percent say it is time to come home. Forty-two percent say we need a foreign policy of minding our own business. This is very encouraging. The percentages are even higher for the Iraqis. Eighty-two percent want us to leave, and 67 percent claim they are less secure with our troops there.

Ironically, our involvement has produced an unusual agreement among the Kurds, Shiites, and Sunnis, the three factions at odds with each other. At the recent 22-member Arab League meeting in Cairo, the three groups agreed on one issue. They all want foreign troops to leave. At the end of the meeting, an explicit communique was released: ''We demand the withdrawal of foreign forces in accordance with a timetable and the establishment of a national and immediate program for rebuilding the armed forces that will allow them to guard Iraq's borders and get control of the security situation.''

Since the administration is so enamored of democracy, why not have a national referendum in Iraq to see if the people want us to leave? After we left Lebanon in the 1980s, the Arab League was instrumental in brokering an end to that country's 15-year civil war. Its chances of helping to stop the fighting in Iraq are far better than depending on the United Nations, NATO, or the United States.

This is a regional dispute that we stirred up, but cannot settle. The Arab League needs to assume a lot more responsibility for the mess that our invasion has caused. We need to get out of the way and let them solve their own problems. Remember, once we left Lebanon, suicide terrorism stopped and peace finally came. The same could happen in Iraq.

Everyone is talking about the downside of us leaving and the civil war that might erupt. Possibly so. But no one knows with certainty what will happen. There was no downside when we left Vietnam. But one thing for sure, after a painful decade of the 1960s, the killing stopped and no more Americans died once we left. We now trade with Vietnam and enjoy friendly relations with them. This was achieved through peaceful means, not military force.

The real question is how many more Americans must be sacrificed for a policy that is not working. Are we going to fight until we go broke and the American people are impoverished? Common sense tells us it is time to reassess the politics of military intervention and not just look for someone to blame for falling once again into the trap of a military quagmire.

The blame game is a political event designed to avoid the serious philosophic debate over our foreign policy of interventionism. The mistakes made by both parties in dragging us into an unwise war are obvious, but the effort to blame one group over the other confuses the real issue. Obviously, Congress failed to meet its constitutional obligation regarding war. Debate over prewar intelligence elicits charges of errors, lies, and complicity.

It is argued that those who are now critical of the outcome are just as much at fault since they too accepted flawed intelligence when in deciding to support the war. This charge is leveled at previous administrations, foreign governments, Members of Congress, and the United Nations, all who made the same mistake of blindly accepting the pre-war intelligence.

But complicity, errors of judgment, and malice are hardly an excuse for such a serious commitment as a preemptive war against a nonexistent enemy. Both sides accepted the evidence supposedly justifying the war, evidence that was not credible. No weapons of mass destruction were found. Iraq had no military capabilities. Al Qaeda and Saddam Hussein were not allies. Remember, we were once allies of both Saddam Hussein and Osama bin Laden. And Saddam Hussein posed no threat whatsoever to the United States or his neighbors.

We hear constantly that we must continue the fight in Iraq and possibly in Iran and Syria because it is better to fight the terrorists over there than here. Merely repeating this justification, if it is based on a major analytical error, cannot make it so. All evidence shows that our presence in Iraq, Saudi Arabia, and other Muslim countries benefits al Qaeda in its recruiting efforts, especially in its search for suicide terrorists.

This one fact prompts a rare agreement among all religious and secular Muslim factions, namely, that the U.S. should leave all Arab lands. Denying this will not keep terrorists from attacking us. It will do the opposite. The fighting and terrorist attacks are happening overseas because of a publicly stated al Qaeda policy that they will go for soft targets: our allies, whose citizens object to the war, like Spain and Italy. They will attack Americans who are more exposed in Iraq.

It is a serious error to conclude that fighting them over there keeps them from fighting us over here or that we are winning the war against terrorism. As long as our occupation continues and American forces continue killing Muslims, the incentive to attack us will grow. It should not be hard to understand that the responsibility for violence in Iraq, even violence between Iraqis, is blamed on our occupation. It is more accurate to say the longer we fight them over there, the longer we will be threatened over here.

□ 2145

The final rhetorical refuge for those who defend the war not yet refuted is the dismissive statement that the world is better off without Saddam Hussein. It implies no one can question anything we have done because of this fact. Instead of an automatic concession, it should be legitimate, even if politically incorrect, to challenge this disarming assumption. No one has to like or defend Saddam Hussein to point out, we will not know whether the world is better off until we know exactly what will take Saddam Hussein's place. This argument was never used to justify removing murderous dictators with much more notoriety than Saddam Hussein such as our ally Stalin, Pol Pot whom we helped to get into power, or Mao Tse Tung. Certainly the Soviets, with their bloody history and thousands of nuclear weapons aimed at us, were many times over greater a threat to us than Saddam Hussein ever was. If containment worked with the Soviets and the Chinese, why is it assumed without question that deposing Saddam Hussein is obviously and without question a better approach for us than containment?

The ''we are all better off without Saddam Hussein'' cliche does not address the question of whether the 2,100-plus American troops killed or the 20,000 wounded and sick troops are better off. We refuse to acknowledge the hatred generated by the deaths of tens of thousands of Iraqi citizens who are written off as collateral damage. Are the Middle East and Israel better off with the turmoil our occupation has generated? Hardly. Honesty would have us conclude that conditions in the Middle East are worse since the war started. The killing never stops, and the cost is more than we can bear both in lives and limbs lost and dollars spent. In spite of the potential problems that may or may not come from our withdrawal, the greater mistake was going in in the first place.

We need to think more about how to avoid these military encounters rather than dwelling on the complications that result when we meddle in the affairs of others with no moral or legal authority to do so. We need less blame game and more reflection about the root cause of our aggressive foreign policy. By limiting the debate to technical points over intelligence, strategy, the number of troops and how to get out of the mess, we ignore our continued policy of sanctions, threats and intimidation of Iraqi neighbors, Iran and Syria. Even as Congress pretends to argue about how or when we might come home, leaders from both parties continue to support the policy of spreading the war by precipitating a crisis with these two countries. The likelihood of agreeing about who deliberately or innocently misled Congress, the media and the American people is virtually nil. Maybe historians at a later date will sort out the whole mess. The debate over tactics and diplomacy will go on, but that only serves to distract from the important issue of policy. Few today in Congress are interested in changing from our current accepted policy of intervention to one of strategic independence. No nation building, no policing the world, no dangerous alliances. But the result of this latest military incursion into a foreign country should not be ignored. Those who dwell on pragmatic matters should pay close attention to the result so far.

Since March 2003, we have seen death and destruction, 2,100-plus Americans killed and nearly 20,000 sick and wounded, plus tens of thousands of Iraqis caught in the crossfire. A Shiite theocracy has been planted. A civil war has erupted. Iran's arch nemesis, Saddam Hussein, has been removed. Osama bin Laden's arch nemesis, Saddam Hussein, has been removed. Al Qaeda now operates freely in Iraq, enjoying a fertile training field not previously available to them. Suicide terrorism spurred on by our occupation has significantly increased. Our military-industrial complex thrives in Iraq without competitive bids. True national defense and the voluntary Army have been undermined.

Personal liberty at home is under attack; assaults on free speech and privacy, national ID cards, the PATRIOT Act, National Security Letters, and challenges to habeas corpus all have been promoted.

Values have changed, with more Americans supporting torture and secret prisons. Domestic strife, as recently reflected in arguments over the war on the House floor, is on the upswing. Preemptive war has been codified and accepted as legitimate and necessary, a bleak policy for our future.

The Middle East is far more unstable, and oil supplies are less secure, not more. Historic relics of civilization protected for thousands of years were lost in the flash while oil wells were secured. U.S. credibility in the world has been severely damaged, and the national debt has increased enormously, and our dependence on China has increased significantly as our Federal Government borrows more and more money.

How many more years will it take for civilized people to realize that war has no economic or political value for the people who fight and pay for it? Wars are always started by governments, and individual soldiers on each side are conditioned to take up arms and travel great distances to shoot and kill individuals that never meant them harm. Both sides drive their people into a hysterical frenzy to overcome the natural instinct to live and let live. False patriotism is used to embarrass the good-hearted into succumbing to the wishes of the financial and other special interests who agitate for war. War reflects the weakness of a civilization that refuses to offer peace as an alternative.

This does not mean we should isolate ourselves from the world. On the contrary, we need more rather than less interaction with our world neighbors. We should encourage travel, foreign commerce, friendship and exchange of ideas. This would far surpass our misplaced effort to make the world like us through armed force. This can be achieved without increasing the power of the state or accepting the notion that some world government is needed to enforce the rules of exchange. Governments should get out of the way and let the individuals make their own decisions about how they want to relate to the world.

Defending our country against aggression is a very limited and proper function of government. Our military involvement in the world over the past 60 years has not met this test, and we are paying the price.

A policy that endorses peace over war, trade over sanctions, courtesy over arrogance and liberty over coercion is in the tradition of the American Constitution and American idealism. It deserves consideration.

## BLUE DOG COALITION

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Mr. Speaker, I come to the floor this evening as a member of the fiscally conservative Blue Dog Coalition, a group of 37 fiscally conservative Democrats that are concerned about our Nation and its future due to the rising cost of our debt, our deficit. We believe it is time to restore some common sense in fiscal discipline to our Nation's government.

Mr. Speaker, I stand here today on the floor of the United States House of Representatives as a voice for the people of Arkansas' Fourth Congressional District.

It is one thing for all of us to have the title U.S. Representative, but it is another thing to be one, and I believe it is important that we go back to our respective districts; I go home every weekend to places like Hot Springs and Texarkana and Pine Bluff and El Dorado and Mena and Hope and Arkandelphia, and throughout the 29 counties and 150 towns that I so proudly represent, and listen to the people. And then I do my best to bring their voice back here to the floor of the United States House of Representatives.

The people are telling me that it is time that our Nation get its fiscal house in order and stop this reckless spending that has resulted in the largest deficit ever in our Nation's history for a fifth year in a row and has resulted in a debt that totals $8.137 trillion. That is $8 trillion, 137 billion and some change.

In fact, for every man, woman, and child in this country, if we all had to get our checkbooks out tonight and retire this debt, everybody, including the children, the babies being born today, would have to write a check for some $27,000.

You hear a lot of talk these days about this being a Democratic idea or this being a Republican idea. And, Mr. Speaker, I am here to tell you that I believe the people in this country like me are sick and tired of all the partisan bickering that goes on at our Nation's Capital.

It should not matter if it is a Democratic idea or a Republican idea. In fact, the American people are concerned not about petty partisan politics, but they are concerned about paying for the high cost of their children's college education, the skyrocketing cost of health care and how to pay for prescription drugs. They are concerned about their retirement security, about privatizing Social Security, Medicare and Medicaid, skyrocketing natural gas and energy prices, the war in Iraq and thousands of Katrina victims who nearly 4 months after the devastating hurricane still today remain homeless.

Let me tell you about my America. My congressional district back home in Arkansas ranks 415 out of 435 among congressional districts throughout the country in average income per household. Half the children in Arkansas are on Medicaid. Eight out of ten seniors in nursing homes are on Medicaid. One in five people in my home State of Arkansas are on Medicaid. Yet, around 1 o'clock in the morning on November 18, Congress nearly passed the so-called Deficit Reduction Act that would directly and adversely impact the poor, the disabled, the elderly. This bill mandates nearly $50 billion in spending cuts, including $11.4 billion in cuts to Medicaid, the only health insurance plan for the poor, the disabled, the elderly; $14.3 billion in cuts to Federal student aid programs; over $3 billion in cuts to our farm families; and over $700 million in cuts to food stamps. Then the Republican leadership turns around and passes $56 billion worth of tax cuts, $50 billion in spending cuts, $56 billion in tax cuts. Only in Washington do you add $6 billion to the Nation's debt and call it the Deficit Reduction Act.

Mr. Speaker, I will never stop fighting for the conservative smalltown values that I was raised on and still believe in, and I cannot help but reflect on one of the memory verses that I learned growing up at Midway United Methodist Church just outside Prescott, Arkansas. It is from Matthew 25:40, and it goes like this: I tell you the truth. Whatever you did for one of the least of these brothers of mine, you did for me.

Mr. Speaker, the idea of cutting programs that would negatively impact the poorest among us does not resonate with the principles on which this country was founded. These budget cuts are indicative of misguided priorities and do not reflect the values I learned growing up in places like Emmet, Prescott and Hope, Arkansas.

As members of the Blue Dog Coalition, we believe we have the answer to this massive debt, this ongoing deficit, and we believe we can get it under control without harming and cutting programs for the poorest among us. It is called the Blue Dog 12-Point Plan. It is 12 simple points, quite frankly, that, if implemented, would truly restore some fiscal discipline and common sense to our Nation's government. This evening, Mr. Speaker, we plan to spend the remaining part of this hour going over these 12 points. So many people criticize what is going on, but they do not offer up a solution, and what we are trying to do as members of the Blue Dog Coalition is offer up an alternative, offer up a solution to this massive debt and deficit, this budget problem our Nation has today.

With me to help do that I am real proud to have JOHN TANNER, one of the founding members of the Blue Dog Coalition from the State of Tennessee; DENNIS CARDOZA, one of the co-chairs of the Blue Dog Coalition from California; and Allen Boyd from Florida, one of the founding members, longtime members, former chairman of the Blue Dog Coalition. So we come to you this evening from all across America, from Arkansas and Tennessee and California and Florida, to offer up what we believe are commonsense ideas to truly try to get this Nation's fiscal house back in order. As 37 members of Congress, we have come together, and we have written this 12-point reform, and we are encouraging Democrats and Republicans to join us as we try to get this Nation back on track.

□ 2200

And the reason this is so important and why this should matter to everybody across our land, $8.137 trillion in debt. That is very important for a lot of reasons, not the least of which is our Nation today. The first $500 million we collect every day in taxes from taxpayers does not go to better roads, better education, better health care. It simply goes to pay interest, to pay interest on the national debt.

It is not getting any better. In fact, our Nation is borrowing another $907 million every 24 hours. As Members of the Blue Dog Coalition, we want to fix this, and we can do it with our 12-point plan.

Madam Speaker, I yield to the gentlemen from Florida (Mr. BOYD).

Mr. BOYD. Madam speaker, I want to thank my friend from Arkansas for organizing this hour to give the Blue Dogs a chance to talk to the Nation about our 12-point plan. I came here 9 years ago and have been a part of the Blue Dog Coalition since that time and am real proud of the work that they do in trying to bring a message to this Congress and to the country that fiscal responsibility and fiscal discipline does matter.

Now, as our friend from Arkansas, Congressman ROSS, said earlier, he grew up in a small town in Arkansas. I

grew up in a small rural community in North Florida just right on the Georgia border, a little community, 3,000 people or so, grew up on a farm. My wife and I still live today on that farm.

I spent all of my adult life as a business person, and, Madam Speaker, one of the things that I learned a long time ago was the lesson that all of our business people out there understand, our government leaders and even those who are not running a business, but are running households, that fiscal responsibility does matter.

We always have to be conscious of our fiscal condition no matter what kind of operation we are running. And indeed, this U.S. Congress and the administration are running the largest business, almost a $2.5 trillion business. That is about the budget, about the average annual U.S. Government budget now. And we are running about a $350 billion annual deficit.

Now, Madam Speaker, I got into politics back about 17 years ago, and one of the reasons that I chose to run for public office was because I was concerned about some of our governments, State and particularly Federal governments, spending more money as a matter of practice than they took in on an annual basis. And so I got into the State legislature, and I watched the Federal Government build annual spending deficits of almost $300 billion.

I think the number in 1992 was about $290 billion, at which point the American people finally said this is not right, we ought to do something about this. Pursuant to that 1992 Presidential election, the United States Government, under a Democratic President and a Republican-run Congress, later on House and Senate after 1994, worked really hard on eliminating that Federal annual deficit. And it went from $290 billion. It was not easy. A lot of sacrifice. A lot of pain. A lot of programs cut, and it was necessary, led by, at that time, President Clinton.

We moved from in 1992 a $290 billion annual deficit, and in a short 8 years later, we actually had an annual surplus. $290 billion annual deficit in 1992. In 2000 we had an annual surplus; our U.S. Government budget was right.

What has happened since then? We have gone from an annual surplus and a $5.6 trillion debt in 2001, when we had the last one, this administration came into office, to today where we have about a $350 billion annual deficit.

As you see there on the chart, a debt amassed at over $8.1 trillion dollars, $27,000 for every man, woman and child in the country. You know, ladies and gentlemen, Madam Speaker, we know what we have to do to eliminate this deficit and start reducing this debt.

We cannot do it all at once. It takes a lot of hard work. We want to use the model that President Clinton and the Republican-led Congress in 1997 put together.

And that is what the Blue Dogs are trying to convince the leaders of the Congress and the administration today, is that it has to come together in a bipartisan way. We have to work together. We cannot continue to try to move policies strictly on a polarized and partisan basis.

I am real honored to be here tonight. Again, I thank the gentleman from Arkansas (Mr. ROSS) for putting this together. But I believe that the most important thing we can do in that 12-step plan is to put a provision in our Constitution that requires us to balance our budget.

Otherwise, sometimes maybe the Congress, the administration, do not have the will to do it. So that is one of the points that we should be talking about tonight, and that is a constitutional requirement for a balanced budget. We had many votes on that prior to 2001, prior to the current administration coming in to office. We had many votes on the House floor to put in the Constitution a balanced budget.

But I do not think we have had any since 2001. So I look forward to the discussion tonight. I yield to the gentleman from Arkansas.

Mr. ROSS. Madam Speaker, I want to thank the gentleman from Florida (Mr. BOYD), and I would encourage the gentleman to stay with us for the remainder of this hour. You helped write these 12 points. You have got a lot of expertise on ways that our Nation can once again return to a balanced budget.

And I hope you will be able to stay with us as we go through the 12 points. It is hard to believe now that from 1998 through 2001 this Nation had a balanced budget, because for the fifth year in a row, we have got the largest budget deficit ever, ever in our Nation's history. Again, our debt is $8.137 trillion.

And that is why, as Members of the fiscally conservative Blue Dog Coalition, we are here to address this issue that is critical to our Nation, to our children, to our grandchildren, and certainly to their future.

At this time, I am pleased to yield to the gentleman from California, the cochair of the Blue Dog Coalition, Mr. CARDOZA.

Mr. CARDOZA. Madam Speaker, I thank the gentleman from Arkansas (Mr. ROSS) for organizing this on behalf of the Blue Dog Coalition. It is truly an honor to be one of the cochairs of the Blue Dogs and to serve on that illustrious body with you.

I want to start off tonight talking about not our priorities, but what I heard one of our respected colleagues talk about just before we went on. Mr. PAUL talked about how he thinks that we are going in the wrong direction in the country.

I did not hear his whole presentation, but I thought it was an interesting indictment of his own side of the aisle, because he felt that we had not done the right thing by balancing the budget and going along. He does not like the direction of where we are going. I thought he spoke a lot of truth tonight. I just wanted to highlight that and say, as Mr. BOYD did previously, that we really are about trying to figure out bipartisan solutions to making a new direction for our country and a better direction, where we pay as we go, where we do not build up these huge debts, and do not leave a huge legacy of debt to our children.

Two weeks ago on this floor, you and I had a colloquy with regard to the debt and the priorities of our country. Two weeks ago we talked about a reconciliation bill that actually, instead of reducing the national debt, increased the national debt by $20 billion; but that is not even necessarily the worst part of this.

The worst part of it is when we are making the debt worse by what the Republican leadership is proposing, and we do not have the right priorities, the right family values, the right values for our Nation in the reconciliation package.

In fact, the Republican reconciliation package cuts out $600 million for foster children, orphans, and abused children. They are taken out of their families and put in homes, cuts of $600 million. We never have had more abused and orphaned children in this entire country. There are over half a million children in our country that are not living with their parents. They have been taken out of their parents' home either because their parents have gotten into trouble, cannot take care of them any longer, or have abused them. And they are living with someone else.

We are cutting the funds to provide programs for those children when we are giving tax cuts, or we are proposing tax cuts, we are not doing it, it is the other side of the aisle, tax cuts to the wealthiest 1 percent of Americans, people who make over $1 million a year.

Now, I do not believe in class warfare. I believe in a society in America where we can raise everyone's ship, and I hope those orphans some day make $1 million a year. But we are not going to do it without education, without good homes for these children, without providing a way and a path for them to do better.

And as you said last time we spoke about this, Mr. ROSS, I know a little bit about this, because I have two wonderful children, Joey and Elaina, who my wife and I adopted out of foster care. They are wonderful children. They have done very well in our home. But it is because we gave them a chance. And the reality is too many children in America are not going to get a chance if the Republican priorities of reconciliation are left to stand.

And I have got to ask a simple question tonight. Out of a $2 trillion budget, is it not possible for the Republicans to find a better place to cut than orphans and abused children right before Christmas? I have to ask the question: Is it not possible to find a place better to cut?

When I told my children that I adopted, my wife and I adopted, about these cuts, they said, Daddy, go back up

there and tell them not to do that. That is not the right thing. And if my children, who are 11 and 8, 12 and 8, I will get in trouble if I do not correct that because they are watching tonight, if they know at that age that there is a better place to cut, then certainly the adults in this Chamber should know there is a better place to cut than those folks.

I just have to say in this Christmas season, I certainly hope the ghost of Christmas past does not come and visit those Members who vote for this reconciliation package with that particular cut in it. You know, we can do better. We can have a new vision for America where we build up our educational system, where we take care of those who are most in need amongst us, and where we balance the Federal budget.

It is called the Blue Dog 12-step plan. I am just so proud to have been here with you tonight, my colleagues here, Mr. ROSS from Arkansas, Mr. TANNER from Tennessee, and Mr. BOYD from Florida. They are really the backbone of our organization. Mr. BOYD and Mr. TANNER have been leading this charge for a number of years.

I am just so proud to be in their company. I think if we get the chance, we will provide a better and more direct path for America. Thank you, Mr. ROSS, once again for leading this effort tonight. I am proud to be with you.

I have one last thing to say. There was a fellow from your district who became President, a man from Hope, Arkansas. When he left office, it was projected that we were going to have a $5.4 trillion surplus. And, instead, the current leadership has giving us an $8 trillion deficit.

That is a far cry from having a surplus and being on good financial footing. I just hope that you can help us lead the Nation, Mr. ROSS, from your little community of Hope, Arkansas, into a better path. Thank you for doing this tonight.

□ 2215

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from California for his comments.

Can the gentleman from California (Mr. CARDOZA) verify this for me now? We talked about the cuts to Medicaid, $11.4 billion; the cuts to Federal student aid, $14.3 billion; $3 billion in cuts to our farm families, commodities, conservation, many other agriculture programs; $700 million in cuts to food stamps.

But you are saying there are also cuts to orphans and foster care?

Mr. CARDOZA. That is exactly right.

Mr. ROSS. How much were these cuts?

Mr. CARDOZA. $600 million.

Mr. ROSS. Now, these $50 billion in cuts, including the $600 million in cuts to orphans and foster care, went to help pay for a $56 billion tax cut, which mostly benefited those earning over $400,000 a year, 50 percent of which went to those earning over $1 million a year; is this correct?

Mr. CARDOZA. That is exactly right.

Mr. ROSS. I just wanted to confirm that with you.

Mr. CARDOZA. Mr. Speaker, it seems like our country, or at least the Republican leadership and the leadership in the Senate and the White House, has totally turned what our priorities should be as a Nation on its ear. We are not balancing the budget. That is the first mistake. But the second mistake is we are cutting education. We are cutting those who are most vulnerable and who could build this country into something better. And it just seems to me that if we would just invest in education, invest in the future of America, try to make sure that these young kids who go into foster care do not go into gangs; it costs us over $40,000 a year to incarcerate someone who goes astray, and so many foster kids go astray when they are put into so many different homes. The average number of homes that most foster kids go to is 12. I have talked to kids who have been in 24 different homes. They are placed, placed, placed because we do not have money in the system and people drop out, and it is no way to live one's live. Twenty-four homes.

One young lady was a valedictorian in her class. I do not know how she did it, but she managed to break out of that system. She was in 24 different foster homes over her period of time.

We can do better, Mr. Speaker. And I know Mr. ROSS is for that, and I thank him for highlighting that fact.

Mr. ROSS. Mr. Speaker, reclaiming my time, I am certainly supportive of tax cuts, targeted tax cuts that help working families. But when we are borrowing money from foreigners, when we are borrowing money to fund a tax cut, that is nothing more than a tax increase on our children and grandchildren because they have got to pay that money back. And no one understands this issue any better than one of the founders of the Blue Dog Coalition, the gentleman from Tennessee (Mr. TANNER).

I will yield to the gentleman from Tennessee, and following the gentleman's remarks, we will go through these 12 points one by one until we run out of time this evening.

And for folks who happen to be seeing this this evening, do not be confused. This is not recorded. This is live. Congress is meeting on a Saturday night here in our Nation's Capital. And we are here on the floor to try to hold this government responsible and accountable and restore some common sense and fiscal discipline to our Nation's Government because this debt is out of control.

And with that, I yield to the gentleman from Tennessee.

Mr. TANNER. Mr. Speaker, I thank Mr. ROSS for yielding to me. And I am pleased to be with him here tonight and with Allen Boyd and Dennis Cardoza.

We all talked a little bit about our small town origins. I am from a small town in Tennessee. And I tell people, when they ask me where I am from, I say, well, let me put it like this: In the town I live in, you do not need a blinker signal on your car because the guy behind you knows where you are going to turn off.

So I think probably Prescott, Arkansas; Monticello, Florida; and Dennis lives out in California, but there are some small towns out there as well. I say that only to highlight the fact that a lot of the values that we hold dear in this country have been characterized from time to time as small-town values, where people know each other, where families live and so forth. And I think the Blue Dog Coalition reflects a lot of that commonsense philosophy. And we come here to Washington and we band together as the Blue Dog Democrats and try, as best we can, to project this message, this message of values, of small-town camaraderie and all the rest. And I know we are going to get to the 12-point plan, but I want to say just a couple of things very quickly.

It is very hard for me, and I know it is very hard for people who are listening to this discussion to relate to $8-plus trillion. I mean, how much is that? It is mind boggling. And to give some idea how much it is, if one took $1,000 bills and just stacked them like that, one after another, $1 million would be about 1 foot high. That is 1,000 $1,000 bills. One billion dollars would be as high as the Empire State Building. And $1 trillion would be 1,000 times as high as the Empire State Building in New York City. That is how much money we are talking about.

And what has happened here in the last 4 or 5 years is we had the debt where it was static, it was not growing. As a matter of fact, we were actually paying some down. And as the economy grows and the debt stays static, it becomes much less of a drag on our economy. But we did not stay on that course, and in 2001, we embarked on an entirely different course, a financial course here, and so what has happened is the debt ceiling has been raised, the amount of money this government can borrow, almost $3 trillion, and we have actually borrowed in hard money over $1.3 trillion in a matter of about 48 months.

And what does this mean? If that was not bad enough, borrowing $1.3 trillion, the interest rate that we now are having to pay every year at 4 percent on just the money we borrowed in the last 48 months is some $50 billion a year.

If that was not bad enough, what is worse is 85 percent of this money that we borrowed in the last 48 months, 85 percent of it has been from foreign interest. So not only are we mortgaging our country, but we are mortgaging it to people who do not see the world as we do.

Primarily, the biggest gainer of the debt that we owe is China. Now, I say

that there are two problems here. One is the financial vulnerability that this country now has to people who do not see the world as we see it. It does not take a rocket scientist to realize that China has designs on taking Taiwan. The President said we will defend Taiwan. If China moved on Taiwan and we said, You cannot do that, it is not fantasy to think that China would not tell us to stay out of it, U.S., or we are going to roll the value of the dollar, and we can do it. We can make your interest rates go up. We can wreck havoc on your markets if we want to because we have your debt. And as my dad told me one time, he said it is easier to foreclose on a man's house than it is to shoot your way in the front door. And that is what we are talking about, a financial vulnerability of this country that is being created, as we speak here tonight, by the deliberate, intentional financial policy of this country as passed by this Congress and endorsed by the administration. A financial vulnerability that is every bit a national security matter. That is the first thing.

The second thing is when I was talking about this $50 billion, we are eroding the tax base in this country by transferring moneys that come here that people pay taxes, hard-earned taxes; we are not spending it on human capital, investment in human capital in this country, and infrastructure, which they are paying their taxes for. We are transferring those taxes and that sort of spending to interest for which we get nothing. And 85 percent of the interest checks that we are writing now that we borrowed in the last 48 months have not even stayed in this country.

Human capital, investment in human capital, exactly what do I mean by that? I mean basically human beings, citizens of this country, who must be educated and healthy for this country to be strong, free and competitive in an increasingly globalized world marketplace. There has never been in all of recorded history a country that was strong and free that had a population that was uneducated and unhealthy. It has never existed. It never will. And by transferring the tax base that people send the money to Washington for interest rather than education and health care, we are absolutely forfeiting the people's right to have a country and a government that is interested in their welfare.

The second thing is infrastructure. We have a lot of crumbling infrastructure in this country. We are losing the ability to invest in that, and if you do not think that that is important, go to some country that has no infrastructure and see how many people are doing well. Nobody is.

And let me close with this: The Blue Dogs have endorsed a bill that we drafted earlier this year that basically does away with partisan political redistricting of the congressional seats. We did a lot of work on it. We have briefed it through all of the legal pitfalls, and the Blue Dogs have endorsed this bill. And there was an article in the Wall Street Journal today, this morning, talking about it. What we are seeing in this country is an increasingly polarized House of Representatives that is rendering itself, in the opinion of the moderates here, the people who want to work across the aisle, it is rendering it impossible for this House of Representatives to address the real problems of the country because of this blind allegiance to party first and constituents second. We have seen just egregious examples of the abuse of that power by the professional politicians.

I am under no illusion. We are asking people to give up a lot of power because they really carve their own districts out now with computers and so forth. And we are asking them to give up a lot of power. But our country is losing the middle, and the middle is where the problems are solved, politically speaking, in our country. And I wish everybody would take a very serious look at this because if we can take it out of the hands of professional politicians and give the voice back to the people, I think, one, we will be able to respond better. But, secondly, if our House of Representatives becomes so polarized and so gerrymandered by the process that we are living under now that people at the ballot box cannot change the direction of the country when they want it to change, the majority want it to change, and they cannot at the ballot box, we will either wind up with a dictatorship or a revolt. I really believe it is that serious. So I wanted to mention that in passing. It is not one of our 12 points, but it certainly is part of our Blue Dog philosophy because the Blue Dogs have endorsed it, and I appreciate that very much.

So, again, I thank the gentleman for yielding to me, and we will go through the 12-point plan.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Tennessee for having founded the Blue Dog Coalition.

In the rest of this Special Order, we plan to go through, beginning right now, all 12 points of the Blue Dog plan. And as the gentleman from Tennessee mentioned, he talked about the problems with the professional politicians and a lot of the issues we face. And those of us who wrote these 12 points, I know I am a small business owner back home in Prescott; Mr. TANNER from Tennessee is a small businessman; Mr. CARDOZA from California is a small business owner; and Mr. BOYD was a small business owner, a veteran and a farmer.

Mr. TANNER. We all would like to be big business owners someday, but we are still small business owners.

Mr. ROSS. Number one, and it is kind of like David Letterman's top 10. This is the top 12, and I do not know if it is going to be as good as Letterman's top 10 or not, but it is very important.

Point number one to the 12-point reform plan is: Require a balanced budget. And I think we all get that one. I mean, I was in the State senate for 10 years. Forty-nine States, including my home State of Arkansas, must live within its means. They constitutionally require a balanced budget. I know at the Ross home in Prescott, Arkansas, we sit around the kitchen table and we have to have a balanced budget. At the small town family pharmacy my wife and I own, we have to have a balanced budget. It should not be asking too much to ask this Congress and this government to also tighten its belt and learn to live within its means. And that is what we mean when we talk about requiring a balanced budget.

□ 2230

The second point that I think is very important also, do not let Congress buy on credit. Now, back when Congress had a balanced budget in the Clinton administration from 1998 to 2001, they had a thing in the House called PAYGO rules, pay-as-you-go basically is what it meant, meaning if you are going to cut taxes, you got to cut spending, and if you are going to fund a new program, you got to cut another program. You have got to make it fit within your budget, like most of us do in our families at home and with our businesses and certainly like 49 States in this country are required to do. That, I believe, is something we must do in this House Chamber, is restore the pay-as-you-go rules.

The third point, I will yield to the gentleman from Florida. Anytime you all want to jump in on any of these points, please feel free to do so.

Mr. BOYD. I appreciate the gentleman yielding. Some of us were here when we put the 1997 Balanced Budget Act in place. I think you heard Mr. TANNER and the others talk about the economic model. You heard them talk about human capital, health for our citizens, and also education for our citizens.

The economic model that the U.S. has is the greatest experiment in democracy ever in the history of mankind. We are the richest nation in the history of the Earth. I tell my constituents that we have 5 percent of the world's population and control 25 percent of the world's wealth.

There is an underlying model, an infrastructure, human capital that Representative TANNER talked about. We have to get back to this notion of fiscal responsibility and make sure that economic model works. It does not work if we got to go into the markets every year and borrow $350 billion or $400 billion or $500 million to run the government. You are borrowing much of that from overseas so it will not work. What do we do to get back to a balanced budget and to reduce the deficit spending?

One of the really key things is spending caps, and that is the third point of our 12 point plan. Put a lid on spending. We know that you cannot fix it all in one year, but you put in a long-term

plan, a long-term budget. Most of our small business people are used to doing that, a 5 or 3 or 10 year budget, or whatever it might be. That is what we did in 1997, and you cap your spending at certain levels and live within that, and then economically you can grow your revenue to a point where you get back into a balanced situation.

Let me just give you one example of what happened when we did this earlier during the nineties. The non-discretionary defense spending increases were 2.5 percent, the annual increase, during the Clinton years. During the nineties, 2.5 percent, non-defense, discretionary spending.

Under this administration they have been between 8 and 9 percent. We have an annual average growth in government spending between 2001 and 2003 of 16 percent. No wonder we have $350 billion annual deficits. We have to get a handle on that spending.

So that is point number three.

Mr. ROSS. Number one, require a balanced budget; number two, do not let Congress buy on credit; number three, put a lid on spending.

Number four is something that I know I have heard the gentleman from Tennessee talk about quite often, and that is require agencies to put their fiscal houses in order. Require agencies to put their fiscal houses in order. By that we are talking about the fact that some of our Federal agencies, they have a problem keeping books. And with that, I yield to the gentleman from Tennessee.

Mr. TANNER. Thank you, Mr. ROSS.

The Government Accountability Office in a report this year revealed 16 of 23 major Federal agencies cannot produce a simple audit. In other words, they cannot tell the American people and the Congress what they did with the money that was appropriated to them for the purposes provided in the bill.

Now, it is unbelievable to imagine that going on in your business. If you went to your comptroller and said here is an expenditure of $10,000, what happened to it, and the guy said I do not know, I cannot put my finger on that, nobody, no business person in this country would tolerate that, nor should they. Yet 16 of 23 Federal agencies cannot do that.

In our plan, in this plan, if they cannot, we do it very simple: They do not get the money next year. It is straightforward, it is common-sensical. People understand it. And, by gosh, when the Congress appropriates money to the administration, whatever administration it may be, and they cannot tell us what they did with it, then they ought not to get it next year.

I will tell you one other thing. Not only do we withhold money under our plan, which makes perfectly good sense, but there ought to be some accountability. What we have seen is I think a derivative of the gerrymandered districts that come here in this party allegiance first and the country second.

We now have a one-party government here in Washington. The Republicans have the White House, Senate and House. The people elected them. But what you have as a by-product of that is a compliant Congress, a friendly administration. And this Congress has totally abdicated its oversight of the Federal executive branch because they do not even ask them what they did with the money. They do not even have hearings and say what happened to the money we appropriated to you last year? If they did have a hearing, the administration could not tell them, or could not tell us, the American people.

So you have a bad by-product of one-party government here with a compliant Congress, a friendly administration, nobody wanting to embarrass each other. So, consequently, we have got a financial house that is not only not in order, but running amuck.

Mr. ROSS. Number four, require agencies to put their fiscal houses in order. Again, 16 of 23 major Federal agencies cannot issue a simple audit of their books. The Federal Government cannot account for $24.5 billion it spent in 2003. The Blue Dogs propose a solution, to put a budget freeze for any Federal agency that cannot properly balance its books.

You are talking about waste. You are talking about a government agency that cannot get it together. If the gentleman will pause with me for just a second here, I want to point out something.

You know, all of us all across America, our hearts went out for the people when the hurricanes hit in places like Louisiana and Mississippi and I know the gentleman from Florida has experienced this in the past as well.

The Federal Emergency Management Agency, FEMA, has purchased over 20,000 manufactured homes, they are 14 feet wide, 60 foot long. You can see some of them right here.

For some reason, they are not getting them, FEMA is not getting these homes to the people who need them, the people who lost their home and everything that they owned. In fact, I was with Congressman GENE TAYLOR from Mississippi earlier tonight, and my heart goes out to him and his family. He has done all he knows how to do to help his constituents while also trying to rebuild his life. He even lost his own home in that horrible tragedy in August with Hurricane Katrina. But he was telling me tonight, I believe he is like living with his brother or something, but he was telling me there are people still living in tents, people living in small campers, people that do not have homes, people living in hotel rooms.

Yet FEMA has now moved 5,000 brand new unoccupied manufactured homes to an old Army World War II airport at Hope, Arkansas. They just showed up one day and told the mayor they wanted to give him $25,000 a month for the next two years to use it as a ''staging area,'' and then they have since delivered somewhere close to 5,000 homes. FEMA has told the mayor they may have as many as 12,000 homes. Yet these homes are not getting to the people. These are not even at the Hope airport.

They are running these homes down the interstate at well above the speed limit, I know, because they passed me before, with a sign they usually put right here on the back, a banner, that says ''urgent FEMA delivery.'' I guess urgent for what? To get to a cow pasture in Hope, Arkansas, 450 miles from where they are needed?

If one shingle blows off in transit, they will not accept it at the FEMA designated staging area they opened down at Hope. So they have come back to Prescott, which is where I now live, a town of about 3,500 people, and they are renting this cow pasture. They did no site preparation. When we have a good rain these things are going to sink to the axle.

We have over 200 of them in Prescott. They filled up the pasture in Prescott now. There is a story from the Arkadelphia Siftings Herald on December 16, that was yesterday, they have now got 200 of them stacked up at truck stops in Gurdon, and I suspect that the folks in Arkadelphia in the next day or two are going to start seeing them there.

So my point, Madam Speaker, is this: To the acting director of FEMA, why cannot we get some 5,000 homes that FEMA has purchased, why cannot we get them moved from Hope and Prescott, Arkansas, 450 miles south to where they need them, where people tonight are going to bed in camper trailers and in tents? This is a good example of what we are talking about when we talk about wasteful spending and agencies that cannot get their act together.

At this time for point number five I recognize the gentleman from California, Mr. CARDOZA.

Mr. CARDOZA. Thank you, Mr. ROSS. You know, what you just spoke about is a matter of priorities. It is what I spoke about earlier when I was talking about the foster care system and was there not a better place to cut.

Number five on our planks of the 12 step program for Blue Dog fiscal responsibility is make Congress tell the taxpayers how they are spending our money. The American people want to know that their tax dollars are being spent on our national priorities.

I got to tell you, if you ask the folks around the country what our national priorities are, they are going to tell us they want to get those folks in Louisiana, Mississippi and Alabama back on their feet. That is a priority. Education is a priority. Fighting the war effort is a priority.

But what happens here in Congress is we pass these bills on voice votes. And today, just today in this House, on a voice vote they passed a continuing resolution for 30 days, until December 31, well, two weeks. And we are spending billions and billions of dollars on a

voice vote. I got to tell you, I know that if the American people knew all the money that is being spent in that continuing resolution, they would not be happy about it.

So the Blue Dogs have decided that we need to tell the American people what the priorities are. We need to tell the American people what we are spending their money on. We have proposed that no bill should pass Congress above the threshold of $50 million, which is a significant amount of money in anybody's book, without a vote of Congress.

We need to tell the American people where we are spending their money. If we are going to spend billions, we have to take a vote. Today we should have had a vote. It should not have been a voice vote, just agreed upon. We should have had a vote on that continuing resolution.

Mr. ROSS. Where I come from, most people think we ought to have a vote if we are spending a dollar. We cannot even get the leadership here to give us a vote when we spend $50 million. It is time for that to change.

I yield to the gentleman from Florida.

Mr. BOYD. I thank the gentleman from Arkansas. There are several other points. One is something that I think most of us understand. Set aside a rainy day fund. You know, I am sure Mr. ROSS, Mr. CARDOZA, Madam Speaker, I am sure you have rainy day funds in your businesses or even in your own personal home budgets. Most people understand that. We are not always able to have as big a rainy day fund as we want, and sometimes we have to spend our fund, but, if we do, we try to build it back up.

Congress never set aside a rainy day fund. That is one of the things we want to get Congress to do. That is part of our 12 point plan.

If I can, Mr. ROSS, I will go on to number seven, and that is one that really bugs me a lot. When you move from a $5.6 trillion debt in 2001 when this administration came into office to a $8.137 trillion debt, that is $2.5 trillion of additional money that Congress had to borrow on behalf of the American people to pay our bills. That has to be authorized in statute. That has to be authorized. The Treasury cannot just go and borrow the money without the U.S. Congress authorizing it and the President signing it into law.

We have gotten into a bad habit around here in the last few years of raising that debt limit without a separate vote. You know, from time to time our listeners, our constituent, have to go and borrow money. Most of the time when they have to borrow money, they have to get a corporate resolution, some sort of authorization to go borrow that money. They have to have a meeting, have to have a vote of the board.

Mr. CARDOZA. You have to go see your banker and justify it.

Mr. BOYD. Guess what? Here, we stick it into some other bill that has to be passed, or some self-executing rule or something like that, and never have a vote on the debt limit increase.

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I think that is the seventh point of our 12-point plan.

Mr. ROSS. I thank the gentleman from Florida for sharing the issue of the debt limit with us. He is right, and that is why it is one of the 12 points. We should have a vote any time we are going to raise the debt limit. I mean, the debt limit today is currently at $8.184 trillion, so it will not be long before we raise it again. This number right here is increasing to the tune of about $41 million an hour. In other words, in the time we have been speaking here on the floor of the United States House of Representatives this evening, the national debt has increased by about $41 million because of this year's deficit. So it will not be long before we will be raising the debt limit here in the Congress. And unless we are able to get them to start allowing us to have a vote on it, they will just put it in some other bill and try to hide it from the public. We believe that is wrong, and we want to put a stop to that.

Number eight, justify spending for pet projects. I think that pretty much speaks for itself. We always from time to time pick up the paper and read about some outrageous project that is being funded with Federal funds. There are a lot of good projects that are funded across this Nation, but we are saying that you should have to justify a project. You should not get a project because of who you are. You ought to have to justify a project for your district.

Mr. BOYD. It is the American people's tax money, and we should justify if we are going to spend it.

Mr. ROSS. If we are going to spend the tax money, the people need a voice in it and we need to make sure that money is going to benefit them to create jobs, economic opportunities; and that is what we are trying to do here, and that is why we say justify spending for pet projects.

Number nine, ensure that Congress reads the bills it is voting on. That seems quite silly, but the reality is that many times they will bring bills to the floor of the House that are thousands of pages, thousands of pages thick and give us less than a day or less than an hour, in fact, at times, to actually read the bill we are voting on.

Our point is this, what we are proposing is a minimum of 3 days to have the final text of legislation made available before a vote. We cannot require Members of Congress to read a bill before they vote on it; but I can promise you this, if you give us less than an hour, if the leadership gives us less than an hour to read a 3,000-page bill, no one is going to be able to read that.

Mr. BOYD. The work we have done here the last 2 or 3 days, we are 8 days before Christmas, we are working really hard to try to get out of here and doing some work that has been put off that should have been done earlier in the fall, even earlier in the summer. But the work that has been done here in the last 2 or 3 days, all of it has been done under what we call a marshal law rule which allows bills to be brought to the floor without even 24 hours' notice. It really exacerbates this problem of having stuff going into the statutes that Members really do not have a chance, the American people do not have a chance to read and understand. I think this solves that problem.

Mr. ROSS. We have about 5 minutes left in the Special Order, as we come to the floor of our Nation's Capitol here, the floor of the United States House of Representatives, to discuss this overwhelming debt that is saddling our country and jeopardizing its future.

Mr. TANNER, if you would, number 10, require honest cost estimates for every bill that Congress votes on. The Medicare bill, there are a lot of bills that are good examples. The Congress, the people of this country need to know how their money is being spent. They need an honest cost estimate for every bill they vote on.

Mr. TANNER. Well, it is a shell game, somebody called it three card monty, when you low ball a bill that you know is going to cost more than that, but you do it to fit it into some preconceived notion of a budget so you can basically fool the American people to make them think you are being fiscally responsible and not doing something foolish financially, and yet you are. And we saw this and we saw the administration, the administration that we are under now, they knew better on the Medicare bill and told the Congress it was going to cost $350 billion over time, and really they knew it was about $750 or $800 billion. That is the kind of thing we are talking about, because then people do not know what to believe.

Mr. CARDOZA said earlier, We can do better than this. This place is broken and our 12-point plan is our attempt to fix it.

Mr. BOYD. Honesty and integrity are basic character traits that our citizens warrant us to have. We see so much of that in all of government now, the dishonest statements, the misleading statements, people defrauding or bribing or taking bribes, those kinds of things. Corruption, it is a pattern of corruption. And this is what this is about.

We want honesty and integrity in our government. I think we should shoot straight and talk straight with the American citizens.

Mr. ROSS. Number 11, make sure that new bills fit the budget. Basically, we are proposing the Budget Committee strengthen its oversight role in preparing budget-compliant statements for every bill that is reported out of committee.

Does anyone want to add anything on number 11?

Mr. TANNER. I would say that we see time and again the rule resolution that comes to the floor and is passed basically on the party line; what you see is that in the rule, all points of order are waived, which means that the budget rules that we try to put in place are meaningless. Because if you are going to waive them on virtually every bill now that comes to the floor, we really do not have any enforceable mechanism, and this will change that. And we think that is a commonsense idea.

Mr. ROSS. Finally, number 12, Mr. CARDOZA, if you want to share that with us.

Mr. CARDOZA. I would be happy to, Mr. ROSS.

Number 12 is to make Congress do a better job keeping track on government programs that it passes.

As Mr. TANNER said earlier, we have basically abdicated our responsibility in this one-party form of government that we have right now. We are doing no oversight. We are not keeping tabs on the bills that we pass. In fact, the last four planks in the Blue Dog program all sort of relate to the same kind of thing. It is about accountability. It is about making sure that we read the bills, that we require honest cost estimates, that we make sure that the new bills fit the budget that we have already passed, and that we make sure that Congress does an adequate review on the bills that we have passed.

They are just basic commonsense tenets. If you look back at the Medicare Prescription Drug Bill, it is a perfect example of how this process has gone off the rails. And it has cost twice as much.

I remember Mr. DOOLEY had a competing bill, but I think it probably did more for seniors than the one that we passed. And he could not even get a score from the Congressional Budget Office to say how much his bill was going to cost. That is just wrong. A Member of the Congress should be able to get the score. We should all have the score. The American people should be able to get the lowdown on what a bill costs and have that up front 3 days at least before we pass it.

Mr. ROSS. We are out of time this evening. I want to thank the gentleman from California (Mr. CARDOZA), the gentleman from Tennessee (Mr. TANNER), the gentleman from Florida (Mr. BOYD) for coming to the floor of the United States House of Representatives with me this evening to discuss our Nation's debt and deficit and the Blue Dog Coalition's 12-point plan to restore some integrity, some common sense, and fiscal discipline to our Nation's government.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today and December 18.

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

Mr. HYDE (at the request of Mr. BLUNT) for today and December 18 on account of illness 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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. HOLT, 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. CULBERSON, for 5 minutes, today.

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. HAYES, for 5 minutes, today.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 435. An act 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; to the Committee on Resources.

S. 648. An act to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; to the Committee on Resources.

S. 959. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on Government Reform.

S. 1025. An act 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, to the Committee on Resources.

S. 1096. An act 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; to the Committee on Resources.

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii; to the Committee on Resources.

S. 1496. An act 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; to the Committee on Resources.

S. 1552. An act 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; to the Committee on Resources.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes; to the Committee on Resources.

S. 1312. An act to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes; to the Committee on Resources; 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.

## ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

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. 4195. An act to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

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.

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.

H.J. Res. 75. Joint Resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

## ADJOURNMENT

Mr. BOYD. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Sunday, December 18, 2005, at 1 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

5836. 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; Training for Contractor Personnel Interacting with Detainees [DFARS Case 2005-D007] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5837. 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; Restrictions on Totally Enclosed Lifeboat Survival Systems [DFARS Case 2004-D034] received September 8, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Armed Services.

5838. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct and Financial Disclosure Requirements for Employees of the Department of Health and Human Services (RIN: 3209-AA15) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5839. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Improving Pub. Safety Comms. in the 800MHz Band; [WT Dkt. 02-55]; Amdt. of Pt. 2 of the Comm. Rules to Allocate Spectrum Below 3GHz for Mobile and Fixed Service to Supp. the Intro. of New Adv. Wireless Service, [ET Dkt. No. 00-258]; Petition for Rule Making of the Wireless Info. Networks Forum Concerning the Unlicensed Personal Comm. Service [RM-9498]; Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Comm. Serv. [RM-10024]; Amdt. of Sec. 2.106 of the Commission's Rules to Allocate Spectrum at 2GHz for Use by the Mobile Satellite Serv.; [ET Dkt. No. 95-18] Received December 15, 2005, pursuant to the Committee on Energy and Commerce.

5840. A letter from the Senior Legal Advisor, Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Digital Television Distributed Transmission System Technologies [MB Docket No. 05-312] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5841. 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. (Wilmington, Mount Sterling, Zanesville and Baltimore, Ohio) [MB Docket No. 04-161; RM-10961; RM-11111] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5842. 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. (Milner, Ellaville, and Plains, Georgia) [MB Docket No. 05-106; RM-11196] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5843. 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. (Bass River Township and Ocean City, New Jersey) [MB Docket No. 05-188; RM-11240] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5844. 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. (Mt. Enterprise, Texas and Hodge, Louisiana) [MB Docket No. 05-34; RM-10761] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5845. 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. (Terrebonne, Oregon) [MB Docket No. 02-123; RM-10445] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5846. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Regulation on Maintaining Telecommunications Services During a Crisis or Emergency in Federally-owned Buildings—received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5847. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4831 et seq.; to the Committee on International Relations.

5848. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA) as amended, Transmittal No. 0A-06, relating to enchancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 05-19 on 06 May 2005; to the Committee on International Relations.

5849. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-12, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

5850. 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 regarding the proposed license for the export of defense articles and equipment to the Government of Italy (Transmittal No. DDTC 048-05); to the Committee on International Relations.

5851. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30468; Amdt. No. 458] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30467; Amdt. No. 3143] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30466; Amdt. No. 3142] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Eau Claire, WI [Docket No. FAA-2005-21256; Airspace Docket No. 05-AGL-04] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-23005; Directorate Identifier 2003-NM-110-AD; Amendment 39-14379; AD 2005-23-21] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Propeller Assemblies Models 2D34C53/74E-X; D2A34C58/90AT-X; 3AF32C87/82NC-X; D3AF32C87/82NC-X; D3A32C88/82NC-X; D3A32C90/82NC-X; and 3AF34C92/90LF-X [Docket No. FAA-2005-22731; Directorate Identifier 2005-NE-36-AD; Amendment 39-14389; AD 2005-24-09] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Five-Blade Propeller Assemblies [Docket No. FAA-2005-22690; Directorate Identifier 2005-22690; Directorate Identifier 2005-NE-35-AD; Amendment 39-14388; AD 2005-24-08] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-23006; Directorate Identifier 2002-NM-51-AD; Amendment 39-14380; AD 2005-23-22] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5859. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Classification of Certain Foreign Entities [TD 9235] (RIN: 1545-BD77) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5860. A letter from the Secretary, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Federated States of Micronesia, and the Republic of the Marshall Islands, pursuant to Public Law 108–188, section 104(h); jointly to the Committees on Resources and International Relations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. SESSIONS: Committee on Rules. House Resolution 631. Resolution providing for consideration of motions to suspend the rules (Rept. 109–357). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 632. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–358). Referred to the House Calendar.

## REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3505. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than December 31, 2005, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 109–356, Pt. 1). Ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 31, 2005.

H.R. 1631. Referral to the Committee on Ways and Means extended for a period ending not later than December 31, 2005.

H.R. 2829. Referral to the Committees on the Judiciary, Energy and Commerce, Education and the Workforce and the Permanent Select Committee on Intelligence extended for a period ending not later than December 31, 2005.

H.R. 3699. Referral to the Committees on Resources and Energy and Commerce extended for a period ending not later than December 31, 2005.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FOSSELLA (for himself and Mr. CASTLE):

H.R. 4618. A bill to amend the Securities Exchange Act of 1934 to establish rules and procedures for the delegation of compliance and inspections authority to the operating divisions of the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. FOSSELLA (for himself, Mr. SWEENEY, Mr. MCHUGH, Mrs. MALONEY, Mr. REYNOLDS, and Mr. KING of New York):

H.R. 4619. A bill to amend the Terrorism Risk Insurance Act of 2002 to establish a Commission on Terrorism Risk Insurance, and for other purposes; to the Committee on Financial Services.

By Mrs. KELLY:

H.R. 4620. A bill to amend the Internal Revenue Code of 1986 to provide a double deduction for a portion of an individual's State and local property taxes that are in excess of the national average; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. CHANDLER):

H.R. 4621. A bill to ensure that a sex offender or a sexually violent predator is not eligible for parole; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota (for himself and Mr. HOLT):

H.R. 4622. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses and to expand such deduction for certain science, technology, engineering, and math professionals who become certified teachers; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. UDALL of Colorado):

H.R. 4623. A bill to repeal tax subsidies for oil and gas enacted by the Energy Policy Act of 2005 and to use the proceeds to double certain alternative energy incentives provided for in such Act; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. ANDREWS):

H.R. 4624. A bill to amend title XIX of the Social Security Act to require States to provide oral health services to children and aged, blind, or disabled individuals under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHOCOLA (for himself, Mr. KENNEDY of Minnesota, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. BEAUPREZ, Ms. HART, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BASS, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. BONO, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMPBELL of California, Mr. CHABOT, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. EHLERS, Mr. FEENEY, Mr. FITZPATRICK of Pennsylvania, Mr. FLAKE, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GINGREY, Mr. GOHMERT, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Mr. HAYES, Mr. HEFLEY, Mr. HENSARLING, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HYDE, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. MCCOTTER, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. OSBORNE, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SODREL, Mr. SOUDER, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. TIBERI, Mr. TURNER, Mr. WALSH, Mr. WAMP, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska):

H.R. 4625. A bill to amend the Internal Revenue Code of 1986 to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 4626. A bill to rechannelize spectrum in the 700 megahertz band to promote the deployment of commercial broadband technologies to facilitate interoperable communications for public safety; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 4627. A bill to validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads, and for other purposes; to the Committee on Resources.

By Mr. HOLDEN:

H.R. 4628. A bill to amend the Higher Education Act of 1965 to impose a fee on holdings of student loans; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. OBERSTAR, Mr. BAIRD, Mr. OWENS, Mr. PAYNE, Mr. GRIJALVA, Mr. ROTHMAN, Mr. PALLONE, Mr. BUTTERFIELD, Mr. MCGOVERN, and Ms. BORDALLO):

H.R. 4629. A bill to amend the David L. Boren National Security Education Act of 1991 to create a critical foreign language program; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. BOREN):

H.R. 4630. A bill to amend the David L. Boren National Security Education Act of 1991 to allow scholarship and fellowship recipients to work in a field of education if no position in the Federal Government relating to national security is available; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL (for himself, Mr. WICKER, Mr. MCHENRY, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. GINGREY, Mrs. MYRICK, Mr. FEENEY, Mr. MCCAUL of Texas, Mrs. MUSGRAVE, Mr. ROHRABACHER, Mr. PENCE, Mr. HENSARLING, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. COLE of Oklahoma, Mr. NEUGEBAUER, Mr. KLINE, Mr. WILSON of South Carolina, Mr. MARCHANT, and Mr. ADERHOLT):

H.R. 4631. A bill to establish the Gulf Deregulation Commission; to the Committee on Government Reform, and in addition to the Committees on Rules, and 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. LANGEVIN (for himself, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, and Ms. JACKSON-LEE of Texas):

H.R. 4632. A bill to provide for a Chief Medical Officer in the Office of the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security, 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. 4633. A bill to establish within the Department of Health and Human Services the position of HIV/AIDS Emergency Response Coordinator in order to coordinate the provision of certain services to individuals with HIV disease who have been displaced as a result of Hurricane Katrina or Rita, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHUGH (for himself and Mr. BOEHLERT):

H.R. 4634. A bill to require that the Secretary of the Interior hold at least one public hearing in the surrounding community where land requested to be taken into trust for an Indian tribe is located in order to ascertain the needs and interests of that surrounding community; to the Committee on Resources.

By Mr. LEWIS of California:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes; to the

Committee on Appropriations. considered and passed.

By Mr. DAVIS of Illinois:

H. Con. Res. 325. Concurrent resolution congratulating Oprah Winfrey for her 20 years of exemplary work and service to the people of the United States and the world; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania:

H. Res. 633. A resolution honoring Helen Sewell on the occasion of her retirement from the House of Representatives and expressing the gratitude of the House for her many years of service; to the Committee on House Administration.

By Mr. CHABOT (for himself, Mr. BERMAN, Mr. PENCE, and Mr. SCHIFF):

H. Res. 634. A resolution expressing the sense of the House of Representatives on reaching an agreement on the future status of Kosovo; to the Committee on International Relations.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

214. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 69 memorializing the Congress of the United States to take such actions as are necessary to provide federal financial assistance to aid in rebuilding the investor-owed utility systems that are indispensible to the recovery efforts of the state of Louisiana and the city of New Orleans; to the Committee on Financial Services.

215. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 47 urging the Congress of the United States to encourage the banking industry to assist senior citizens and disabled persons without identification due to Hurricanes Katrina and Rita with negotiating their Social Security Supplemental Security Income checks; to the Committee on Financial Services.

216. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 43 memorializing the Congress of the United States to enact comprehensive natural disaster insurance legislation affecting financial capacity that will address, encourage, and support insurance company reserving for future catastrophes by making such reserves deductible for federal income tax purposes; to the Committee on Financial Services.

217. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 42 memorializing the Congress of the United States to take such actions as are necessary to develop and provide innovative solutions for financing housing in parishes in Louisiana devastated by Hurricanes Katrina and Rita; to the Committee on Financial Services.

218. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 41 memorializing the Congress of the United States to take such actions as are necessary to enjoin the Federal Emergency Management Agency from mandating that structures rebuilt in the New Orleans area after Hurricane Katrina be elevated; to the Committee on Financial Services.

219. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 28 memorializing the Congress of the United States to take such actions as are necessary to allow the Stafford Act to provide for payment of regular pay to essential personnel; to the Committee on Transportation and Infrastructure.

220. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 72 memorializing the Congress of the United States to task the Government Accountability Office with a complete audit of expenditures by the Federal Emergency Management Agency on Katrina and Rita recovery efforts in Louisiana; to the Committee on Transportation and Infrastructure.

221. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 53 memorializing the Congress of the United States to take such actions as are necessary to amend the Robert T. Stafford Disaster Relief and Energency Assistance Act, or suspend provisions thereof, with respect to the requirement that the state of Louisiana reimburse the Federal Emergecy Management Agency for a portion of the other assistance payments made to citizens of Louisiana due to Hurricanes Katrina and Rite; to the Committee on Transportation and Infrastructure.

222. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 50 memorializing the Congress of the United States to take such actions as are necessary to forgive the debt of Louisiana's local governments resulting from seven hundred fifty million dollars in loans made available to them as disaster relief; to the Committee on Transportation and Infrastructure.

223. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 49 memorializing the Congress of the United States to take such actions as are necessary to forgive the 3.7 billion dollars that the Federal Emergency Management Agency (FEMA) estimates that Louisiana owes FEMA for hurricane relief; to the Committee on Transportation and Infrastructure.

224. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 36 memorializing the Congress of the United States to take such actions as are necessary to waive the nonfederal or local portion of any cost-sharing agreement of funding of a levee reconstruction and improvement project; to the Committee on Transportation and Infrastructure.

225. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 34 memorializing the Congress of the United States and the Louisiana Congressional delegation to direct the United States Army Corps of Engineers not to engage in dredging activities on the Mississippi River Gulf Outlet and to begin the necessary process to return the waterway to wetlands marsh status; to the Committee on Transportation and Infrastructure.

226. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 18 memorializing the Congress of the United States to enjoin the United States Army Corps of Engineers from engaging any contractor in the reconstruction of the levees in the New Orleans area if investigations of levee failures during Hurricane Katrina and Rita indicate that such contractor performed substandard design or construction work on a portion of a levee that failed; to the Committee on Transportation and Infrastructure.

227. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 44 memorializing the Congress of the United States to enact a health insurance premium reimbursement program and a federal income tax credit for the health insurance premiums for affected victims of Hurricane Katrina and Rita; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce.

## ADDITIONAL SPONSORS

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

H.R. 615: Ms. FOXX and Mr. DAVIS of Alabama.

H.R. 1259: Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. BONNER, Mr. BOYD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KENNEDY of Rhode Island, and Mr. BACHUS.

H.R. 1288: Mr. CAMPBELL of California.

H.R. 1548: Mr. PRICE of North Carolina, Mr. EVERETT, Mr. HASTINGS of Florida, Mr. ENGLISH of Pennsylvania, Ms. CARSON, Mr. WELDON of Pennsylvania, and Mr. JEFFERSON.

H.R. 1562: Mr. BROWN of South Carolina.

H.R. 1807: Mr. MENENDEZ.

H.R. 1981: Ms. SLAUGHTER, Mr. KENNEDY of Rhode Island, Mr. ENGEL, and Mr. MEEHAN.

H.R. 2121: Mr. TIBERI, Mr. NEAL of Massachusetts, and Mr. CUMMINGS.

H.R. 2322: Mr. POE and Mr. SESSIONS.

H.R. 2410: Mr. MCGOVERN.

H.R. 2421: Mr. SHAW.

H.R. 2521: Mr. LEWIS of Kentucky.

H.R. 2961: Mr. ENGLISH of Pennsylvania and Ms. ROS-LEHTINEN.

H.R. 3098: Mr. CALVERT.

H.R. 3195: Mr. SMITH of Washington.

H.R. 3524: Ms. BORDALLO and Mr. JEFFERSON.

H.R. 3861: Ms. BERKLEY, Ms. KAPTUR, Mr. BOREN, Mr. CARNAHAN, Mr. KUCINICH, Mr. WEINER, Ms. PELOSI, Mr. BARROW, Mr. WYNN, and Ms. ESHOO.

H.R. 3924: Mr. MOORE of Kansas.

H.R. 4036: Mr. SCHIFF, Mr. BUTTERFIELD, Mr. MCNULTY, and Mr. EMANUEL.

H.R. 4098: Ms. DELAURO.

H.R. 4315: Mr. VAN HOLLEN and Mr. BARTLETT of Maryland.

H.R. 4331: Mr. MCDERMOTT and Mr. BAIRD.

H.R. 4452: Mr. TIERNEY.

H.R. 4470: Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. PAYNE, Mr. OWENS, Mr. CONYERS, Mr. KUCINICH, Mr. WU, Mr. FARR, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. PLATTS.

H.R. 4510: Mr. BAIRD, Ms. BEAN, Mr. BLUMENAUER, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DELAURO, Mr. DOYLE, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. GORDON, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mr. LEVIN, Mrs. LOWEY, Mr. MENENDEZ, Mr. NADLER, Mr. THOMPSON of California, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. CASTLE, Mr. HOBSON, and Mr. CRENSHAW.

H.R. 4570: Mr. WAXMAN and Mr. HOYER.

H.R. 4575: Mr. CASTLE, Mrs. JOHNSON of Connecticut, Mr. LEACH, and Mr. SIMMONS.

H.R. 4608: Mr. RAMSTAD and Ms. HART.

H.J. Res. 71: Mr. TERRY, Mr. ISTOOK, and Mr. RAMSTAD.

H. Con. Res. 138: Mr. CROWLEY.

H. Con. Res. 309: Mr. GRIJALVA.

H. Con. Res. 321: Ms. WOOLSEY.

H. Res. 521: Ms. LEE and Mr. SHERMAN.

H. Res. 561: Mr. AL GREEN of Texas.

H. Res. 604: Mr. TOWNS and Mr. KING of New York.

H. Res. 605: Mr. NADLER.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 4011: Mr. CUELLAR.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 7, December 14, 2005, by Ms. HERSETH on House Resolution 568, was signed by the following Members: Stephanie Herseth, Hilda L. Solis, Michael R. McNulty, Ben Chandler, G.K. Butterfield, Kendrick B. Meek, Peter A. DeFazio, Brian Higgins, Diane E. Watson, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Danny K. Davis, Mike Ross, Carolyn McCarthy, Bart Stupak, Sander M. Levin, Robert E. Andrews, Timothy H. Bishop, Robert Wexler, Shelley Berkley, Grace F. Napolitano, Raúl M. Grijalva, James R. Langevin, John B. Larson, James P. McGovern, Lincoln Davis, Sherrod Brown, Xavier Becerra, Steve Israel, Lane Evans, Michael H. Michaud, Fortney Pete Stark, Dan Boren, Daniel Lipinski, Jane Harman, Silvestre Reyes, Carolyn B. Maloney, Al Green, Sanford D. Bishop, Jr., Bob Filner, Gary L. Ackerman, Mark Udall, Susan A. Davis, Sheila Jackson-Lee, and Henry Cuellar.

Petition 8, December 14, 2005, by Mr. WAXMAN on House Resolution 570, was signed by the following Members: Henry A. Waxman, Hilda L. Solis, Michael R. McNulty, Ben Chandler, G.K. Butterfield, Brian Higgins, Peter A. DeFazio, Diane E. Watson, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Danny K. Davis, Mike Ross, Carolyn McCarthy, Sander M. Levin, Robert E. Andrews, Timothy H. Bishop, Robert Wexler, Shelley Berkley, Bennie G. Thompson, Grace F. Napolitano, Raul M. Grijalva, James R. Langevin, John B. Larson, James P. McGovern, Sherrod Brown, Xavier Becerra, Steve Israel, Lane Evans, Fortney Pete Stark, Silvestre Reyes, Carolyn B. Maloney, Al Green, Sanford D. Bishop, Jr., Bob Filner, Joe Baca, Gary L. Ackerman, Susan A. Davis, and Sheila Jackson-Lee.

Petition 9, December 15, 2005, by Mr. BOSWELL on House Resolution 584, was signed by the following Members: Leonard L. Boswell, Lois Capps, John D. Dingell, Sam Farr, Gwen Moore, Brian Higgins, John Barrow, Dan Boren, Eddie Bernice Johnson, Tammy Baldwin, Jane Harman, Daniel Lipinski, Solomon P. Ortiz, Nydia M. Velázquez, Silvestre Reyes, Julia Carson, Jesse L. Jackson, Jr., Michael R. McNulty, Nancy Pelosi, Hilda L. Solis, Bart Stupak, Charlie Melancon, James P. McGovern, Carolyn B. Maloney, Alcee L. Hastings, David E. Price, Steven R. Rothman, Barney Frank, Frank Pallone, Jr., Thomas H. Allen, Dale E. Kildee, Earl Blumenauer, James R. Langevin, Charles A. Gonzalez, Russ Carnahan, Marion Berry, Timothy H. Bishop, Jim Costa, Janice D. Schakowsky, Marcy Kaptur, Benjamin L. Cardin, Sanford D. Bishop, Jr., James P. Moran, Allyson Y. Schwartz, Bob Filner, Mike Ross, Joe Baca, Gary L. Ackerman, Corrine Brown, Peter A. DeFazio, Jim McDermott, Cynthia McKinney, Linda T. Sánchez, Shelley Berkley, Vic Snyder, Doris O. Matsui, Dennis A. Cardoza, Barbara Lee, Ruben Hinojosa, Stephanie Herseth, Robert C. Scott, Donald M. Payne, Mike Thompson, Ellen O. Tauscher, Darlene Hooley, Rahm Emanuel, Lloyd Doggett, Tom Udall, Brad Miller, Danny K. Davis, Elijah E. Cummings, Susan A. Davis, Sheila Jackson-Lee, and Henry Cuellar.

Petition 10, December 16, 2005, by Ms. HERSETH on House Resolution 585, was signed by the following Members: Stephanie Herseth, John D. Dingell, Sam Farr, Gwen Moore, Brian Higgins, John Barrow, Dan Boren, Eddie Bernice Johnson, Tammy Baldwin, Jane Harman, Daniel Lipinski, Solomon P. Ortiz, Nydia M. Velázquez, Silvestre Reyes, Julia Carson, Jesse L. Jackson, Jr., Michael R. McNulty, Nancy Pelosi, Hilda L. Solis, Bart Stupak, Charlie Melancon, Rush D. Holt, James P. McGovern, Carolyn B. Maloney, Alcee L. Hastings, David E. Price, Steven R. Rothman, Barney Frank, Frank Pallone, Jr., Thomas H. Allen, Dale E. Kildee, Earl Blumenauer, James R. Langevin, Charles A. Gonzalez, Russ Carnahan, Marion Berry, Lois Capps, Timothy H. Bishop, Jim Costa, Janice D. Schakowsky, Marcy Kaptur, Sanford D. Bishop, Jr., James P. Moran, Bill Pascrell, Jr., Allyson Y. Schwartz, Bob Filner, Mike Ross, Joe Baca, Gary L. Ackerman, Corrine Brown, Peter A. DeFazio, Jim McDermott, Cynthia McKinney, Linda T. Sánchez, Shelley Berkley, Vic Snyder, Doris O. Matsui, Eliot L. Engel, Dennis A. Cardoza, Barbara Lee, Ruben Hinojosa, Robert C. Scott, Mark Udall, Donald M. Payne, Mike Thompson, Ellen O. Tauscher, Darlene Hooley, Rahm Emanuel, Lloyd Doggett, Tom Udall, Brad Miller, Danny K. Davis, Elijah E. Cummings, Susan A. Davis, Sheila Jackson-Lee, and Melissa L. Bean.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The folloing Members added their names to the following discharge petitions:

Petition 1 by Ms. HOOLEY on House Resolution 267: Juanita Millender-McDonald.

Petition 2 by Mr. MARSHALL on House Resolution 270: Juanita Millender-McDonald.

Petition 3 by Mr. EDWARDS on House Resolution 271: Bart Gordon, Dennis A. Cardoza, Robert Wexler, Hilda L. Solis, Carolyn C. Kilpatrick, Howard L. Berman, Leonard L. Boswell, Rahm Emanuel, Lincoln Davis, Steve Israel, John D. Dingell, Adam Smith, and Allen Boyd.

Petition 4 by Ms. SLAUGHTER on House Resolution 460: Bart Gordon, Michael H. Michaud, Bob Filner, Sherrod Brown, Maxine Waters, Lucille Roybal-Allard, Wm. Lacy Clay, Benjamin L. Cardin, Robert Menendez, Bennie G. Thompson, Chris Van Hollen, Russ Carnahan, Jim Cooper, Joe Baca, Bernard Sanders, Stephanie Tubbs Jones, Dennis A. Cardoza, Darlene Hooley, Allyson Y. Schwartz, Adam B. Schiff, Betty McCollum, Ben Chandler, G.K. Butterfield, Peter A. DeFazio, Jim Costa, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Bart Stupak, Linda T. Sánchez, Anna G. Eshoo, Robert E. Andrews, Mike McIntyre, Xavier Becerra, Steve Israel, John D. Dingell, Dan Boren, Gary L. Ackerman, and Robert C. Scott.

Petition 5 by Mr. WAXMAN on House Resolution 537: Bart Gordon, Michael H. Michaud, Bob Filner, Sherrod Brown, Maxine Waters, Lucille Roybal-Allard, Wm. Lacy Clay, Michael M. Honda, Benjamin L. Cardin, Robert Menendez, Bennie G. Thompson, Chris Van Hollen, Russ Carnahan, Jim Cooper, Joe Baca, Bernard Sanders, Stephanie Tubbs Jones, Dennis A. Cardoza, Darlene Hooley, Allyson Y. Schwartz, Adam B. Schiff, Betty McCollum, Ben Chandler, G.K. Butterfield, Peter A. DeFazio, Julia Carson, Jim Costa, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Howard L. Berman, Linda T. Sanchez, Anna G. Eshoo, Mike McIntyre, Rahm Emanuel, Xavier Becerra, Steve Israel, John D. Dingell, Dan Boren, Gary L. Ackerman, and Robert C. Scott.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Bart Gordon, Bernard Sanders, Stephanie Tubbs Jones, G.K. Butterfield, Peter A. DeFazio, Jay Inslee, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Anna G. Eshoo, John B. Larson, Maxine Waters, John D. Dingell, and Robert C. Scott. Q02

The following Member's names were withdrawn from the following discharge petition:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Patrick J. Kennedy and Leonard L. Boswell.

United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

*Vol. 151* WASHINGTON, SATURDAY, DECEMBER 17, 2005 *No. 163*

# *Senate*

The Senate met at 4 p.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, thank You for Your steadfast love and Your unchanging mercy. Your wondrous deeds sustain us and Your compassion keeps us secure. Help us not to have inflated notions of our importance but seek instead to live so that we are worthy of honor, even if it never comes. Remind us that true greatness comes through service, and may we esteem others as better than ourselves. Give us wisdom to follow Your example of generous self sacrifice, and keep us from returning to dead-end paths.

Bless our lawmakers today. Strengthen them in their challenging work of striving to find common ground. Shield them from strife and division as they seek unity for the good of our Nation and world. Empower them to trust You without wavering.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order 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 with Senators permitted to speak therein for up to 10 minutes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

**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.



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SCHEDULE

Mr. FRIST. Mr. President, today I do not anticipate a lengthy session, but we are here for important work. We need to pass a short-term continuing resolution, and we are waiting for the House to send us a joint resolution. We expect to clear a package of nominations this afternoon, and we will do that block of executive nominations by voice vote. We will also continue to process some of the other legislative items that have been cleared and are ready to move.

Final discussions continue on the remaining must-do items, and I am hopeful that we will be soon able to take action on these items over the next couple of days. Members will be asking about the schedule, and I will make further announcements shortly on tomorrow's lineup. I want to confer with the chairmen and principals involved in the negotiation and then say more at the close of business today. Again, we will wrap up our work today in as quick a time as possible, and Members should stay tuned as everything is finalized.

There is a lot of work going on in the Capitol today—until late last night and until the early hours of the morning. Just last night and over the last several days we passed very important pieces of legislation. If we look back on Friday, last night, we passed cord blood legislation, which opens up critical new research opportunities and clearinghouses for safe, ethically sound transplantation. That is going to save lives.

We passed the Gulf Opportunity Zone Act of 2005, which will provide a second major round of critical tax relief to our brothers and sisters in the gulf coast region.

We extended the Terrorism Risk Insurance Act, which takes another step toward reducing taxpayers' risk and minimizing the Government's interference with the private market.

We passed an important new provision in the Violence Against Women Act, which will protect rape survivors who have already been victimized once by sexual assault.

We passed the Bahrain Free Trade Agreement this past week, which enhances our bilateral relationship with a strategic friend and ally.

I mention all of these because a lot of them we do actually in what we call wrap-up or by unanimous consent but all are major pieces of legislation. We now have, over the next several days—and I hope it is as few as possible—very important legislation on Defense, both appropriations and authorization, as well as the deficit reconciliation package and nominations that I mentioned. So we have a lot of work to do over the next several days.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

DEFENSE AUTHORIZATION

Mr. REID. Through the Chair to the distinguished majority leader, there is some confusion over here because at one time last night, on the conference report on defense authorization—it was signed by everybody. Does the leader have the latest word on that? Senator WARNER and Senator LEVIN, because they were trying to stick other stuff in the bill, were going to withdraw their signatures. Do we know if that happened?

Mr. FRIST. Mr. President, through the Chair, I know it has not passed the House yet. I will have to check and see what the current status is on the Department of Defense authorization. I will have to check and see what the current status of that is. It was my understanding that would be ready at some point—or as of late last night they would be ready sometime today. The House has not yet acted on that.

Mr. REID. We hope to have the Defense appropriations bill tonight or tomorrow? When is that expected?

Mr. FRIST. Defense appropriations will likely be tomorrow. There are several items that remain to be wrapped up. Most of the meetings over the course of last night and today have been with the objective of having that wrapped up as soon as possible, but that will much more likely be tomorrow. It will not be tonight.

Mr. REID. Does the leader have some indication as to what the schedule will be Monday? The leader has indicated that there will be no votes today or tomorrow. Are we going to have votes Monday?

Mr. FRIST. We know we are not going to have rollcall votes today. We will be in a very short period of time today. I would think tomorrow, depending on how things go over the next couple of hours, we would come in fairly late waiting on action from the House of Representatives. Once we have a better feel when they are going to act tonight or in the morning, we will set a time to open tomorrow.

We have not said no rollcall votes tomorrow, but we will be able to say that for sure in just a bit, in all likelihood. Then I expect we will need to come in early Monday and vote early Monday because at that point in time we should have legislation coming from the House. So Monday is going to be a very full day. For right now—we can talk shortly if something else indicates otherwise—we would plan on voting Monday morning.

Mr. REID. I told my Senators on call that they should be ready to go Monday morning, by 10 or so. Is that a fair statement?

Mr. FRIST. I think that is a perfect goal and that we mutually share that, that we could start voting as early as Monday morning. Since we will be in tomorrow, if we can update that because most of our—many of our Senators are out around the country, we will do just that.

AVIAN FLU

Mr. FRIST. Mr. President, I want to make a very brief statement on an issue that I believe requires action before we leave. It is something we have addressed on the floor of the Senate, actually in several different capacities, but I want to restate the importance of that. It has to do with a potential pandemic of an avian or bird influenza—the so-called bird flu. In the 20th century, we have had three influenza pandemics. Remember, about 30,000 people in this country die every year from the seasonal flu. But superimposed on this seasonal flu, on three occasions in the last 100 years, there have been these pandemics. What our public health officials and what our scientists say is, for sure, we are going to have another pandemic. The time is in the near future, and a pandemic is going to occur, but we don't know exactly when. The worst of the three pandemics in the last 100 years was in 1918, the so-called Spanish flu—although it was called the Spanish flu, it probably started actually in Kansas—but that flu went through our population in a period of weeks and killed about half a million people; worldwide it killed somewhere around 40 million people.

The Secretary of Health and Human Services, Secretary Leavitt, warns if past is prologue, the world is overdue for another flu pandemic. I agree with that assessment. The pandemic will occur. We do not know exactly when. But we know we are drastically underprepared; not unprepared but underprepared. If we act with action now, we will be prepared. Preparation means much less destruction or potential destruction by such a pandemic.

The avian flu over the last couple of years has spread from East Asia, to Romania, to Turkey. It looks and acts more similar to the virus of 1918 than either of the other two pandemics, the one in 1957 and the one in 1968. If it achieves the final step in what becomes a pandemic, that is, human-to-human transmission—the first couple of steps are that it is a novel virus, a new virus, and that it spreads to other species, multiple species, and the third big step is transmission, human-to-human transmission. In that case, the consequences could be catastrophic both in loss of human life as well as in economic meltdown in many ways.

Recently, in the last several weeks, the Congressional Budget Office released a study which I had requested specifically on the economic impact of a serious and a mild pandemic of avian flu. Their report demonstrated—much higher than I expected—a 5-percent decline in our gross domestic product over the course of a year. That is about a $675 billion hit if we were to have a severe pandemic of this avian flu. The clock is ticking. If a pandemic occurs and we are underprepared, if it were to occur today and it were severe, the Congressional Budget Office predicts, with their best economists and access

to public health officials, that is what would occur.

We need to put the wheels in motion, so when and if that avian flu hits, we are prepared. If we are prepared, we diminish the economic impact dramatically. If we do not act and that avian flu pandemic comes to our shores, we in this Senate will be rightly blamed for failing to do our best to protect the American people, given what our scientists and public health officials say today. That finger will be pointing straight at the Congress if we do not act. The good news is we will act. We plan to act in the bills that have come before the Senate in the next couple of days. We need a six-prong approach. We need to address communications, we need to address surveillance, we need to address the appropriate research, we need to address the whole issue of antiviral agents, the Tamiflu, we need to address vaccines. Right now we do not have any vaccines specific to a virus that would be transmitted human to human. That has to be created after we identify the virus. And the sixth component is what we call surge capacity, the stockpiling of antiviral agents and vaccines.

It may sound like a lot of moving parts, but between our researchers and public health officials, our entrepreneurs, our private sector, we do have the intellect, the ingenuity, and the knowledge to get the job done.

Our job as elected officials, my job as an elected official and my job as a physician is to see this thing through to make sure we are adequately prepared, and we can look our constituents in the eyes and say we have done everything possible to see that we are prepared for such a pandemic. Our economy, our country, and our lives may depend on whether we take action.

The President has laid out a comprehensive plan. It is our job to set aside the appropriate resources but also to give the appropriate incentives to tackle this looming threat.

I refer to our colleagues to put aside partisan differences, to hold together, to protect the American people. The flu virus does not know who is a Republican and does not know who is a Democrat. The people who suffer will know who did not get the job done.

We do not need to panic. What we do need is to prepare ourselves. Preparation means action, action in the Congress. The American people are counting on it. That is exactly what we will do over the next several days.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Texas.

Mr. CORNYN. I ask unanimous consent to speak for up to 20 minutes as in morning business.

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

## USA PATRIOT ACT

Mr. CORNYN. Mr. President, unless the Congress acts, on December 31, 2005, 16 different provisions in the USA PATRIOT Act will expire.

Two days ago we had a vote to determine whether a minority in the Senate would allow a bipartisan majority the chance to have an up-or-down vote on the reauthorization of the PATRIOT Act. As everyone knows, that vote failed. Fifty-two senators voted to close off debate. There being a requirement of 60 votes to cut off debate, that threshold was not met so we did not reauthorize the PATRIOT Act.

So here we are with the clock ticking, with America's security at risk. We find ourselves in the incredible position of seeing certain ordinary law enforcement tools that are used everyday in State and Federal courts all across this country will, in about 2 weeks, no longer be available in the case of international terrorists or spies or cases involving the Foreign Intelligence Surveillance Act.

Perhaps the one provision of the PATRIOT Act that will expire that causes most concern is the so called wall. That, of course, is the term used to describe what previously—before October of 2001—was a wall that separated the sharing of information between our law enforcement personnel and our intelligence authorities. It is clear, as the 9/11 Commission demonstrated, that this wall made us less safe. It was not required by the Constitution. It was not required by any provisions passed by this Senate and signed by the President. It was simply a choice made by the Department of Justice to prevent the sharing of information.

We learned from the bombing of the World Trade Center in 1993 and its investigation, as well as from by the terrible events of September 11, the 9/11 Commission concluded this wall, which was not constitutionally required, prevented the sharing of information between law enforcement and intelligence authorities and this prohibition contributed to the terrible events on September 11.

It was imperative the Congress act as quickly and as carefully as possible to remove any impediments that were not otherwise mandated by the Constitution from investigating and preventing future terrorist attacks against this country.

Those who have opposed this up-or-down vote in the Senate with regard to the reauthorization of the PATRIOT Act are asking us to make a false choice. In other words, they are saying if the PATRIOT Act is reauthorized, somehow Americans' civil liberties will be in jeopardy. They are asking us—or telling us—that we have to choose between our national security and our civil liberties. That, to repeat, is a false choice.

The fact is, we can have a balanced reauthorization of the PATRIOT Act that will protect America from future terrorist attacks. We can continue to disrupt the terrorist cells both here at home and abroad that endanger us and protect our civil liberties at the same time.

This country was founded upon a belief in individual freedom and the protection of individuals against the overwhelming power of the Government. And we have, for more than 200 years, written into our laws—not to mention the Constitution—various protections to make sure our civil liberties and our individual freedoms are protected.

But the No. 1 responsibility of the Federal Government is to keep us safe. There is no other responsibility that comes anywhere close to that imperative. That is why I believe the PATRIOT Act must be reauthorized, and if we fail to act before these provisions expire on December 31, 2005, we will not have met our responsibilities. Indeed, we will have contributed to making this country much more dangerous than it would otherwise be.

Now, as we recall, after the terrible events of September 11, Congress, for 6 weeks, debated the original passage of the PATRIOT Act and, in a vote of 98 to 1, passed the PATRIOT Act. It provided that these 16 provisions would expire at the end of this year. The vote to enact this legislation was 98 to 1 in the Senate, after 6 weeks of debate. In the House, the vote was 365 to 66, again not quite as overwhelming as in the Senate, but it was a lopsided vote in favor of passing the PATRIOT Act. And it was signed into law on October 26, 2001.

Now, I have been surprised at how much misunderstanding there is surrounding the PATRIOT Act, how much outright mythology and disinformation there has been by those who are not just concerned about civil liberties, but those who are actually engaging in almost paranoid delusions about what it is that the PATRIOT Act provides in terms of the authorities to combat and to break up terrorist activities.

The fact is, anyone who has been involved with or even remotely acquainted with our criminal justice system knows and will recognize that the provisions of the PATRIOT Act merely extended to national security cases many of the tools that are used every day in courts all across the Nation and throughout the States. So this breathlessness, this sense of the existence of conspiracy theories, about the Federal Government deciding to suspend the civil liberties of the American people in pursuit of terrorists, is pure fantasy.

I want to talk about the provisions that are being discussed so I think at least those who are listening can understand there has been careful thought and careful negotiations between the House and the Senate and there has been an awful lot of effort put into trying to strike the right balance.

But what the critics are asking us to do is engage in a willing suspension of disbelief. It is almost unthinkable to me that here we are, some 4 years after the terrible events of September 11th, debating these common sense tools almost as if some have forgotten the lessons we learned and lessons we should remember for the rest of our lives.

I was not here in Washington on September 11. I was merely a candidate for the Senate and the attorney general of my State in Texas at the time. I was in Austin, Texas when those planes hit the World Trade Center. We all recoiled in shock and in horror at those terrible events. But I remember, since I have been here in Washington, the number of occasions where we have had warnings of intrusions into the airspace around this Capitol, where people here were running out of the Capitol, some in tears, out of fear that we were going to have another attack here at the Capitol.

As we know, but for the brave acts of some passengers on an airplane who caused that plane to crash in Pennsylvania, it could have been that plane was meant for the White House or the U.S. Capitol, which would have resulted in tremendous additional loss of human life.

So it is amazing to me—and I guess in some ways it is a sign of the times—that our memories are so short and that we need to be reminded about the seriousness of the threat that still remains. We need not let our guard down, instead we need to continue to do everything that is humanly possible to protect the American people against future terrorist attacks.

I know there are some who scoff at it and ridicule the threat, but I would ask them to go back and to read the newspaper accounts, to see the video replays of the terrible events of September 11, and then to reconsider. Those who fear that Government has turned into ''big brother'' and is simply invading our bedrooms and our libraries and our personal lives in ways that would shock all of us are engaging in, I think, a fantasy.

When you look at the facts—and I would suggest facts are stubborn things—we ought to look at the facts and the provisions that are being debated and then ask ourselves: Aren't these the kinds of tools we would want our law enforcement personnel to have to keep us safe?

I think the American people—when they understand, as they will before this debate has concluded, what is at stake here—would want us to act responsibly to extend and continue to provide these ordinary sorts of law enforcement tools to national security cases.

There is no doubt in my mind that a bipartisan majority of the Senate would pass this reauthorization of the PATRIOT Act if allowed to do so. But, indeed, what we are seeing is a filibuster by a willful minority that is blocking a bipartisan majority from even having the right to cast that vote. I recognize there are some people who have sincere beliefs that reauthorization of the PATRIOT Act is not the right thing to do. While I strenuously disagree with them—and I would welcome a chance to debate with them here on the Senate floor the wisdom of that decision—I respect their right to hold that opinion. But I do not respect the minority when they block a bipartisan majority from having the chance to vote on tools that, if not extended, will leave this country vulnerable to attack.

Again, I am confident that if we had a vote a bipartisan majority of the Senate would see fit to reauthorize the PATRIOT Act and continue these important protections for the American people. But we find ourselves with the clock ticking, time running out, and America potentially endangered, if on December 31, 2005 these important provisions expire because we in the Senate did not act. A direct consequence of this action, or inaction, will endanger our country.

I would ask my colleagues: What has changed since that 98-to-1 vote in the Senate when, in October 2001, after 6 weeks of debate, the PATRIOT Act was passed? Are there reports of rampant abuses of the PATRIOT Act? No. Are there examples where Members can come to the floor and explain to us, that this is too much power for the Government to have, or that somehow we have an imbalance in the power given to the Government, and that we need to strike a right and better balance?

The fact is, Mr. President, all of the skeptics have is speculation, conspiracy theories, and outright fantasy when it comes to the potential of abuse under any of these provisions of the PATRIOT Act. I am convinced that the chairman of the Judiciary Committee in the Senate, Senator SPECTER, and the conferees in the House and Senate have done their very best given the nature of negotiations and compromise to strike the best balance between civil liberties and the protection of the American people. It would be a failure of responsibility and duty for us not to reauthorize the PATRIOT Act.

But I ask again, what has changed since September 11, 2001? What has changed since October of 2001 to now lead some of our colleagues to say that these provisions are unimportant, are not useful, or are no longer needed? Has the threat of international terrorism receded? Has it gone away?

I looked on the Internet before I came here for a listing, because I wanted to make sure I had all of them, of suspected al-Qaida terrorist attacks across the globe since September of 2001.

In December 2001, a man tried to detonate a shoe bomb on a flight from Paris to Miami. I believe his name is Richard Reid. There was an explosion in April of 2002 at an historic synagogue in Tunisia that left 21 dead, including 14 German tourists. In May of 2002, a car exploded outside a hotel in Karachi, Pakistan, killing 14, including 11 French citizens. In June 2002, a bomb exploded outside the American consulate in Karachi, Pakistan, killing 12 people. In October 2002, a boat crashed into an oil tanker off the Yemen coast killing a single individual. Then there were the nightclub bombings in Bali, Indonesia, that killed 202 people, mostly Australian citizens, in October of 2002.

Then there was a suicide attack in Mombasa, Kenya, killing 16 in November of 2002. In May of 2003, suicide bombers killed 34, including 8 Americans at housing compounds for westerners in Riyadh, Saudi Arabia. In May 2003, 4 bombs killed 33 people, targeting Jewish, Spanish, and Belgian sites in Casablanca, Morocco. In August 2003, suicide car bombers killed 12 people and injured 150 more at the Marriott Hotel in Jakarta, Indonesia. In November 2003, explosions rocked a Riyadh, Saudi Arabia, housing compound killing 17. In November 2003, suicide car bombers simultaneously attacked two synagogues in Istanbul, killing 25 and injuring hundreds more. In November 2003, truck bombs detonated at a London bank and British consulate in Istanbul, Turkey, killed 26. In March 2004, 10 bombs on 4 trains exploded almost simultaneously during the morning rush hour in Madrid, Spain, killing 202 and injuring more than 1,400 people. In May 2004, terrorists attacked a Saudi oil company office in Khobar, Saudi Arabia, killing 22.

In June 2004, terrorists kidnaped and executed American Paul Johnson, Jr., in Riyadh, Saudi Arabia. Then in September 2004, car bombs outside the Australian Embassy in Jakarta, Indonesia, killed 9. In December 2004, terrorists entered the U.S. consulate in Jeddah, Saudi Arabia, killing 9. In July 2005, bombs exploded on 3 trains and a bus in London, England, killing 52. In October 2005, 22 were killed by 3 suicide bombs, again in Bali, Indonesia. Then most recently in November 2005, 57 were killed at 3 American hotels in Amman, Jordan, including at a wedding party.

Mr. President, I go through this list not to just bore my listeners but rather to recount in horrific detail the threat that still exists to America and American citizens and people all around the world by international terrorists. These are examples of what could happen on our own soil again if we let our guard down as we did before September 11.

Just to remind my colleagues what we have been able to do because we have been on our guard, because we have the PATRIOT Act, because we have equipped our law enforcement and intelligence personnel with the tools necessary to identify and investigate and disrupt terrorist activities, because we have been on the offensive in Afghanistan and Iraq disrupting the ability of terrorists to train, recruit, and then export their terrorist activities, because we have done all of those things, America has not sustained another terrorist attack on our own soil since September 11, 2001. But it is far from certain that it will not happen again.

Some have said it is a matter of when, not if, America will be hit again.

But, thank goodness, because of the diligent efforts of men and women in our law enforcement agencies, in our intelligence agencies, the men and women in our military, and so many other people working together diligently, we have protected Americans on our own soil. There have been at least 10 serious al-Qaida plots disrupted, including 3 al-Qaida plots to attack inside the United States since September 11.

In mid 2002, the United States disrupted a plot to attack targets on the west coast of the United States using hijacked airplanes. The plotters included at least one major operational planner involved in the events of September 11. In mid 2003, the United States and a partner disrupted a plot to attack targets on the east coast of the United States using hijacked commercial airplanes.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. CORNYN. I ask unanimous consent for an additional 15 minutes.

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

Mr. CORNYN. Then there is the Jose Padilla plot in May 2002. The United States disrupted a plot that involved blowing up an apartment building in the United States using a dirty bomb or a radiation dispersal device. In mid 2004, the United States and our partners disrupted a plot that involved urban targets in the United Kingdom. These plots involved using explosives against a variety of sites. Then there was a plot in Karachi, a plot at Heathrow Airport in London, another UK plot in 2004, another Arabian Gulf shipping plot, one in the Straits of Hormuz in 2002, and a tourist site targeted by al-Qaida. In 2003 there have been at least 10 disrupted terrorist attacks as a result of the concerted efforts of our law enforcement and intelligence personnel, at least 3 on American soil since September 2001.

I ask my colleagues who are blocking the vote on the renewal and reauthorization of the PATRIOT Act: What could they possibly be thinking to believe that we ought to voluntarily relinquish the tools that have in part made it possible to keep us safe and to protect Americans from these terrorist attacks?

I know, Mr. President, there are others in the Chamber who want to speak on this or related issues. I want to close on one last red herring that has been raised.

As the New York Times reported, the President of the United States has authorized, after counseling with the Department of Justice and various legal authorities, as well as consulting with Congress on up to 12 occasions, the use of intercepted messages from the National Security Agency as part of our ongoing counterterrorism efforts. The New York Times suggested that this was a secret way to threaten the civil liberties of Americans. The fact is, as is now being revealed, Congress was consulted at least 12 times since September 11th about the President's authorization of these interceptions of communications, interceptions which were not solely within the United States but were from known links to international terrorism in the United States and known links with international terrorism overseas.

It is perhaps not a coincidence that just before the vote on cloture on the reauthorization of the PATRIOT Act, the New York Times released this story. Indeed, at least two Senators—I heard with my own ears—cited this article as a reason why they voted to not allow a bipartisan majority to reauthorize the PATRIOT Act. As it turns out, the author of this article had turned in a book to his publisher 3 months ago. The paper failed to reveal that the story was tied to a book release and sale by the author James Risen. The title of the book is ''State of War, the Secret History of the CIA and the Bush Administration.'' It is about to be published by the Free Press in the coming weeks.

It is a crying shame that America's safety is endangered by the potential expiration of the PATRIOT Act in part because a newspaper has seen fit to release, on the night before the vote on the reauthorization of the Act, and as part of a marketing campaign for selling the book, something that is blatantly misrepresentative of the facts and appears to be an attempt to strike terror or perhaps paranoia into Senators and others out of some unrealistic and inaccurate concern for invasion of civil liberties.

It is appropriate that Congress have hearings to look into this, but the fact is, the President and his administration have briefed high ranking Members of Congress on 12 occasions since this so-called secret program of intercepting communications between known terrorist contacts in the United States and overseas occurred.

When I came to Washington to serve in the Senate almost 3 years ago, someone jokingly referred to it as a logic-free zone where perception is reality. We all got a good laugh out of that. But the hysteria over the USA PATRIOT Act and the fact that people have, in too many instances, not focused on the hard-fought attempts to balance our security with civil liberty concerns by hammering out thoughtful and useful provisions is a disservice to the American people. It is not a typical policy disagreement that we sometimes have about taxes or some other issue. This is one that has the grave potential of endangering American lives because we know the terrorist threat exists. This threat continues to this day.

September 11, while it was 4 years ago, is not an isolated event, as the listing I provided details. Terrorists will, if we let our guard down, hit us again. Then I ask: Where will the blame lie? If we have failed to do everything within our power to protect the American people, we will have failed to discharge our duty in this body.

I hope our colleagues who are blocking a bipartisan majority from casting a vote to reauthorize the PATRIOT Act which will prevent the expiration of these 16 provisions will reconsider their decision. It is unthinkable to me that anyone would allow these provisions to expire. I realize there are differences of opinion. I am happy to have this debate. I understand that people have conscientiously held opinions that are different than mine about the importance of this Act, but to block a bipartisan majority from having the chance to vote is incredible.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will.

Mr. SESSIONS. I thank Senator CORNYN for his discussion of this important issue. If the people of America were to hear what he said and consider those issues thoughtfully, their fears would be greatly relieved. I am convinced there is nothing in this legislation that in any way jeopardizes the liberties we have.

The Senator from Texas served as attorney general for the State of Texas. He served on the Supreme Court of the State of Texas. He brings good judgment and legal understanding to the Senate. I urge my colleagues to listen to him.

Senator SPECTER, chairman of the Judiciary Committee and certainly a person who has been a champion of civil liberties all his career, has said that the bill we passed in this body by unanimous consent which went to conference in order to work out differences with the House, came back with 80 percent the provisions contained in the Senate bill untouched, and very few changes in favor of the House version.

I ask the Senator from Texas, the bill we passed here by unanimous consent, is that not the same bill he and I worked on in the Judiciary Committee and that came out of the committee unanimously by an 18-to-0 vote after full discussion about those issues?

Mr. CORNYN. The Senator from Alabama is absolutely correct. He serves with great distinction on the Senate Judiciary Committee, as does the current occupant of the Chair. We all know that it is not the most cohesive committee in the Senate. As a matter of fact, we have some pretty serious disagreements about important policy issues. But on the PATRIOT Act, under Senator SPECTER's guidance, with the ranking member, Senator LEAHY, we were able to reach unanimity and pass the PATRIOT Act out of the Judiciary Committee. That would not happen, given the legal minds and the great advocates we have on the Judiciary Committee, if it were not a good bill. To now suggest, as some have, that this has not been well thought through, that it is not carefully done, flies in the face of the facts.

If I may, Mr. President, through the Chair, I ask my friend from Alabama,

who has been a distinguished U.S. attorney, served as attorney general of his State before coming to the Senate, and has a lot of experience in law enforcement, are the provisions of the PATRIOT Act that are being debated involving wiretaps and production of business records and delayed notice search warrants, are these the sort of ordinary tools that are available to prosecutors in State and Federal courts in regular, ordinary, vanilla criminal cases?

Mr. SESSIONS. I thank the Senator from Texas. He is exactly correct. As a former attorney general of Texas, he knows that every county attorney in America can go to a county judge and issue a subpoena for bank records, for medical records, for telephone toll records, for motel records, for library records, and for bookstore records.

That is done every day and the standard is simply whether those records are relevant to an investigation that the Attorney General or district attorney in any county in America is conducting. That is the way the system works. People act as if issuance of a subpoena for somebody's records is a violation of a constitutional rights. That is beyond my understanding.

So I certainly agree. In fact, with regard to a group of records, the power of the FBI to investigate terrorists, in some ways, is far less than that of a county attorney. A 215 order includes health records, library records, bookstore records—I hate to laugh, but—for which you have to go to a court and get approval before they are issued. The local district attorney issue this type of order if he is investigating somebody for failure to pay county taxes.

I want to ask the Senator about this. One distinguished Senator yesterday on the floor of the Senate declared that an FBI agent could write up a warrant and go out to search your house. With regard to the two categories of records I have mentioned, I add for the RECORD that these are records not in the possession of a potential defendant or terrorist; these are records in the possession of a bank or a telephone company; they are not personal records. But with regards to personal records where the district attorneys in every county and any U.S. Attorney has to get a search warrant and has to have it approved by a judge, and in the case of the FBI, a Federal judge, they have to submit facts under oath to justify the search, and those searches go to a person's home, their automobile, or areas in which they have dominion and control. My question to the Senator is whether he is aware of anything in this legislation that in any way would undermine the standard and burden on investigators before they get a search warrant of somebody's private property?

Mr. CORNYN. Mr. President, I say to the Senator from Alabama he is precisely correct. One of the things that has been carefully taken into consideration in this legislation is to make sure whoever the individual is or whoever's rights are at issue, that there is an opportunity to go to a judge—in this case, the Foreign Intelligence Surveillance Court, a specialized court with jurisdiction over national security cases—and to ask an impartial judge to intervene.

But some of our colleagues, it seems, have these fantasies about rogue law enforcement personnel with nothing better to do than running roughshod over the rights of American citizens. These are serious professionals. I know my colleague from Alabama, being a former U.S. attorney, has worked closely with the FBI and other Federal law enforcement officials. I ask him—and then I will certainly yield the floor to him for any other remarks he cares to make—is there any basis to this idea that Federal law enforcement agencies, such as the FBI and the intelligence agencies, have nothing better to do or have so little disregard for our laws and Constitution that they look for opportunities to trample on the rights of innocent American citizens?

Mr. SESSIONS. I thank the Senator. That is such a good question. I worked very closely on a daily basis with FBI agents for 15 years as a Federal prosecutor. Some of those agents remain good friends of mine. They are people of high integrity and discipline. They follow the rules. Sometimes they shake their heads in wonderment at the regulations we place on them as they are out trying to protect America. But they comply day after day with whatever rule it is. In fact, I guess some people may have thought when we created a wall between the CIA and the FBI, that if information were important, agents would not pay much attention to that wall, and would share the information anyway. Surely the CIA would tell the FBI if they have information that a dangerous cell may be operating in the U.S.; surely they would tell them. But we prohibited it. There was a wall and this legislation tore it down. Before this wall was torn down, they did not share any information, regardless of how important it may have been.

I was on a show with a distinguished Member of this Senate who made the comment that the people of his State didn't want the FBI patrolling near their homes and searching their houses and getting delayed warrants and staying in their houses and all these other things. I talked to the Attorney General Gonzales today. He said two-tenths of 1 percent—2 out of 1,000 warrants issued in this country, are delayed warrants. There probably hasn't been one issued in his State since the act was passed 4 years ago. The last thing the FBI would want to do is violate the law, risk their careers, or waste their resources prowling into the houses of Americans. To get a delayed notice warrant or any warrant of this kind, they have to go to the court in advance. Then they have to have additional proof if they want to delay the notice to the person whose residence has been searched.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

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

Mr. SESSIONS. I thank Senator CORNYN from Texas for his steadfast work on this issue. He is an extremely hard-working Senator. He gets these facts right. He is an extremely skilled lawyer and has a great legal mind. I hope the people will listen to his remarks.

We have gone through this bill. This bill was carefully drafted the first time we voted on it. It came out of the Senate 4 years ago with only one ''no'' vote. We have had 4 years of experience with it. It is going to expire the end of this calendar year. We passed our version of reauthorization by unanimous consent in this body. Our Senate Judiciary Committee, which has some of the most civil libertarian lawyers in the Senate—in the country, for that matter—passed it out unanimously. I am shocked, surprised, and utterly disappointed that we went to conference—where we maintained position after position on our bill and the House conceded time and time again on their bill, to the extent that about 80 percent of the differing provisions were decided in favor of the Senate—and now have this unbelievable filibuster that blocked a bill which had so much bipartisan support, from coming up and being considered and given a vote.

I thank the Chair. I see the distinguished ranking Member of the Senate Armed Services Committee on the floor, Senator LEVIN. I am delighted to yield to him at this time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Chair and my friend from Alabama.

One quick comment on the PATRIOT Act. Of course, everybody in this body wants to renew the PATRIOT Act. That is not the issue. The issue is the contents of that act and whether this body ought to have an opportunity to debate some of the differences between the version that came back to us from conference and the one that left the Senate. There are significant differences.

There is a bipartisan group that opposes the PATRIOT Act in its current form. We all want to extend that act so there is no gap. Nobody wants a gap in coverage. Everybody agrees it should be extended. The question is, should it be extended for a short period of time to give those of us who have questions and doubts about some of the provisions that came back from conference that were not in the Senate version an opportunity to debate and hopefully change some of those versions.

Mr. SESSIONS. Mr. President, will the Senator yield just 1 second on that point?

Mr. LEVIN. Sure.

Mr. SESSIONS. I urge him to examine the legislation and to examine the

changes that are made. I know some have said they are significant. With the Senator's legal skills and ability to analyze, I think he will find they are not nearly as significant as some say. As a matter of fact, most are very small. I believe he will feel comfortable in the end once again voting for this legislation.

I thank the Chair and yield the floor.

Mr. LEVIN. Mr. President, I thank my friend from Alabama. I have, indeed, studied the version that has come back from conference. The differences are significant, indeed. They are very significant, so much so that some of the more conservative Members of this body have joined in a decision that we should have an opportunity to debate the PATRIOT Act conference report before it is enacted. We all want to extend it to give us that opportunity. But this is not a Democratic or Republican opposition; it is a bipartisan group of Senators who have studied the conference report and have significant differences with it, and I am one of those Senators.

## DEPARTMENT OF DEFENSE AUTHORIZATION CONFERENCE REPORT

Mr. LEVIN. Mr. President, I wish to talk about a different bill, a bill we thought was finally put to bed yesterday. When we say ''put to bed,'' what we conferees mean is the conference is over and that all of the members of the conference have signed the conference sheets, the signature sheets which signify that document that is attached to those sheets is the final version and that then will be presented to both Houses for their consideration.

Senator WARNER came to the Chamber last night to express his dismay with what we understand now has happened in the House, and that is that the House leadership is apparently toying with the idea, considering the possibility of trying to insert in that conference report a totally unrelated bill that is not part of either the House or the Senate Defense authorization bill, which is totally unrelated to the subject matter of the Defense Authorization Act.

To me, it is not important what the substance of the bill is that the House Republican leadership wants to attach. The principle is important. The principle is one of the fundamental principles under which we operate in this body and in this Congress, and that is, once a conference report is agreed to, once those signature sheets have been attached, nothing can just be inserted, unless, of course, the conference report is rejected or the report is referred back to conference.

There are rules that the House gets the conference report first, and that allows that body to return a conference report for further consideration. But what is happening here is not that there was going to be a conference report taken up in the House with a motion to refer back to conference to consider other material. Here, apparently, from what we understand, the House leadership was attempting to find some way to add significant legislation to a conference report on which the signature sheet had already been signed by all of us.

Senator WARNER came to the Chamber last night to express his dismay with this process. As always, Senator WARNER is extraordinarily honorable. For him, it is not important what the subject matter of this added legislation is. It is the principle involved. It is the process involved. We cannot possibly operate under a procedure where after a conference is over and the signature sheets are signed that then there is an effort made without, I guess, the body reopening the conference by sending it back to conference for reconsideration but just simply looking for a mechanism to add legislation to a conference report which had already been signed.

Senator WARNER said something last night that I concur in 1,000 percent. In fact, everything he said last night I concur in 1,000 percent because he is a Senate man. He is an institution man. He loves this institution. And the idea that we could have a process where a conference report is signed and then, somehow or other, through some mysterious mechanism or means, additional legislation is added to it without that conference being reorganized and the House, the first body that receives this conference report, referring it back to conference, is a totally unacceptable process.

The chairman of our committee, Senator WARNER, last night said he was not going to accept this process. He would filibuster his own bill if it contained material we had not considered and was now showing up in a conference report. And I would join him in that filibuster. He would exercise the rules of this body to ask the Chair to rule that there is out-of-scope material in this conference report, and I would join him in asking the Chair to make such a ruling.

This is separate and apart from whether he or I agree with the material which was proposed to be added. By the way, for whatever relevance it has, I think probably both of us would be inclined to support the material which was intended to be added if it ever came to the floor in a proper way. I don't want to commit myself to that position because I haven't seen the actual material proposed to be added, but what I know of the subject matter, it would be the type of change in our law which I probably would support and, without speaking for Senator WARNER, I think he is probably inclined to support, too. That is not the issue. We can't treat our colleagues that way. This is a controversial matter which is proposed to be added. There is a very strong debate over the subject matter.

Regardless of what our position is, as the chairman and ranking member of this committee, we cannot bring back from the conference a document which contains material which had never been discussed in conference, never the subject of debate in either the House or the Senate, was not in the House or the Senate bill, and is totally nongermane to the subject matter of the conference report.

We all know there are items added to conference reports that were not in either bill. That happens. But under our rule, the only way it now happens is if it is material to which everybody agrees. It cannot be material which is not in agreement by the Members of the two bodies. We cannot possibly, as a matter of principle, have a process where a conference report comes back containing material not germane, not relevant, not material to the conference, not the subject of either bill that passed either House, and which is added after the signature sheets have been signed.

I wanted to come to the Chamber and say what has happened because we heard this effort was being considered—just being considered—by the House Republican leadership. Senator WARNER and I asked our staff to go over to the House and retrieve our signature sheets.

Mr. REID. Will the Senator yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. REID. Through the Chair to the distinguished ranking member of the Armed Services Committee, I already gave some remarks on the Senate floor last night about my admiration for the chairman of the Armed Services Committee. My admiration of the senior Senator from Virginia is a volume. I think JOHN WARNER is what a Senator is all about, and I said that last night.

I say to my friend from Michigan, I have served in legislative bodies a long time. I have been in public service for more than 40 years. And my respect for the ranking member of the Armed Services Committee is equal to that of the senior Senator from Virginia. There is no better Senator than CARL LEVIN from Michigan—not today or ever. He is one of the best ever.

The working relationship between Senator WARNER and Senator LEVIN is what the Senate should be. But I want to say that what is going on in this Congress is absolutely untoward. We have a Defense appropriations bill that will fund the military, some $450 billion, that is being held up by sticking onto that bill drilling in Alaska, drilling oil wells in Alaska.

There is a place for that legislation, but it should not hold up this bill, as it has been. As Lord Acton said, ''Power tends to corrupt, and absolute power tends to corrupt absolutely.'' That is what we have a study of in here: The absolute power of the Republicans controlling the White House, the House, and the Senate is leading to a corrupt Congress.

To think that the rules mean nothing, throw them aside, let us change them today, we are going to put something on the Defense appropriations

bill. The other aspect of the Defense authorization bill is taking care of our men and women who are fighting for us. It does things such as taking care of pensions, changes in pay and equipment that the appropriations bill funds, which is what the Senator from Michigan and JOHN WARNER have done.

I saw the chairman of the Armed Services Committee as I was leaving the House yesterday, the distinguished House Member from the San Diego, CA area, whom I served with, DUNCAN HUNTER. I asked, how are we coming on this? He said, it is done, it is just like this. One could not see the line between his fingers.

Then we come back over here and it is not done. They are trying to stick into this some type of campaign finance reform. Think about that. ANWR on the Defense appropriations bill and campaign finance in the Defense authorization bill. What is this Congress turning into?

It is almost Christmas and we cannot get our work done. The intelligence authorization bill—we have people giving these patriotic speeches about all the things that need to be done. We cannot do the intelligence authorization bill. That is the bill that directs our intelligence-gathering activities in America. Why? Because they will not let us talk about Abu Ghraib and what has gone on in the military prisons around the world. They will not let us do it, so they are not going to do the bill—they meaning the Republican leadership.

People complain about appropriations bills having stuff in them that they should not. Well, anybody who has any thought of an appropriations bill being pork, wait until the scope of conference changes.

The distinguished Presiding Officer of the Senate at this time has told me—and I have heard him give public speeches—about how he thinks there should not be extraneous things in appropriations bills. Well, I say to my distinguished friend, who is a medical doctor and extremely intelligent, if you cannot see the incongruity of allowing ANWR to be placed on an appropriations bill, then you are a lot less intelligent than I think you are. How could anybody allow this to happen?

Then the final thing I will mention briefly is the PATRIOT Act. The PATRIOT Act yesterday was brought to this Senate in the form of a conference report. A group of Democrats and Republicans felt the bill that passed the Senate Judiciary Committee unanimously, came to the Senate floor and passed unanimously and was taken to that place across the aisle, the House of Representatives, the other body, and came back here a different animal, is now a different bill. It was not the same thing. The Senate Judiciary Committee approved it unanimously and it was approved unanimously in the Senate. It was different legislation.

That is why human rights and civil rights groups on the right and the left politically opposed it. We did the right thing. We want the PATRIOT Act to be extended for 3 months to see if Senator SPECTER and Senator LEAHY can work something out so that the problems with it—and there are significant problems—can be worked out.

I do not appreciate insinuations and intimations that those people who opposed cloture yesterday were unpatriotic. I am opposed to terrorists as much as anybody in this country. I voted for the first PATRIOT Act and I am glad I did. We sunsetted certain things in that first PATRIOT Act because we were pushed, because of the events of 9/11, to get the law changed so we could go after terrorists better than we did. So do not come and give lectures about someone being more patriotic than others and understanding the terrorists more than others. Everyone in this Senate, Democrat and Republican, is patriotic and opposes terrorists, these evil people around the world. We want to do everything we can to defeat terrorists, but we want to do it recognizing that we in America live by a document called the U.S. Constitution that directs what we do.

We can have security and we can have liberty at the same time. When we start saying security is more important than the liberties of the American people, this country is in trouble.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask a question of the Senator before he yields the floor.

Mr. LEVIN. Mr. President, I reclaim my time to the floor if I have any time remaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. In that case I will not reclaim my time.

Mr. SESSIONS. I ask the distinguished Democratic leader—he is a great and skilled advocate, and I know everybody is a bit frustrated at the end of the session, but I do not think he meant to accuse the distinguished Senator COCHRAN and the members of the Appropriations Committee, who have reached a little different conclusion than he would, of being corrupt. He used that word twice. Perhaps it is important for us to recognize that there are a lot of disagreements around here.

Mr. REID. I would be happy to respond to my friend. I respond this way: Corruption is more than money corruption. There is intellectual corruption. The point I was making with the distinguished Senator from Oklahoma, who I care a great deal about, is that people do not like the appropriations process because there is too much money being spent on extraneous matters that they feel are unimportant, such as a swimming pool in Sparks, NV, or something such as that. I am saying if you do not like that, then you are going to hate the process after this precedent is overruled and you can put anything you want in an appropriations bill. There would be no scope of conference and that is what I said and that is what I meant.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to respond. First, I think it is unfortunate when somebody is in the chair that such a statement was made without thankfully someone else being in the Chamber to allow me the opportunity to respond to it.

There is a lot wrong with the process in the Senate and I am sure the distinguished Senator from Nevada probably has an intellectual heads-up on me. I do not doubt that. But what is wrong is deception, not policy changes, and you have never heard this Senator say anything about problems with putting policy riders on appropriations bills.

What I have been very clear about from the day I arrived in the Senate is that there should not be earmarks that are used in politically beneficial ways for individual Members of the body because what that does, in fact, is put the country second and us first. It puts the next election ahead of the next generation.

To equate that with policy changes that go along and use my position as somebody who is fighting hard to change the appropriations process and to use me as an example, because you may not at this time be happy—I am not happy we are here, I am not happy that anything gets stuck on anything, but I also recognize the history of things that have gone on in this body and the other body and how at the end of a session things get tacked on to lots of things.

I will not be used, nor will I allow my position to be used, to wedge other people into thinking I am inconsistent, and I will defend that. My consistent criticism of the appropriation process is on earmarks and on earmarks alone and us living within the amount of moneys we have and not using the earmark process to advantage your own political career.

I want to make sure everybody in this country understands that what you are talking about is something wholly different than that. This is policy. I am not happy about any additional spending that is not paid for, I don't care what bill it comes through, and I have made it very clear to my leadership, on any bill that comes out of this end-of-the-year process.

Mr. REID. Mr. President, reclaiming my time, I say through the Chair to the distinguished Senator from Oklahoma, first of all, I thought I was complimenting the Senator from Oklahoma. If I did not, I apologize. I thought explaining—maybe some people watching this don't know that you are a medical doctor. I also would say to my distinguished friend that when someone is presiding and their name is mentioned, they always have the capacity to speak, not as a Presiding Officer but as a Senator. So you would have every right to respond if I said something with which you disagreed.

I would say this. The reason I think you should check out what I said is

that, under the present rules, you cannot put policy on appropriations bills. It is only for money matters. The Senator said he doesn't object to policy matters on appropriations bills. I do because right now it is not within the scope of the rules. That is what they are attempting to change here, and I think it is wrong.

I say, Mr. President, if I in any way embarrassed the Senator from Oklahoma or said something that offended him, I apologize because I certainly didn't mean to do that. I thought just the opposite, I was trying to compliment him. Maybe I need a lesson in how to compliment people, but that is what I was trying to do.

Mr. COBURN. Mr. President, I would tell the Senator from Nevada I take no personal offense but would also state there hasn't been an appropriations bill coming out of this body in 20 years that hasn't had policy changes directed and attached to it. They all do. If you seriously look at them, there are policy directions on every one of them because the Congress spends all its time appropriating rather than authorizing—the very issue the Senator from Michigan is talking about. Consequently, this year we are going to appropriate $190 billion on items that are not even authorized.

The Senator from Nevada is gracious. I wanted to make sure my point was clear on my position in terms of earmarks and spending. I don't like this process any better than he does, but I am willing to do what we need to do for our country to get it done. I don't want us to corrupt the process, but I will tell you that the process needs to completely be revised in terms of appropriations. We should never be in this position that we find ourselves today.

With that, I yield the floor.

Mr. REID. Through the Chair to the distinguished Senator from Oklahoma, one reason I got on this subject is you were quoted yesterday—actually, it is now Saturday—you were quoted the day before yesterday saying:

It's wrong for members of Congress to use our troops as political cover for new spending. . . . If Senators want to pass additional funds related to hurricane relief or the avian flu, for example, those measures should be amendable and not attached to must-pass bills that cannot be amended.

That is my whole point. Why change the rules? I would further say that I will not raise the Senator's name again other than the quote I just read here.

I am going to read a letter indicating that I am not out in left field about complaining about what is happening to our defense legislation, appropriations and authorization. I have a letter here dated December 17. I think today is the 18th. It is written to me and Senator FRIST.

We are very concerned that the fiscal year 2006 Defense Appropriations Bill may be further delayed by attaching a controversial non-defense provision to the defense appropriations conference report.

It is ANWR.

We know that you share our overarching concern for the welfare and needs of our troops. With 160,000 troops fighting in Iraq, another 18,000 in Afghanistan, and tens of thousands more around the world defending this country, Congress must finish its work and provide them the resources they need to do their job.

We believe that any effort to attach controversial legislative language authorizing drilling in the Arctic National Wildlife Refuge . . . to the defense appropriations conference report will jeopardize Congress' ability to provide our troops and their families the resources they need in a timely fashion.

The passion and energy of the debate about drilling in ANWR is well known, and a testament to vibrant debate in our democracy. But it is not helpful to attach such a controversial non-defense legislative issue to a defense appropriations bill. It only invites delay for our troops as Congress debates an important but controversial non-defense issue on a vital bill providing critical funding for our nation's security.

The final sentence:

We urge you to keep ANWR off the defense appropriations bill.

Signed by:

General, U.S. Marine Corps (Ret.) Joseph P. Hoar; General, U.S. Marine Corps (Ret.) Anthony C. Zinni; Lieutenant General, U.S Army (Ret.) Claudia J. Kennedy; Vice Admiral, U.S. Navy (Ret.) Lee F. Gunn; and Stephen A. Cheney, Brigadier General, U.S. Marine Corps (Ret.)

That is what we are facing here. We have to get real. The rules we have are rules that we should follow. The reason this body has worked so well for 216 years is that we have rules, and they are to be followed. The debate sometimes is arcane. It takes a long time. Sometimes it is difficult to stop people from talking too much. But those are the rules we have here, and we should follow them.

It does not take a rocket scientist to understand that on a Defense appropriations bill, we should not be debating ANWR. I say to anyone, anyone who is a Senator, we should not let this happen. I don't care who puts it on the bill, no matter how powerful the person may be, we should not allow that to happen. We should not allow that to happen. It is not good for this body, as seen by these senior military.

To put on Defense authorization campaign finance reform is absolutely wrong—wrong.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Michigan.

Mr. LEVIN. Mr. President, first we thank the Democratic leader for supporting the fundamental principle that has been violated with this authorization bill. It is a very different principle from the one the Presiding Officer feels so passionately about. It is a principle which I have, I believe, never seen violated.

The Senator from Alabama, who is on the floor, and the Senator from South Carolina, who is on the floor—they signed a signature sheet, I believe, on our Defense authorization. I think every Republican and I think every Democrat signed the signature sheet.

The issue which the Presiding Officer feels so passionately about, which is earmarks on an appropriations bill and items being added on an appropriations bill, raises a whole different issue under a different rule. I believe his passion on this issue is admired by many in this body. But the principle that Senator WARNER and I are talking about is a principle which is embedded, it is so fundamental—that once a conference report is signed there is no way that it can be or should be changed. No way can material be inserted in a conference report.

This is in all of our interests. If in the conference we decided to add material which had not been discussed by either body, that would then raise the issue in which the good Presiding Officer is very passionately involved. I share many of his concerns. That is not his issue. The conference did not add this material. This is not an earmark added by the conference, which had never gone through either body. This is material that apparently the Republican leadership in the House wants to add after the conference is closed, after we signed the signature sheets, without going through the process of sending the conference report to the House and having them refer it back to conference if they want to. None of us can accept that. As a matter of principle, we cannot accept that.

Mr. GRAHAM. Will the Senator yield?

Mr. LEVIN. I am happy to yield to my friend.

Mr. GRAHAM. Mr. President, this last hour is a good example of what we have come to as a Senate and a Nation. I come to the Senate to support Senator LEVIN's statement and Senator WARNER's statement. We have had a knockdown drag-out over the authorization bill. Everyone gave and we got a product the country can be proud of.

What has happened, as Senator LEVIN has described, we cannot survive politically if this is allowed to stand. A lawyer in private practice could get disbarred for doing something such as this.

My understanding of what has happened—and if I am wrong, I apologize, and I hope Senator LEVIN will correct me if I am wrong—there was a matter added to the conference report totally unrelated to defending our Nation that has a major policy decision—which I happen to support, by the way, but not under these circumstances—that basically changes the entire political process if it is allowed to stand. None of us are safe. Our word means nothing and our signature means nothing if you can change the document after everyone agreed to a certain set of facts.

This is a defining moment for the Senate and the House. If we do not fix this now, it is going to eat at us all and our country will suffer.

Mr. LEVIN. If the Senator will yield, my understanding is there is an effort being made to insert material. It has not yet been inserted because Senator WARNER and I, through our staff, asked our staffs to go over to the House and

withdraw our signatures before the material could be inserted.

It was the effort to insert it, the threat to insert it which was transmitted to Senator WARNER and transmitted to me through him and through Congressman SKELTON. This is not an effort on the part of Chairman HUNTER, by the way. As I understand it, it is the Republican leadership in the House that is determined to find a way to insert material into the conference report after the signature sheets have been signed. That is what I know about it.

Senator WARNER was so disturbed about it, I was so disturbed about it, we decided we were not going to take a chance. We cannot risk this.

Mr. GRAHAM. If the Senator will yield, I wish every American knew what was in the Defense authorization bill. In the Defense authorization bill are provisions to allow guard members and reservists to get health care for themselves and their families. They need it now more than ever. They are authorizing bonus programs for people who are serving worldwide now who are overtasked and underpaid.

To take this bill that will authorize much-needed relief to the troops in the field, that will keep our equipment modern, will allow us to aggressively deal with the war on terror, capture the moral high ground with the McCain language, do the habeas reform package we worked on—to have that come down by inserting something after the fact is a low blow. It will eat away at the heart of this body.

Mr. LEVIN. I thank my dear friend from South Carolina.

It is an effort we cannot allow to succeed. We are in bipartisan agreement on this issue. It is the deepest form of process where we must be able to rely upon each other's commitment and signature. We cannot let that shake. There are all kinds of differences in this Senate. Sometimes between Democrats and Republicans, sometimes between Democrats and Democrats, between Republicans and Republicans. There are differences between us and other Members of the Senate. When a signature is affixed, when a conference report is signed, we cannot possibly contemplate any change in that conference report even if we agree with it.

By the way, as the Senator from South Carolina said, I believe I am in agreement with the principle of the material which they seek to add. I know Senator WARNER told me he is in agreement with it in principle. It is bedrock principles. You do not go deeper than this.

We also have a rule—I know the Presiding Officer is focused on the issue I want to spend 1 minute on—we have a rule relative to legislating on appropriations, which the Senator made reference to in his remarks. We also have rule XXVIII which has to do with material in a conference report which is out of scope. That rule was abided by so that if anyone ever made a point of order that material in a conference report was out of scope, if the Presiding Officer ruled, the body would not overrule the Presiding Officer.

But we made a mistake in the early 1990s when we overruled the Chair. There is material added to conference reports all the time, by the way, which has the agreement of conferees, which is out of scope that has the agreement of conferees. It might not have the agreement of everyone in the body, but everyone in the conference report agrees to it. That happens all the time. But what never happened until that one moment in the early 1990s, a point of order was made that there was material out of scope in a conference report and the point of order was sustained by the Chair. The Chair was overridden. That created havoc around here. So much so that a few years later we restored the rule and we wiped out the precedent which was created by overruling the Chair.

That is what the issue is in the defense appropriations bill. That is what this issue is going to be. That is different from legislating on an appropriations bill. Forgive me for getting into the details, but I spent a few days studying the difference and I don't want to waste my effort the last few days to try to understand this distinction. The issue on the appropriations bill, since all of us are friends and we are sitting here on a Saturday evening talking to each other this way, the difference on the appropriations bill and not legislating—I forget the number of the rule, but is not rule XXVIII—there is a different rule from the one that is at issue on defense appropriations.

The issue on the defense appropriations bill is whether we would overrule the Chair who will rule that the Arctic drilling issue is out of scope and out of order, and whether we are then going to override that ruling and put us back in the same morass we were in in the early 1990s, which caused us a few years later to reverse that precedent, undo that terrible precedent which actually made our rules into mush. We cannot have a rule which sometimes applies and sometimes does not, we override it every other day and restore it every other day. We cannot operate that way and hold our heads up as being legislators.

I thank my Chair and my friends for their patience. Let me close by confirming what the Senator from South Carolina said about the importance of the bill. It increases pay by 3.1 percent, which is half a percent higher than inflation. We have been fighting for that a long time. It increases the death gratuity to all active-duty deaths from $12,000 to $100,000, retroactive to the beginning of Operation Enduring Freedom. It authorizes a new special pay of $435 a month during hospitalization. It authorizes new leave for up to 21 days when adopting a child. We can go on and on. The Senator from South Carolina mentioned a few of them and my friend from Alabama knows this because he works hard on these issues, too.

We are trying to put items in here in this bill which are good for the troops, good for their families, good for the Nation, good for our security. We cannot watch this effort go down the drain after it was such a tremendous effort made to finish this bill. We set a record, folks. We had the shortest period of time to do an authorization bill and we had the record number of amendments that we were able to resolve. We set two records on this bill. Those records go down the drain unless the House leadership decides they are not going to try to do something that, as far as I know, has never been done before, which is to insert material in a bill somehow after the signature sheets have been signed.

There is a process. If the bill goes to the House and they want to refer it back to conference to consider something, in scope or out of scope, that is their right. But when this threat came that they were looking for a way to insert other matter into this conference report, after we had signed the sheets, Senator WARNER—I cannot pay enough tribute to Senator WARNER—is taking a very strong stand against the leader of his own party and the House of Representatives. I commend him for it. I hope the leadership of the House will relent and allow us to move forward with this important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will follow up on that. I think the House leadership and many on this side do feel the language would be good for the country and it is the right thing to do. And if everybody agrees, a lot of things happen around here. But if Senator LEVIN and Senator WARNER have concluded they do not want to discuss any additional additions, it is not going to happen; it is just not going to happen. Unanimously, if anybody agreed to add something, something that everybody likes, maybe it could occur. Sometimes one side has to push a little harder to make sure the other side understands how strongly they feel about it. But at some point, if Senators WARNER and LEVIN do not agree to this alteration, it is not going to be in the bill.

So as a legal principle, I know they used to always say: There ain't no harm in asking. So they have tried. But I am not sure it will work if we are not going to see their support for it.

## ABU GHRAIB

Mr. SESSIONS. Mr. President, I will say something about Senator REID's, the Democratic leader's, reference to Abu Ghraib, suggesting that this bill, the legislation in this Defense bill has been held up perhaps because nobody wants to do anything about what has been going on in Abu Ghraib. Once again, it deeply concerns me. Once again, we are having the suggestion, if

not a plain statement, that we need to pass legislation and we need to have congressional hearings to stop things such as what occurred in Abu Ghraib.

I was a member of the Armed Services Committee. I am a member of the Judiciary Committee. We have had about 20 hearings on Abu Ghraib. But do you know how we found out about Abu Ghraib? We found out about it at a press briefing in Baghdad by a U.S. Army general or colonel who said they had reports of abuse at Abu Ghraib and they were taking steps to investigate it. And they did so. They found people had violated the law. They prosecuted them. A number of them are in jail this very day.

We did not need to pass one single law for that to happen because it was in violation of military standards. In fact, none of the mistreatment of prisoners at Abu Ghraib had to do with trying to interrogate them. These people were not interrogators. They were prison guards, manning the prison at the graveyard shift, who lost their discipline, abused those prisoners, and had no real excuse for it. As one of them said, Smith—I believe he was a sergeant—he said: We all knew there would be hell to pay if anybody found out what we did. It was not approved. We were not ordered to do it. It was not part of our military standard and training.

I remember, very vividly, during that time that an African-American colonel in combat, as soldiers were taking hostile fire—they captured someone, one of the terrorists or bad guys—and he fired a gun beside his head to frighten him and to get him to tell some information. There was a life-and-death matter for his troops. They drummed him out of the service. He never touched the guy. He never hurt him. It was a moment of passion and intense feeling and reaction to being in a life-and-death struggle. He is out of the military even though he had a quite distinguished career.

Our military does not approve of abusing and torturing prisoners. In fact, we have a statute that defines torture, and they have worked hard to stay within it. People who do not stay within it get prosecuted. Now, we have ideas to go further, and that has been put as a part of this bill, and it is going to become law. I hope it doesn't go too far. But we have never approved of the kinds of things that went on in Abu Ghraib. We have never approved of torture. We have a statute, passed by this Congress, that prohibits torture by the military or anyone else. We do not allow that. It is not part of our standards as a nation. But to say there can never be any stress on prisoners who have great intelligence, and who are threats to America, I don't think has been consistent with the law of warfare.

I will note, parenthetically, that it became quite clear, as went through our hearings, that the Geneva Conventions, which protect soldiers in lawful combat—those protections do not apply to these prisoners. They do not wear uniforms. They do not operate on behalf of a state, a legitimate nation state, even a quasi-legitimate nation state. They do not adhere to standards of behavior. They do not carry their guns openly and their weapons openly. They sneak around and murder women and children, innocent civilians, contrary to the laws of warfare. Therefore, they do not gain the protections of the Geneva Conventions. But they are protected against torture, and they are entitled to that protection. They should be granted it. And if anybody violates those standards, they are prosecuted by the U.S. military.

I think the military has taken far too much abuse on this. They did a huge study of Guantanamo, Gitmo. I have been there twice. I know the standards those guards operate under. They have a phrase they greet each other with when they see each other on the base, one soldier to another. They say: Honor bound. And when they see you, they say: Honor bound, sir. They have high standards. They found three abuse cases, most minor, that were discovered after a review down there, and disciplinary action was taken concerning those. But they are not being mistreated every day, abused or tortured. I reject that.

## PATRIOT ACT

Mr. SESSIONS. Mr. President, I also say this. I am not aware of a single proponent of the PATRIOT Act who has accused any Member on the other side, or any Member who opposes the PATRIOT Act, of being unpatriotic. Where did that come from? I would like to search the RECORD. I would like to see that. I do not think it has occurred. I have not heard anybody over here say that. We say: You are wrong. We say you are making a mistake, that you ought to reconsider, you ought to study the act and see that it does not threaten our liberties, that it is consistent with our constitutional protections this great Nation provides.

If you do not pass it, I will repeat, this legislation will lapse as of December 31, and it will place our Nation at greater risk. There is no doubt about that. I would repeat, again, it is stunningly surprising to me that we end up, after the bill passed here unanimously in the Senate, unanimously in the Judiciary Committee, and it went to conference with the House of Representatives. At conference, most of the disagreements were resolved in favor of our bill. Who has ever heard of a bill of this size that did not have some changes in conference? They were all minor. Most of the changes resulted in movement toward the Senate bill.

Some of the provisions were left to be sunsetted in 4 years by the Senate bill. The House said they should be sunsetted in 10 years, so they would stay in effect for 10 years before they would have a full up-or-down review for reauthorization. We said 4 years. So we went to conference, and we thought agreement had been reached on 7 years. After we signed the conference report—Senator KYL and others—we thought we had an agreement at 7 years. This is what we normally do in these deals, sort of split the difference when you can. And Senator LEAHY and the Democratic members had a fit. No, no, no, it had to be 4 years. It had to be 4 years. And we argued that was not appropriate.

Senator KYL and I, particularly, were involved in those discussions, being members of the conference committee. We thought 7 years was a good compromise. That was the last issue to be decided, and we totally agreed to go to 4.

That was the Senate version exactly. They wanted 7 as a compromise. The House wanted 10 in their bill. We ended up totally winning on the Senate position.

There was a dispute about delayed notification warrants. The Senate bill that passed unanimously in the Judiciary Committee and on the Senate floor said the warrant that is executed, after prior approval by a U.S. judge who has made a specific additional finding on facts presented to that judge, is justified to delay notification to the person's residence who is being served. In those circumstances, delayed notification is essential because these matters are going to involve tremendous security and are of tremendous importance to an investigation of this kind. In the Senate, we decided that investigators should report back to the judge within 7 days. After 7 days, you could then ask for an additional period of time before you notified the person whose residence had been searched.

The House bill set the delayed notification period for 180 days. They said: In a terrorist investigation, you could delay notification to the person whose house was searched for 180 days.

So we had a big brouhaha over that. We agreed to 30 days, which is far closer to the Senate version than to the House. Frankly, it didn't make a whole lot of difference because you have to have prior judicial approval to delay notice. And if you want to continue to delay notice, you have to prove that there is an existing continuing threat and danger. It is not a big deal.

This bill is about to expire, and those are the kinds of things that they say are such tremendous changes that now we should not even get an up-or-down vote. The fact that we are going to allow this bill to expire and not allow it to become law, will result in the wall going back up between the CIA and the FBI. That makes no sense.

Frankly, there are some things in here that worry me. One of the things you have to do to delay notice or to not notify someone under a 215 order is to have an agent certify that not doing would result in a threat to America. It is hard to certify that. Some people think they will just say it anyway.

They can't just say it anyway. These are professionals. They know what the standards are. They know that we have to have some proof to justify delayed notice or non-notification. The notification question has to be so significant that they can articulate and have proof that it represents a threat to somebody. I think that is too high a standard in these kinds of rare cases involving national security and the investigation of terrorism.

There is a show on one of the cable stations right now called ''Sleeper Cell.'' They have an undercover operative in one of these terrorist cells, and he meets with them. That is something you would love to see. One time I saw it. They had some hypothetical scene in which they said this was the only sleeper cell that they had ever penetrated. I don't know how many sleeper cells are penetrated today, but that is a hard thing to do. It is hard to get somebody in one of these closed, tightknit groups to know what they are doing. But if they do, they can go into the person's house. They can go wherever they are invited to go with the bad guys and record them if they have a recorder. That is perfectly legitimate under the law. But you don't often have that. And so how do you protect America?

You have to have records and documents. You have to be able to obtain evidence. Someone says: This individual came into our neighborhood, our community, Mr. FBI Agent. I just heard him talking. It sounded like he was talking about maybe being a terrorist. He sounded like he was involved in terrorist talk.

What does that agent need to do? He needs to act quickly. What would be one of the first things he would want to do? He is in contact with other terrorist groups. Is he communicating with terrorists around the world? How would you find that out? You don't need to tap their phones. All you would really need to do is obtain a subpoena for telephone toll records. A local county district attorney can subpoena telephone toll records to investigate an individual on a marijuana charge. Why in the world couldn't an FBI agent be able to get a subpoena for these records if he certifies under oath that it is related to a national security matter? Then if you see a bunch of telephone toll records between that individual and a known terrorist organization somewhere, you know this is not just a tip, this is the real thing.

That is what goes on in our investigative agencies today. They are not out there trying to snoop on your or my phone calls. They would be bored stiff listening to my phone calls.

This legislation is sound. It has been carefully debated. It came out of the Senate 4 years ago with only one ''no'' vote. It has even more civil liberties protections in it now than it did then. We ought to be passing it. We don't need to allow this legislation to lapse.

I am chagrined that the leadership was virtually ambushed. From out of nowhere comes this full-fledged filibuster led by the Democratic side. Yes, there were four Republicans who voted against cloture. But only 2 of the 45 Democrats voted to move the bill forward. It was basically blocked by the Democratic Party. They had the votes to block it.

It is disappointing. We need not to allow this to happen. I hope my colleagues will review the bill, that they will think about those agents out there this very day trying to protect us from harm, and that they will consider carefully their votes. Let's move forward.

There is some thought that we can just moderate this bill some more, that we will just keep on weakening the bill, and that will be the price to pay for passing it. I don't think this bill needs to be weakened. I don't think it needs to be undermined any more than it is right now. It is a sound piece of legislation, and I will oppose that.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I rise to echo what Senator SESSIONS just said. I have tried to be involved with this detainee issue in as balanced a way as I can. I don't want my country to go down the road of adopting the tactics of our enemy. That has never been the issue. We have had some people who have done some bad things, and they have been prosecuted. But when you get editorials from major papers such as the New York Times saying our troops routinely abuse people, that is ludicrous. There have been thousands of people detained in this war. Some have been mistreated. We are prosecuting those people. We can do better, but we will do better. We are trying to get a grip on our policies so that we cannot only live up to who we are as a people but defend ourselves, too.

This enemy knows no bounds. This enemy is a ruthless enemy. They train each other to allege abuse. That is part of the al-Qaida manual. They will say anything. We want a process to make sure that real allegations are dealt with honestly and that mere accusations do not require us to let these people go and not be able to defend ourselves.

This editorial refers to the so-called war on terror. That is a mindset we need to reject. This is not a so-called war.

I just got back from Iraq. It is a real war. Five minutes before the polls opened, they lobbed a shell over where we were staying. One marine was injured. It is a real war to him and to all the other people who have been wounded and to the families who have lost their loved ones. It is a real war to the 3,000 people killed on 9/11 and their families. It is a real event. We are at war.

I am insistent that my country live up to its obligations under treaties, the law of armed conflict. I am equally insistent that our law reflect we are at war.

Senator SESSIONS is a former U.S. attorney.

We are not fighting crime here, we are fighting a war or terror. The PATRIOT Act is not about prosecuting people who are involved in criminal enterprises. The PATRIOT Act is about preventing the infiltration of our country by a foreign enemy who wants to blow us up and kill Americans.

During World War II, the War Powers Act was passed, and that makes this bill look like the ACLU. There were some very strong measures taken after Pearl Harbor, and they worked. The Germans and Japanese infiltrators were caught and our country, for the most part, was not infiltrated. The FBI and other organizations did a marvelous job protecting us against ruthless enemies, the Nazis and the Japanese.

This enemy is just as ruthless. We don't have to pick and choose between abandoning the rule of law and civil liberties. We don't have to choose between letting people go or anything goes. That is not the choice. The PATRIOT Act is a balance. Here is what I worry the most about: As we try to straighten out past mistakes, as we try to come up with new policies, I worry that we are slowly but surely losing the idea that we are at war. That is beginning to fade, and we are approaching this problem we face called terrorism as if it were a domestic criminal event. If we do that, our enemy will have opportunities they do not deserve. Our people will suffer.

So count me in and sign me up for adhering to the law of armed conflict and for maintaining the moral high ground. But I reject an effort to criminalize what I think is world war III.

I yield the floor.

(Mr. CHAMBLISS assumed the Chair.)

Mr. SESSIONS. Mr. President, I will ask him to tell us how many years he has been a U.S. Army JAG officer. He has been so familiar with all these issues and has provided much leadership to it with some great ideas in recent weeks on some of the amendments he has offered. I think people need to listen to what he said about the difference between war and criminality.

The President said at the beginning that we cannot treat this as crime; this is war. I think the Congress was all for it. We all said ''yes.'' And now these issues arise again. I thank the Senator for sharing that. I had one more question I wanted to raise with him.

Mr. GRAHAM. I appreciate the compliment. I don't want to defame the Army. I am in the Air Force. I have been in the Air Force as an Active-Duty Reserve lawyer for 20-something years. By no means am I an international expert, but I feel as though I am going to get a master's degree in this type of law when this is all over. The bottom line is, I have a general understanding of how the law of armed conflict works versus domestic criminal law because that is what I used to

do. That is what I kind of still do. I understand the difference between defensive measures. Keeping an enemy from infiltrating a country is a different need than trying to domestically control the behavior of your own citizens. Sometimes your own citizens jump sides and join the enemy. When they do that, I don't have a lot of sympathy for them. So we have a different task at hand.

This is not regulating U.S. domestic criminal enterprises. This is trying to stop an enemy that is hell-bent on coming back. And they are coming. They are here. Thanks to fighting them hard, we have stopped them for 4 years. But it is inevitable that we are going to hit again.

Mr. SESSIONS. Will the Senator yield for one more question?

Mr. GRAHAM. Yes.

Mr. SESSIONS. I was pleased to be able to join with Senator GRAHAM and Senators LIEBERMAN, BAYH, BROWNBACK, and a number of other Senators, in forming a caucus or a group to treat the energy threats to this country as a national security threat. Now I think it is unfortunate—and it is a complex Senate that we are operating in today—that ANWR legislation will be a part of that bill. I wish it did not have to be, but things boiled down at the end of the session to that way. I would like to have the Senator share some thoughts on the philosophy of that bipartisan group that energy is security for our Nation.

Mr. GRAHAM. I thank the Senator for the question. I think we have come to the conclusion, after $3-a-gallon gas, oil and gas prices are also good domestic politics because we all got our heads handed to us at home. Everybody is upset. If you are working in South Carolina making $7, $8, $10-an-hour and gas is $3 a gallon, it really hits home. What we came together on is trying to find a political solution to the domestic problem. What Senator SESSIONS indicated is that we came together on the fact that if we are this dependent as a Nation on Mideast oil, fossil fuels, 10 or 20 years from now, we have done our Nation a disservice because our national security interest is best served when we can be independent from forces we cannot control. We should, as a Nation, a long time ago have become more energy independent. It is a national mistake, from a security perspective, to have this much dependence on fossil fuels from a region that is this volatile. It weakens our ability as a Nation to protect ourselves.

In that regard, some Republicans and Democrats have come up with a proposal to be aggressive to wean us off Mideast foreign oil because it really does hurt our national security interest. We should not be this beholden to any region of the world for everyday functions in this country.

A final thought about the PATRIOT Act. Those who oppose it, I respect you for standing up for the American way, civil liberties. But there has to be a balance here. When I go to the library, I don't want to be bothered. Let me tell you, if there is a reason to believe somebody is going to the library or using everyday life in America as a tool to infiltrate our country and do damage, I think we have to have a balance because they are here. The Presiding Officer knows better than I that they are here. The hijackers of 9/11 had multiple driver's licenses. They know how to game the system. They know how to get access to our technology and our science. If we don't have the common sense to have a balanced approach to get ahead of them, and if we play this game that this is crime and not a war, we are going to empower them beyond what is reasonable.

If we leave as a body and let this act expire because we cannot find common ground, then I think we have done the country a great disservice, and the enemy would appreciate that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, parliamentary inquiry: It is my understanding—and I ask the Chair if this is correct—that a Presiding Officer, under the rules of the Senate, is not allowed to engage in debate other than to object to motions in his capacity from the State from which he comes; is that correct?

The PRESIDING OFFICER. Under the precedent of the Senate, the Presiding Officer has no right to engage in conversation with Senators on the floor. He should not participate in debate.

Mr. COBURN. OK.

The PRESIDING OFFICER. However, a Senator may vote from the chair.

Mr. COBURN. I thank the Chair. In the earlier discussion we had, it was stated by the minority leader that the Presiding Officer can debate from the chair. I did not think that was right. In fact, it is not correct.

I want to wrap up with a couple of thoughts. We have had a lot of discussion this evening about process and precedent and keeping your word. As we think about what that means to our country, we ought to go a little further back and think about the heritage that has been given to this country by those who came before us. I want to characterize a couple points of that.

One is doing whatever we have to do, including personal sacrifice, to assure opportunity and a great future for those who follow.

It seems to me, as we get hung up on a discussion of process, that we ought to pay as much attention to heritage. I mean by that, we are having trouble passing the Labor-HHS bill. It is the first bill to come through this Senate in a number of years that doesn't have any earmarks on it. I suspect the reason people don't want to vote for it is because they did not get the political benefit of placing the public's dollars to their own political advantage.

The other point is we hear debate that it does not supply enough. The real heritage that came before us is Members of this body making the hard choices—not easy choices, hard choices—about priorities. We are at such a point that this next year is going to be a very difficult year for us in terms of how we pay for a war, how we pay for Katrina, and the related items we have an obligation to pay for, and not diminish the opportunity and the future of our children and our grandchildren.

I think we would be very wise to not put the purity of our own process ahead of our basic morality and ethics of maintaining the heritage this country has.

I will not say any more. I know we are about to wrap up, and I appreciate the time.

I yield the floor, and 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. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

## CELEBRATING THE LIFE OF JIM SCHLINKMANN

Mr. REID. Mr. President, today I rise to honor the life of a public servant who worked in one of the most beautiful corners of Nevada, Great Basin National Park. James ''Jim'' Schlinkmann was chief ranger of the park and passed away while returning home from an assignment on the National Park Service Team assisting with Hurricane Wilma recovery.

I met Jim several times at the park, most recently during this year's Fourth of July weekend when I traveled out to Baker, NV, for the grand opening of the new Great Basin Visitor Center. On that day, Jim personally presented me with a spectacular photo of a Great Basin National Park icon, an ancient bristlecone pine.

I have an especially clear recollection of that day, and of Jim, because the opening of the new visitor center was such a special event. Cowboy poetry was read, patriotic songs were sung, and friends came together to celebrate the tremendous landscape that exists at Great Basin National Park. The picture that Jim presented to me is now hanging in my Reno office and is a joyful reminder of that day and of the last time I got to visit with Jim.

I know from my conversations with Jim and from the park's superintendent that Jim loved the mountains of Great Basin National Park where he spent the last 5 years. He will most definitely be remembered fondly there. And I will remember his dedicated public service at Great Basin and all the many parks he served during his 23-year career.

Some of Jim's many accomplishments include his expertise as a rock

climber that allowed him to make enormous contributions to the National Park Service technical rescue program. Jim helped develop some of the first organized technical rescue courses at Joshua Tree National Park and for 7 years was a lead instructor for the National Park Service Technical Rescue Course, which is taught annually at Canyonlands National Park.

Before coming to Great Basin, Jim served as the chief ranger at Devils Tower National Monument in Wyoming. The former superintendent of Devils Tower recalls Jim as an outstanding liaison to both the climbing community and to the American Indian community. In addition to his tours of duty at Great Basin, Joshua Tree and Devils Tower, Jim also served as a ranger at Shoshone National Forest, Denali National Park and Rocky Mountain National Park.

Jim Schlinkmann was a man who dedicated himself to protecting the very best of America's lands and who represented the very best of America's spirit.

I will miss seeing him on my next visit to Great Basin National Park. And I will be thinking about him the next time I look up at the remarkable snow-covered peaks of the south Snake Range.

## COMMEMORATING THE ACHIEVEMENTS OF SANDY LEE AVANTS

Mr. REID. Mr. President, today I rise to honor a woman who has dedicated herself to serving the people of Nevada and who has left a lasting impact through her work in government.

Ms. Sandy Lee Avants was born and raised in Phoenix, AZ. Following graduation from Arizona State University, she moved to Las Vegas. As a testament to Sandy's character, within the first month of her residence in Las Vegas, she immediately became involved in the local community through service clubs.

Sandy has had success both in her professional life and in public service. Following a prosperous private business enterprise, she began her career in Nevada's government when Senator Richard Bryan was serving as Governor. Governor Bryan then appointed Sandy to be chairman of the State of Nevada's Commission on Ethics in 1983 and in 1986 appointed her as the administrator of the Real Estate Division. In 1987, Sandy became the first woman to head a State law enforcement agency when she became the administrator of the Taxicab Authority.

Sandy's accomplishments came at a time when Nevada needed them the most. Her most recent appointment was to the Transportation Service Authority, TSA, in Nevada, where she served as the deputy commissioner, commissioner, and chairwoman. At TSA, she administered and enforced Nevada's law related to passenger transportation, household goods movement, and car towing companies. Additionally, she ensured that consumers utilizing these services were protected. Sandy has met the needs of a rapidly growing public and shown her professionalism and commitment to Nevada and its people.

Those are a few of the many visible contributions that Sandy made to the community, but her most important contributions were made outside of the public eye. Sandy was a founding member and president of the Greater Las Vegas Women's League. She is also a founding member of the International Association of Transportation Regulators, and a Community Advisory Board at the University of Nevada, Las Vegas. During her time in Nevada, Sandy enrolled in various courses at the National Judicial College and received certification as an administrative law judge and mentor. From 1999 through 2002, Sandy worked closely with me in Washington, DC, creating congressional legislation to improve transportation in Nevada.

I have known Sandy for many years and recognize the many contributions she has made to the community. Sandy's hard work and character have left a lasting impression on our State and community.

Sandy recently retired from the Nevada State government, but I am sure that she will continue working in public service through her numerous volunteer positions. The State of Nevada is fortunate to have Sandy Avants. I offer her my gratitude and wish her all the best as she embarks on new endeavors.

## FULL FUNDING FOR PANDEMIC FLU PREPAREDNESS

Mr. REID. Earlier today, Senator FRIST spoke about the importance of preparing our Nation for the serious and growing threat of an influenza pandemic.

Members of this body made pandemic flu a priority when it unanimously adopted an $8 billion amendment to combat avian flu offered by Senate Democrats.

I hope that Senator FRIST will join me in standing by this commitment and will work to ensure that Congress provides for the full $8 billion America needs to begin addressing this critical issue before we adjourn.

The avian flu has spread to 15 countries and killed 70 of the 137 individuals it has infected. Scientists are warning that it is only a matter of time before this virus mutates to a new strain that will allow for sustained human-to-human transmission and cause the next pandemic.

The human and economic impact of an influenza pandemic on our Nation would be devastating.

According to a recent report by the Congressional Budget Office, a severe flu pandemic could infect 90 million U.S. residents and 2 million would die.

Thirty percent of the workforce would become ill and those who survived would miss 3 weeks of work. This lost productivity and decrease in consumer spending could cause a $675 billion reduction in U.S. gross domestic product and move the Nation into a recession.

Perhaps the only thing more troubling than the human and economic consequences of an avian flu pandemic is the fact that our Nation is dangerously unprepared to deal with it.

We are not dedicating enough resources to global surveillance activities that allow us to detect and contain an outbreak of avian flu.

If we are unable to contain a pandemic overseas, our strongest defense at home will be an effective vaccine. However, our domestic vaccine manufacturing capacity is so inadequate it could take nearly a year to produce and distribute a vaccine.

Effective drugs that can slow the spread of a pandemic until a vaccine is developed are only available for 2 percent of our population.

Finally, all of these problems are compounded by the fact that our public health infrastructure cannot handle a pandemic and the medical community, businesses, and general public must be better prepared for a pandemic.

All of these facts are reasons why Congress must immediately address the avian flu threat and why the Senate voted to do just that earlier this year.

I am troubled by reports that congressional Republicans are on the verge of approving about half of the amount approved by the Senate.

Senator FRIST rightly pointed out that the threat of pandemic flu is not and should not be a partisan issue. A pandemic strain of flu will not distinguish between Democrats or Republicans.

That is why I hope that Senator FRIST will stand with me and will continue to fight for the full funding level approved by the Senate so our Government may begin to prepare and protect our Nation from this looming threat.

## STEM CELL THERAPEUTIC AND RESEARCH ACT

Mr. BROWNBACK. Mr. President, I rise to speak on the Stem Cell Therapeutic and Research Act of 2005, which would establish a national cord blood stem cell bank. This legislation was agreed to last night during wrap-up under unanimous consent.

I would like to congratulate the majority leader and all parties involved in yesterday's achievement, which resulted in passage of the cord blood bill. As you will recall, it was just 2 days ago that the other side, through the junior Senator from Iowa, reaffirmed their objections to consideration of this important legislation.

Their objections, it seems, were not substantive as this legislation has been championed by Members from both sides of the aisle and as further evidenced by the lifting of objections and

the cord blood bill passing without any opposition. Passage without any opposition in the Senate is truly rare. Rather, the other side's objections were tied to their support for additional funding of highly controversial destructive human embryonic stem cell research, which despite sufficient funding and years of research has yet to cure—or even treat—one human patient yet.

Clearly, the other side wants a vote on their embryonic stem cell legislation, which requires the destruction of young human lives. On the other hand, I and many of my colleagues would also like for us to have an up-or-down vote on the Human Cloning Prohibition Act or the Human Chimera Prohibition Act, but we have been denied this by the other side. There will be a time for a vigorous debate on all of these issues next year, and I look forward to engaging in that debate.

However, ethical, noncontroversial cord blood stem cell research should not have been made the political football that it was for the intervening months between House passage of the bill in May and yesterday's action in the Senate. Once again, I would like to commend all of my colleagues for depoliticizing the issue of cord blood. Patients will be benefited almost immediately, and, yes, more kids' lives will be saved because we passed this bill yesterday, rather than sometime next year. I applaud the other side for recognizing this fact.

Yesterday, the junior Senator from Iowa took to the floor and challenged my statement from Thursday evening that ''more kids will die if we don't take up the cord blood bill.'' I would merely like to spend a few minutes highlighting the truth of my statement.

Cord blood stem cell research involves the blood from human umbilical cords. Cord blood contains a high number of pluripotent stem cells; and it is currently treating real people and saving many lives.

Contemplation of cord blood stem cell's therapeutic power is something that many in my office are currently contemplating, as at least five staff members or their spouses are expecting babies right now. We even thought that one of them was coming a few nights ago, but it was a false alarm.

Unlike human embryonic stem cells, which require the destruction of young human beings, umbilical cord blood stem cells are completely ethical as their derivation and use results in no harm to any human beings. Cord blood has incredible therapeutic power.

To better harness the power of cord blood, thereby saving more lives, the cord blood bill that passed last night was essential. While I had worked closely with Senator SPECTER in channeling appropriation funds to establish a national cord blood stem cell bank, without the authorizing legislation, which we passed last night, these funds did not have the necessary structure to be effective.

However, should the House send the bill to the President tonight—as we expect—a structure will go into effect that will immediately begin collecting cord blood units and making them available to Americans suffering from a variety of diseases from blood cancers to neurological diseases. Without the structure that cord blood bill provides, many fewer patients will benefit and some waiting on cord blood will die.

To highlight this, I will share a few stories of real people who have been successfully treated with cord blood stem cells.

The first story is of Keone Penn, a young man cured of sickle cell anemia a disease that afflicts more than 70,000 Americans, particularly African Americans. Keone, of course, tells his story the best; so listen to his testimony before a Senate Science Subcommittee hearing that I chaired on June 12, 2003:

> My name is Keone Penn. Two days ago, I turned 17 years old. Five years ago, they said I wouldn't live to be 17. They said I'd be dead within 5 years. I was born with sickle cell anemia. Sickle cell is a very bad disease. I had a stroke when I was 5 years old. Things got even worse after that. My life has been full of pain crises, blood transfusions every two weeks, and more times in the hospital than I can count. The year before I had my stem cell transplant, I was in the hospital 13 times. I never was able to have a normal life. My stem cell transplant was not easy, but I thank God that I'm still here. I will graduate from high school this year. I want to become a chef because I love to cook. I think I'm pretty good at it. Sickle cell is now a part of my past. One year after my transplant, I was pronounced cured. Stem cells saved my life.

It is important to realize though that cord blood treats many other diseases. Consider the story of Erik Haines, who received a successful cord blood stem cell transplant to treat Krabbe disease. Krabbe disease is an often fatal neurological disease. This helps to illustrate how broadly effective cord blood stem cells really are.

Erik Haines made medical history at age 2 when he became one of the first cord blood transplant patients at the University of Minnesota on July 24, 1994. Erik had suffered from the genetic blood disorder Krabbe disease, from which his younger brother Adam died. Since his umbilical cord blood transplant, annual exams at the University of Minnesota are not full of foreboding or anxiety; and check-ups with Erik's pediatrician likewise seem routine. Also, like many boys, Erik enjoys baseball, soccer, and swimming. Erik's father Paul Haines says:

> The only real lasting effects are complications from the radiation he received—small cataracts. He wears glasses and has a little trouble seeing the board from the back of the room.

Both Keone and Erik's treatments took place in the 1990s, and cord blood stem cell research has made even greater progress since then. We learn of new, exciting developments every month.

Just 2 weeks ago, we heard about this on local DC television stations.

On November 30, 2005, two local DC TV stations reported on separate life saving cures emerging from umbilical cord blood stem cells. Channel 7 focused on the Korean cord blood stem cell treatment for spinal cord injury and the procedure's first U.S. patient, a Virginia woman.

Channel 4 highlighted two children in a local family—Riverdale, MD—cured of SCIDS—severe combined immune deficiency syndrome—also known as ''bubble boy disease'' by cord blood from unrelated donors.

And on October 23, 2005, the Chicago Tribune reported:

> Cord blood is surprising researchers with previously unrecognized healing powers that go far beyond its known effectiveness against childhood leukemia and some other disorders. Early research in animals suggests that cord blood may provide a new bounty of cures and treatments for many other medical conditions, including heart attack, Parkinson's disease, stroke, Alzheimer's disease, muscular dystrophy, diabetes, spinal cord injury and amyotrophic lateral sclerosis . . . In May, the New England Journal of Medicine published a study showing that a cord blood transplant performed as soon as possible after birth can, for the first time, stop the deadly course of Krabbe disease.

There are thousands of testimonies of the efficaciousness of cord blood stem cells. There are also innumerable new stories and medical journal articles on amazing advances in disease treatments in real human patients with cord blood stem cells.

There are more than ample, documented medical articles, on which I base my claim that because the Senate acted and passed the cord blood bill this week, more kids' lives will be saved.

As for speculative, destructive, human embryonic stem cell research, there is not yet even one patient trial with embryonic stem cells for any disease; and it is not for lack of years of research, prohibitions—there are none—or lack of funding. It is because embryonic stem cells form cancers and tumors due to their immature state. Regarding destructive human embryonic stem cell research, even the prestigious journal Science acknowledged on June 17, 2005, that:

> It is nearly certain that the clinical benefits of the research are years or decades away. This is a message that desperate families and patients will not want to hear.

With last night's passage of the Stem Cell Therapeutic and Research Act, the Senate formally recognized the lifesaving value of cord blood stem cell research. I have worked closely with Senator SPECTER over the past few years to appropriate nearly $20 million for the purpose of establishing a national cord blood bank. And I am proud to be an original cosponsor of the bipartisan legislation that passed out of this chamber last night.

I am also proud that we were able to move in a bipartisan manner on this legislation. Working alongside Senators HATCH, DODD, SPECTER, HARKIN, ENZI, and FRIST on this issue was a

pleasure and helps to demonstrate that the two parties can work together effectively.

Everybody wins with cord blood stem cell research. Patients win because they receive successful treatments and cures. Human dignity wins because cord blood stem cell research respects all human life and does not kill the young human embryo, as is the case with human-destructive embryonic stem cell research.

Cord blood doesn't just hold promise. Cord blood is producing real treatments and even real cures for a variety of maladies afflicting real people right now. Passage of this bill should be celebrated, and I commend my colleagues for this wonderful achievement.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I want to congratulate Chairman SPECTER and Chairman ROBERTS for their extraordinary work in forging a conference report on the reauthorization of certain provisions of the USA PATRIOT Act. I remain disappointed that many concessions were made to minority members of the conference which not only did not result in their support of the conference report but which, in my judgment, are unwise on the merits.

On November 17, I wrote to the conferees identifying some of these unwise concessions. They included: a three-part test for relevance in section 215; additional reporting requirements and inspector general audit provisions; sunsetting the ''lone-wolf'' wolf FISA warrant provisions; thirty day initial limit on delayed notice search warrants; applying minimization provisions to subpoenas; and the deletion of important death penalty provisions which were contained in the House version.

In my letter, I urged that no further concessions be made. Yet further concessions were made. These additional concessions include stripping a criminal penalty of up to 1 year imprisonment for a knowing and willful violation of the nondisclosure provision of national security letters. This makes a mockery of the nondisclosure provision itself.

Despite these significant accommodations which were made in the interest of bipartisan compromise, I am distressed to learn that, even now, certain of my colleagues are not only still opposing this bill, but are urging further delay, further compromise, and further weakening of the bill. This effort should be soundly rejected by this body. However, should there be a delay, and the opportunity for additional changes to the conference report, I will urge that we revisit these ill-advised concessions already made and that they be deleted from the bill. That said, I hope that we do not go down that road. I hope that both sides will rise above our particular preferences for a perfect bill, and vote for the good of the Nation and its citizens who have been protected by this historic legislation for the last 5 years.

I am also disappointed that certain of my colleagues have seen fit to oppose the conference report over a single issue—the appropriate standard of judicial review of the national security letters nondisclosure provisions. These opponents would ask courts to assess potential damage to national security rather than the officials in our Government in the intelligence and diplomatic community who are the only ones capable of making such determinations based on all available intelligence and investigative information.

While I am not pleased with every provision of this final bill, some of which I have just reviewed, on balance I am satisfied that overall the final language agreed to represents a reaffirmation of the Nation's commitment to modernization of our criminal and intelligence investigative laws and commonsense law enforcement

The USA PATRIOT Act provisions, which Congress wisely passed following the terrorist attacks on our soil and the callous murder of innocent civilians, have stood the test of time. The act's provisions have helped to keep us safe and to protect our liberties which were jeopardized, not by expanded governmental authority, but by violent attacks against our way of life by terrorists.

Those who urge further changes and further weakening are, in my judgment, playing a dangerous political game, intended or not, at the expense of our national security and our personal liberties—liberties protected by the commonsense provisions of the PATRIOT Act. Provisions of the act have been utilized to accomplish amazing victories in the war on terrorism and to keep us safe and free. Let me highlight just a few from information provided by the Department of Justice:

The Department of Justice successfully dismantled a Portland, OR, terror cell known as the ''Portland Seven.'' Members of this terror cell had attempted to travel to Afghanistan in 2001 and 2002 to take up arms with the Taliban and al-Qaida against United States and coalition forces fighting there. The USA PATRIOT Act information-sharing provisions were critical in taking down the Portland cell.

The Department of Justice successfully convicted members of an al-Qaida cell in Lackawanna, NY, that involved several residents of Lackawanna who traveled to Afghanistan in 2001 to receive training at an al-Qaida-affiliated camp near Kandahar. Five of the Lackawanna Six pleaded guilty to providing material support to al-Qaida, and the sixth pleaded guilty to conducting transactions unlawfully with al-Qaida. The USA PATRIOT Act information-sharing and national security letter provisions were critical to this case.

The Department of Justice successfully prosecuted the so-called Virginia Jihad case involving members of the Dar al-Arqam Islamic Center, who trained for jihad in Northern Virginia, including eight individuals who traveled to terrorist training camps in Pakistan or Afghanistan between 1999 and 2001. Six of the defendants have pleaded guilty and three were convicted in March 2004 of charges including conspiracy to levy war against the United States and conspiracy to provide material support to the Taliban. The USA PATRIOT Act was critical to this case.

In May of 2003, Ahmed Omar Abu Ali was arrested after having sought out and joined an al-Qaida cell in Medina, Saudi Arabia, where he received training in weapons, explosives, and document forgery. He, along with other members of the cell, began to develop plans for several potential terrorist attacks against the United States, including a plot to assassinate President Bush. Abu Ali was recently convicted in Federal district court.

On November 23, 2005, Uzair Paracha was convicted in New York of all five counts in an indictment that included charges of conspiracy and providing material support to al-Qaida. Paracha traveled to the United States in February 2003 to assist al-Qaida, including posing as a person Paracha knew to be an al-Qaida associate, obtaining immigration documents that would permit that al-Qaida member to enter the United States, and conducting financial transactions involving the al-Qaida associate's bank accounts.

The Department of Justice also indicted Mohammed Junaid Babar for material support of al-Qaida after he arranged for a month-long jihadi training camp, at which attendees received training in basic military skills, explosives and weapons. Among the attendees were individuals who were plotting to bomb targets abroad. Babar pleaded guilty to providing material support, among other charges, and cooperated with ongoing investigations.

New York defense attorney Lynne Stewart, Mohammed Yousry, and Ahmed Abdel Sattar were recently convicted by a jury of material support charges in connection with passing messages to a terrorist organization, known as the Islamic Group, from Sheik Abdel Rahman, the Islamic Group's imprisoned leader. Abdel-Rahman is serving a life sentence plus 65 years for his role in terrorist activities, including the 1993 bombing of the World Trade Center. Sattar was also convicted of conspiring to kill persons in a foreign country and for solicitation of crimes of violence.

On October 24, 2005, the Department of Justice announced the historic extradition of the notorious Taliban-linked narcoterrorist Baz Mohammad. Mohammad has been indicted for allegedly manufacturing and distributing tens of millions of dollars worth of heroin in Afghanistan and Pakistan. He was closely aligned with the Taliban and other Islamic-extremist groups in Afghanistan, providing financial support to the Taliban with proceeds from heroin sales in the United States.

John Walker Lindh, the ''American Taliban'' captured on the battlefield in Afghanistan, pleaded guilty to supporting the Taliban and has been sentenced to 20 years in prison. As part of his plea agreement, Lindh has provided information about training camps and fighting in Afghanistan.

Another potentially devastating attack was averted when Richard Reid, the so-called shoe bomber, was foiled in his attempt to detonate a bomb on American Airlines flight 63 during flight. Reid was charged as a trained terrorist for this attempted terrorist attack. He pled guilty to all charges and was sentenced to life imprisonment on January 30, 2003.

The Department of Justice successfully detected and disrupted sinister plans in Lodi, CA. Hamid Hayat was indicted and charged with material support to terrorists after he allegedly attended a terrorist training camp in Pakistan in 2004 and returned to this country with the intent of committing jihad against America. Additional associates have been deported and one charged with two counts of lying to Federal agents.

In United States v. Odeh, a naroterrorism case, investigators used a court-issued delayed-notice search warrant to search an envelope mailed to a target of the investigation. The search confirmed that the target was operating an illegal money exchange to funnel money to the Middle East, including to an associate of an apparent Islamic Jihad operative in Israel. The delayed-notice provision allowed investigators to conduct the search without compromising an ongoing wiretap on the target and several confederates.

The information sharing between intelligence and law enforcement personnel made possible by USA PATRIOT Act section 218 was useful in the investigation of two Yemeni citizens, Mohammed Ali Hasan Al-Moayad and Mohshen Yahya Zayed, who were charged in 2003 with conspiring to provide material support to al-Qaida and Hamas. Following their indictment, Al-Moayad and Zayed were extradited to the United States from Germany, and both were convicted in March 2005 of conspiring to provide material support to a foreign terrorist organization.

The Department of Justice used USA PATRIOT Act section 218 to gain access to intelligence that facilitated the indictment of Enaam Amaout, the executive director of the Illinois-based Benevolence International Foundation, BIF. Arnaout had a long-standing relationship with Osama bin Laden and used his charity organization both to obtain funds illicitly from unsuspecting Americans for terrorist organizations, such as al-Qaida, and to serve as a channel for people to contribute money knowingly to such groups. Arnaout ultimately pleaded guilty to a racketeering charge, admitting that he diverted thousands of dollars from BIF to support Islamic militant groups in Bosnia and Chechnya. He was sentenced to more than 11 years in prison.

The broader information sharing made possible by USA PATRIOT Act section 218 also assisted the prosecution in San Diego of several persons involved in an al-Qaida drugs-for-weapons plot, which culminated in two guilty pleas. Two defendants, Muhamed Abid Afridi and Ilyas Ali, admitted that they conspired to distribute approximately five metric tons of hashish and 600 kilograms of heroin originating in Pakistan to undercover U.S. law enforcement officers. Additionally, they admitted that they conspired to receive, as partial payment for the drugs, four Stinger anti-aircraft missiles that they then intended to sell to the Taliban, an organization they knew at the time to be affiliated with al-Qaida. Afridi and Ali pleaded guilty to the felony charges of conspiracy to provide material support to terrorists and conspiracy to distribute heroin and hashish. The lead defendant in the case is currently awaiting trial.

Section 218 of the PATRIOT Act was critical in the successful prosecution of Khaled Abdel Latif Dumeisi, who was convicted by a jury in January 2004 of illegally acting as an agent of the former government of Iraq as well as two counts of perjury. Before the gulf war, Dumeisi passed information on Iraqi opposition members located in the United States to officers of the Iraqi Intelligence Service stationed in the Iraqi mission to the United Nations. During this investigation, intelligence agents conducting surveillance of Dumeisi pursuant to FISA coordinated and shared information with law enforcement agents and prosecutors investigating Dumeisi for possible criminal violations. Because of this coordination, law enforcement agents and prosecutors learned from intelligence agents of an incriminating telephone conversation that took place in April 2003 between Dumeisi and a coconspirator. This phone conversation corroborated other evidence that Dumeisi was acting as an agent of the Iraqi government and provided a compelling piece of evidence at his trial.

The use of cigarette smuggling to fund terrorism has been of grave concern. On January 23, 2003, in United States v. Akhdar, et al., the Department of Justice indicted members of an organization that smuggled low-taxed and untaxed cigarettes from State to State to evade sales tax. The defendants produced counterfeit tax stamps, obtained counterfeit credit cards, laundered money, obstructed justice, and committed arson, and many are suspected of having links to and financing the terrorist organization Hizballah. As the investigation has continued, additional indictments have been filed, and many defendants have pleaded guilty to charges including RICO violations and material support.

Investigators have also been able to avert potentially devastating attacks on our children. Ahmed Hassan al-Uqaily, an Iraqi national, spoke of ''going jihad,'' and arranged to procure pistols, machine guns, grenades and a ''tank missile,'' while suggesting he might target several Jewish schools in the Nashville area. An undercover agent completed the deal, posing as the weapons supplier, and the Iraqi national agreed to pay $1,000 for two machine guns, ammunition and inert grenade components. The aspiring terrorist was arrested on October 7, 2004, and was sentenced on October 24, 2005, to 57 months in prison.

The PATRIOT Act has kept us free and kept us safe, and is doing so day in and day out. It is essential that this Congress renew this historic legislation and I urge my colleagues to support the bill. We owe no less to the future generations of Americans and the freedom-loving peoples of the world. The stakes are too high to ignore our obligation.

## ADDITIONAL STATEMENT

### TRIBUTE TO THE CARROLL COLLEGE FIGHTING SAINTS

● Mr. BURNS. Mr. President, I rise today to pay tribute to the best NAIA football team in the Nation. The Carroll College Fighting Saints of Helena, MT, defeated the St. Francis University Cougars in Savannah, TN, earlier today.

The Saints beat the Cougars by a final score of 27–10 for their fourth straight NAIA National Championship. Today's ''Rumble on the River'' was also a historic victory marking the first NAIA team to win four straight national titles. Only one other team on any level of modern college football has won four straight titles.

The Saints' defense entered today's game as the best in the Nation allowing an average of only nine points per game this season.

We have some very talented football players in Montana at all levels of play. But today belongs to the Fighting Saints.

As on any football team, each player has a role in the success or failure of the team. However, it is important to recognize those players who were individually awarded for their efforts. All Americans like Kyle Baker, Casey Crites, and Tyler Emmert contribute to the team's success.

Saints' quarterback Tyler Emmert had thrown this season for 3,039 yards and 32 touchdowns prior to entering today's game, becoming the NAIA career leader in total offense.

He has accounted for 13,681 yards in his entire career and owns a record of 50–3 as a starter for the Saints. Now that record is 51–3.

Congratulations as well to Coach Mike Van Diest and his staff as well as to Dr. Thomas Trebon, president of Carroll College.

What an impressive team. What an impressive run of seasons.●

## MESSAGES FROM THE HOUSE

At 6:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to clause 11 of rule 1, the Speaker 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 thereon, in the conference on the disagreeing votes of the two Houses on the amendment of the House 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).

The message also announced that the House agree to the amendment of the Senate to the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The message further announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 4519. An act to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

H.R. 4525. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 4568. An act to improve proficiency testing of clinical laboratories.

H.R. 4579. An act 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.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

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.

Under authority of the order of the Senate of today, December 17, 2005, the enrolled bills were signed subsequently by the Majority Leader (Mr. FRIST).

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At 7:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4437. An act to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes.

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 324. Concurrent resolution directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1281.

The message further announced that the House agree to the amendment of the Senate to the amendment of the House to the bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

The message also announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (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.

## 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–5028. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''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) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5029. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mt. Enterprise, Texas and Hodge, Louisiana)'' (MB Docket No. 05–34) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5030. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''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) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5031. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Eminence, Potosi, Rolla, Lebanon and Linn, Missouri)'' (MB Docket No. 01–151) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5032. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''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 and RM–10839) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5033. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rankin and Sanderson, Texas)'' (MB Docket No. 02–253) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5034. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hornbeck, Louisiana, and Mojave and Trona, California)'' (MB Docket Nos. 05–46 and 05–109) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5035. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Terrebonne, Oregon)'' (MB Docket No. 02–123) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5036. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bass River Township and Ocean City, New Jersey)'' (MB Docket No. 05–188) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5037. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Milner, Ellaville, and Plains, Georgia)'' (MB Docket No. 05–106) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5038. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilmington, Mount Sterling, Zanesville, and Baltimore, Ohio)'' (MB Docket No. 04–161) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5039. A communication from the Senior Legal Advisor, Chief Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Digital Television Distributed Transmission Systems'' (FCC 05–192, MB 05–312) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5040. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Digital Television Receiving Capability'' (ET Docket No. 05–24) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5041. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of the Emergency Alert System'' (EB Docket No. 04–296, FCC 05–191) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5042. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Improving Public Safety Communications in the 800 MHz Band'' (WT Docket No. 02–55, FCC 05–174) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5043. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Link-up, Order in CC Docket Nos. 96–45, 02–6, WC Docket Nos. 02–60, 03–109'' (FCC 05–178) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5044. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa'' (FRL8010–9) received on December 16, 2005; to the Committee on Environment and Public Works.

EC–5045. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List'' (FRL8009–5) received on December 16, 2005; to the Committee on Environment and Public Works.

EC–5046. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors'' (FRL8009–3) received on December 16, 2005; to the Committee on Environment and Public Works.

EC–5047. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''TSCA Inventory Update Reporting Partially Exempted Chemicals List Addition of Certain Aluminum Alkyl Chemicals'' (FRL7732–6) received on December 16, 2005; to the Committee on Environment and Public Works.

EC–5048. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''TSCA Inventory Update Reporting Revisions'' (FRL7743–9) received on December 16, 2005; to the Committee on Environment and Public Works.

EC–5049. A communication from the President, National Center for Policy Analysis, transmitting, the Center's Third Quarter Report; to the Committee on Finance.

EC–5050. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the Office of the U.S. Trade Representative's Buy American Report for fiscal year 2004; to the Committee on Finance.

EC–5051. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report entitled ''Report on Improvements to the Enumeration at Birth Process''; to the Committee on Finance.

EC–5052. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Coverage and Payment of Ambulance Services; Inflation Update for Calendar Year 2006'' (RIN0938–AN99) received on December 16, 2005; to the Committee on Finance.

EC–5053. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Application of Inherent Reasonableness Payment Policy to Medicare Part B Services (Other Than Physician Services)'' (RIN0938–AN81) received on December 16, 2005; to the Committee on Finance.

EC–5054. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Clean Renewable Energy Bond Notice'' (Notice 2005–98) received on December 16, 2005; to the Committee on Finance.

EC–5055. A communication form the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict), transmitting pursuant to law, the Fiscal Year 2005 annual report on the Regional Defense Counterterrorism Fellowship Program; to the Committee on Armed Services.

EC–5056. A communication from the Publications Control Officer, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations'' (RIN0702–AA50) received on December 16, 2005; to the Committee on Armed Services.

EC–5057. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''State, District, and Local Party Committee Payment of Certain Salaries and Wages'' (Notice 2005–27) received on December 16, 2005; to the Committee on Rules and Administration.

EC–5058. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Electioneering Communications'' (Notice 2005–29) received on December 16, 2005; to the Committee on Rules and Administration.

EC–5059. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Extension of Administrative Fines Program'' (Notice 2005–30) received on December 16, 2005; to the Committee on Rules and Administration.

## 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. BENNETT (for himself and Mr. SCHUMER):

S. 2141. A bill to make improvements to the Federal Insurance Deposit Act; considered and passed.

## ADDITIONAL COSPONSORS

S. 2082

At the request of Mr. BAUCUS, his name was added as a cosponsor 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.

AMENDMENT NO. 2681

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2681 proposed to H.R. 3402, a bill to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

## MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to H.J. Res. 75, the continuing resolution, which is at the desk; provided further that the resolution be read three times and passed, and the motion to reconsider be laid on the table.

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

The resolution (H.J. Res. 75) was read the third time and passed.

## AUTHORITY TO SIGN

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 213, 365, 374, 383, 425, 426, 442, 465, 466, 467, 468, 470, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482; provided further that the Commerce Committee be discharged from further consideration of the following nominations and the Senate proceed to these en bloc: PN1119, PN1120, PN1121, PN1122. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

DEPARTMENT OF COMMERCE

Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

John O. Agwunobi, of Florida, to be an Assistant Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

John O. Agwunobi, of Florida, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefore as provided by law and regulations.

NATIONAL TRANSPORTATION SAFETY BOARD

Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2010. (Reappointment)

Kathryn Higgins, of South Dakota, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2009.

DEPARTMENT OF ENERGY

Jeffrey D. Jarrett, of Pennsylvania, to be an Assistant Secretary of Energy (Fossil Energy).

DEPARTMENT OF JUSTICE

Catherine Lucille Hanaway, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

EXECUTIVE OFFICE OF THE PRESIDENT

Dale W. Meyerrose, of Indiana, to be Chief Information Officer, Office of the Director of National Intelligence. (New Position)

FEDERAL TRADE COMMISSION

William E. Kovacic, of Virginia, to be a Federal Trade Commissioner for a term of seven years from September 26, 2004,

J. Thomas Rosch, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2005.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years. (Reappointment)

DEPARTMENT OF EDUCATION

Stephanie Johnson Monroe, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

DEPARTMENT OF STATE

Marilyn Ware, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

MERIT SYSTEMS PROTECTION BOARD

Mary M. Rose, of North Carolina, to be a Member of the Merit SystemsProtection Board for the term of seven years expiring March 1, 2011.

DEPARTMENT OF HOMELAND SECURITY

George W. Foresman, of Virginia, to be Under Secretary for Preparedness, Department of Homeland Security,

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Capt. Michael R. Seward, 0000

DEPARTMENT OF COMMERCE

David Steele Bohigian, of Missouri, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Antonio Fratto, of Pennsylvania, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF COMMERCE

David M. Spooner, of Virginia, to be an Assistant Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT

Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

IN THE COAST GUARD

The following named officer for appointment to the grade indicated in the United States Coast Guard Reserve under title 10, U.S.C., section 12203(a):

*To be captain*

James R. Montgomery, 0000

The following named officer for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 276:

*To be commander*

Richard E. Petherbridge, 0000

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 271:

*To be commander*

Benes Z. Aldana, 0000
Robert J. Backhaus, 0000
Robert E Bailey, 0000
Christopher A. Bartz, 0000
Emile R. Benard, 0000
David C. Billburg, 0000
Elizabeth D. Blow, 0000
Francis T. Boross, 0000
James M. Boyer, 0000
Michael C. Brady, 0000
Craig S. Breitung, 0000
Jeffrey M. Brockus, 0000
Jacob E. Brown, 0000
Scott A. Budka, 0000
Matthew C. Callan, 0000
Nicholas D. Caron, 0000
Jeffrey T. Carter, 0000
David K. Chareonsuphiphat, 0000
Joseph A. Chop, 0000
Richard S. Craig, 0000
David H. Cronk, 0000
Mark T. Cunningham, 0000
Anthony C. Curry, 0000
Kenneth D. Dahlin, 0000
John M. Danaher, 0000
Christopher L. Day, 0000
Ronald R. Dewitt, JR, 0000
Jeffrey F. Dixon, 0000
Brian J. Downey, 0000
David A. Drake, 0000
Darren A. Drury, 0000
Kevin P. Dunn, 0000
Andrew G. Dutton, 0000
James L. Duval, 0000
David W. Edwards, 0000
Eric S. Ensign, 0000
Brad J. Ervin, 0000
David M. Flaherty, 0000
Eric J. Ford, 0000
Theodore B. Gangsei, 0000
Timothy J. Gilbride, 0000
Brian S. Gilda, 0000
Joseph J. Gleason, 0000
Thomas J. Glynn, 0000
Mark E. Hammond, 0000
David C. Hartt, 0000
Charles A. Hatfield, 0000

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 271:

*To Be lieutenant commander*

Stephen Adler, 0000
Kristina M. Ahmann, 0000
Michael W. Albert, 0000
Ryan D. Allain, 0000
Brian R. Anderson, 0000
Jeff M. Aparicio, 0000
David L. Arritt, 0000
Reginald I. Baird, 0000
Jonathan D. Baker, 0000
Alain V. Balmaceda, 0000
Clifford R. Bambach, 0000
Timothy J. Barelli, 0000
Michelle C. Bas, 0000
Lamont S. Bazemore, 0000
Carolyn M. Beatty, 0000
Jason L. Beatty, 0000
Anne M. Becker, 0000
Eric M. Belleque, 0000
Kailie J. Benson, 0000
Scott D. Benson, 0000
John Berry, 0000
Robert H. Bickerstaff, 0000
Jeffrey B. Bippert, 0000
Chad E. Bland, 0000
Christopher L. Boes, 0000
Elizabeth A. Booker, 0000
Curtis E. Borland, 0000
Mark A. Bottiglieri, 0000
Joseph R. Bowes, 0000
Russell E. Bowman, 0000
Thomas L. Boyles, 0000
Sean T. Brady, 0000
Rachael B. Bralliar, 0000
Lance J. Brant, 0000
Paul Brooks, 0000
Andy S. Brown, 0000
Heath M. Brown, 0000
Thomas R. Brown, 0000
Timothy T. Brown, 0000
William A. Budovec, 0000
Marc A. Burd, 0000
Richard J. Burke, 0000
Travis L. Burns, 0000
Victor G. Buskirk, 0000
Colin E. Campbell, 0000
Donald B. Campbell, 0000
Clinton S. Carlson, 0000

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2141 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2141) to make improvements to the Federal Deposit Insurance Act.

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 any statement related to the bill be printed in the RECORD.

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

The bill (S. 2141) was read the third time and passed, as follows:

S. 2141

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

**SECTION. 1. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF DEPOSITORY INSTITUTIONS.**

(a) DEFINITION OF SECURITIES CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended—

(A) in subclause (I)—

(i) by striking ''mortgage loan, or'' and inserting ''mortgage loan,''; and

(ii) by inserting before the semicolon ''(whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in clause (v))'';

(B) in subclause (IV)—

(i) by inserting ''(including by novation)'' after ''the guarantee''; and

(ii) by inserting before the semicolon ''(whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II))'';

(C) in subclause (IX), by striking ''or (VIII)'' each place that term appears and inserting ''(VIII), (IX), or (X)'';

(D) by redesignating subclauses (VI) through (X) as subclauses (VIII) through (XII), respectively; and

(E) by inserting after subclause (V) the following:

''(VI) means any extension of credit for the clearance or settlement of securities transactions;

''(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction;''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(ii)) is amended—

(A) in subclause (I)—

(i) by striking ''mortgage loan, or'' and inserting ''mortgage loan,''; and

(ii) by inserting before the semicolon ''(whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in clause (v))'';

(B) in subclause (IV)—

(i) by inserting ''(including by novation)'' after ''the guarantee''; and

(ii) by inserting before the semicolon ''(whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II))'';

(C) in subclause (IX), by striking ''or (VIII)'' each place that term appears and inserting ''(VIII), (IX), or (X)'';

(D) by redesignating subclauses (VI) through (X) as subclauses (VIII) through (XII), respectively; and

(E) by inserting after subclause (V) the following:

''(VI) means any extension of credit for the clearance or settlement of securities transactions;

''(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction;''.

(b) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)(I)) is amended by striking ''transaction, reverse repurchase transaction'' and inserting ''or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in clause (v))''.

(c) DEFINITION OF SWAP AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended—

(A) in subclause (I)—

(i) by striking ''or precious metals'' and inserting '', precious metals, or other commodity''; and

(ii) by striking ''or a weather swap, weather derivative, or weather option'' and inserting ''weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement'';

(B) in subclause (II)—

(i) by inserting ''or other derivatives'' after ''dealings in the swap''; and

(ii) by striking ''future, or option'' and inserting ''future, option, or spot transaction''; and

(C) by striking ''the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000'' and inserting ''the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(vi) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(vi)) is amended—

(A) in subclause (I)—

(i) by striking ''or precious metals'' and inserting '', precious metals, or other commodity''; and

(ii) by striking ''or a weather swap, weather derivative, or weather option'' and inserting ''weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement'';

(B) in subclause (II)—

(i) by inserting ''or other derivatives'' after ''dealings in the swap''; and

(ii) by striking ''future, or option'' and inserting ''future, option, or spot transaction''; and

(C) by striking ''the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000'' and inserting ''the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act''.

**SEC. 2. CLARIFYING AMENDMENTS RELATING TO DEFINITION OF PERSON.**

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS DEFINITION OF PERSON.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended by adding at the end the following:

''(ix) PERSON.—The term 'person' includes any governmental entity and any entity included in the definition of the term 'person' in section 1 of title 1, United States Code.''.

(b) INSURED CREDIT UNIONS DEFINITION OF PERSON.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by adding at the end the following:

''(vii) PERSON.—The term 'person' includes any governmental entity and any entity included in the definition of the term 'person' in section 1 of title 1, United States Code.''.

**SEC. 3. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.**

(a) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) in each of subsections (a) and (f), by striking ''paragraphs (8)(E), (8)(F), and (10)(B) of'' each place that term appears; and

(2) in subsection (a), by inserting ''terminated, liquidated, accelerated, and'' after ''institutions shall be''.

(b) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) in each of subsections (a) and (h), by striking ''paragraphs (8)(E), (8)(F), and (10)(B) of'' each place that term appears; and

(2) in subsection (a), by inserting ''terminated, liquidated, accelerated, and'' after ''organization shall be''.

**SEC. 4. CONFORMING AMENDMENTS.**

(a) CLARIFYING DEFINITIONS.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (22)(A)—

(i) by striking ''(domestic or foreign)'' after ''an entity''; and

(ii) by inserting ''(whether or not a 'customer', as defined in section 741)'' after ''custodian for a customer'';

(B) in paragraph (22A)—

(i) by striking ''on any day during the previous 15-month period'' each place it appears and inserting ''at such time or on any day during the 15-month period preceding the date of the filing of the petition''; and

(ii) by inserting ''(aggregated across counterparties)'' after ''principal amount outstanding'';

(C) in paragraph (25)(A)—

(i) by inserting '', as defined in section 761'' after ''commodity contract''; and

(ii) by striking ''repurchase transaction, reverse repurchase transaction,'' and inserting ''repurchase or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in this section)'';

(D) in paragraph (53B)(A)—

(i) in clause (i)—

(I) in subclause (II), by striking ''or precious metals'' and inserting '', precious metals, or other commodity agreement'';

(II) in subclause (VII), by striking ''or'' at the end;

(III) in subclause (VIII), by striking ''weather derivative, or weather option'' and inserting ''option, future, or forward agreement''; and

(IV) by adding at the end the following:

''(IX) an emissions swap, option, future, or forward agreement; or

''(X) an inflation swap, option, future, or forward agreement;''; and

(ii) in clause (ii)—

(I) in subclause (I), by inserting ''or other derivatives'' after ''dealings in the swap''; and

(II) in subclause (II), by striking ''future, or option'' and inserting ''future, option, or spot transaction''; and

(E) in paragraph (53B)(B), by striking ''the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000'' and inserting ''the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in

section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act'';

(2) in section 362(b)—

(A) by striking paragraphs (6) and (7) and inserting the following:

''(6) under subsection (a) of this section, of the exercise by a commodity broker, forward contract merchant, stockbroker, financial institution, financial participant, or securities clearing agency of any contractual right (as defined in section 555 or 556) under any security agreement or arrangement or other credit enhancement forming a part of or related to any commodity contract, forward contract or securities contract, or of any contractual right (as defined in section 555 or 556) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such contracts, including any master agreement for such contracts;

''(7) under subsection (a) of this section, of the exercise by a repo participant or financial participant of any contractual right (as defined in section 559) under any security agreement or arrangement or other credit enhancement forming a part of or related to any repurchase agreement, or of any contractual right (as defined in section 559) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such agreements, including any master agreement for such agreements;'';

(B) by striking paragraph (17) and inserting the following:

''(17) under subsection (a) of this section, of the exercise by a swap participant or financial participant of any contractual right (as defined in section 560) under any security agreement or arrangement or other credit enhancement forming a part of or related to any swap agreement, or of any contractual right (as defined in section 560) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such agreements, including any master agreement for such agreements;''; and

(C) by striking paragraph (27) and inserting the following:

''(27) under subsection (a) of this section, of the exercise by a master netting agreement participant of any contractual right (as defined in section 555, 556, 559, or 560) under any security agreement or arrangement or other credit enhancement forming a part of or related to any master netting agreement, or of any contractual right (as defined in section 555, 556, 559, or 560) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such master netting agreements to the extent that such participant is eligible to exercise such rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; and''; and

(3) in section 741(7)(A)—

(A) in clause (i)—

(i) by striking ''mortgage loan or'' and inserting ''mortgage loan,''; and

(ii) by inserting before the semicolon ''(whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in section 101)'';

(B) in clause (iii)—

(i) by inserting ''(including by novation)'' after ''the guarantee''; and

(ii) by inserting before the semicolon ''(whether or not such settlement is in connection with any agreement or transaction referred to in clauses (i) through (xi))'';

(C) in clause (viii), by striking ''or (vii)'' each place it appears and inserting ''(vii), (viii), or (ix)'';

(D) by redesignating clauses (v) through (ix) as clauses (vii) through (xi), respectively; and

(E) by inserting after clause (iv) the following:

''(v) any extension of credit for the clearance or settlement of securities transactions;

''(vi) any loan transaction coupled with a securities collar transaction, any prepaid forward securities transaction, or any total return swap transaction coupled with a securities sale transaction;''.

(b) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting ''(or for the benefit of)'' before ''a commodity broker''; and

(B) by inserting ''or that is a transfer made by or to (or for the benefit of) a commodity broker, forward contract merchant, stockbroker, financial institution, financial participant, or securities clearing agency, in connection with a securities contract, as defined in section 741(7), commodity contract, as defined in section 761(4), or forward contract,'' after ''securities clearing agency,'';

(2) in subsection (f)—

(A) by striking ''that is a margin payment, as defined in section 741 or 761 of this title, or settlement payment, as defined in section 741 of this title,''; and

(B) by inserting ''(or for the benefit of)'' before ''a repo participant'';

(3) in subsection (g), by inserting ''(or for the benefit of)'' before ''a swap participant''; and

(4) in subsection (j), by inserting ''(or for the benefit of)'' after ''made by or to''.

(c) SIPC STAY.—Section 5(b)(2)(C)(iii) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)(C)(iii)) is amended—

(1) by inserting ''a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991),'' after ''rule or bylaw of''; and

(2) by striking ''or a securities clearance agency, a right set forth in a bylaw of a clearing organization or contract market'' and inserting ''a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act),''.

(d) SAVINGS CLAUSE.—Title IX of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8, 119 Stat. 146) is amended by adding at the end the following:

**''SEC. 912. SAVINGS CLAUSE.**

''The meanings of terms used in this title are applicable for the purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.''.

**SEC. 5. WALKAWAY CLAUSES.**

Section 11(e)(8)(G)) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(G)) is amended to read as follows:

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default, provided that any payment or delivery obligations otherwise due from a party pursuant to the qualified financial contract shall be suspended from the time that the receiver is appointed until the earlier of—

''(I) the time that such party receives notice that such contract has been transferred pursuant to subparagraph (A); or

''(II) 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means any provision in a qualified financial contract that suspends, conditions, or extinguishes a payment obligation of a party in whole or in part or does not create a payment obligation of a party that would otherwise exist solely because of such party's status as a nondefaulting party in connection with the insured depository institution's insolvency or the appointment of or the exercise of rights or powers by a conservator or receiver, and not as a result of a party's exercise of any right to offset, setoff, or net obligations that exist under the contract, any other contract between those parties, or applicable law.''.

**SEC. 6. EFFECTIVE DATE.**

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) NO RETROACTIVE APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply to any cases commenced under title 11, United States Code, or appointments made under any Federal or State law, before the effective date of this Act.

## ORDERS FOR SUNDAY, DECEMBER 18, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 6 p.m. on Sunday, December 18. 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 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. Tomorrow, we will return to session to continue to work on the remaining business before we leave. We will need to come in tomorrow in anticipation of the conference reports which will arrive from the House. I do not believe we will need to have any votes tomorrow evening, but we will alert Members if something arises. If we do not vote Sunday, we would start voting early Monday. We have seven district judges on the calendar. I understand some of those may require votes.

Having said that, I thank all Senators for their patience during this period. It has been difficult because of

our inability, the impossibility to predict with any element of certainty exactly when we will finish. We are working very hard on bills with the House of Representatives. Once those reports are addressed in the House, they can come here. Until that time, we continue to work to see that will occur in an expeditious way. It is the nature of the business. I am appreciative of everyone's assistance.

## REFLECTIONS ON HANUKKAH

Mr. FRIST. Mr. President, a very brief comment on this time of year, with a few reflections on a very special time—Hanukkah.

Earlier this year, I had the opportunity, once again, to visit the State of Israel. I say without reserve, the land of Israel touches my soul. It does so when you are there and you have that opportunity to visit the Old City, to visit the Western Wall.

I took the opportunity to meet with Israelis from all walks of life, visiting several of the hospitals there, and visiting my professional colleagues in medicine. I came to appreciate even more deeply the 4,000 years of distinct and vibrant Jewish culture, as well as the Jewish people's hopeful triumph over adversity and persecution.

So now, as Jews all over the world begin to prepare for the celebration of Hanukkah, which this year begins on December 25, I invite my colleagues to reflect on its meaning and its relevance to the continuity of Jewish culture and survival.

The First Book of Maccabees, a venerated ancient text, tells the story of a revolt against a tyrant, the King Antiochus. King Antiochus was a tyrant, a cruel leader, who attempted to outlaw the practice of Judaism, to forbid the study of Torah, and to compel, to force the worship of idols.

Joined by corrupt politicians in the land of Judea, he succeeded for a time. Eventually, however, a popular uprising, led by a group who called themselves the Maccabees—and that translates into ''hammer''—expelled his forces and reclaimed the Temple that became the center of the Jewish faith.

Upon entering the desecrated Temple, Jewish soldiers and priests discovered that the eternal flame within had extinguished. The last stores of oil, those last little bits of oil, would only keep the lamp lit for a single day.

They lit the lamp with the oil that was left, and then something miraculous happened. According to the ancient writings, instead of burning down, the lamp oil continually filled and refilled and refilled, and the light in the Temple burned for 8 full days.

One can think of this story of faith and perseverance as truly emblematic of the Jewish journey. Just as, by God's grace, the lamp was continually filled, continually replenished, so, too, has the Jewish culture continued to thrive.

In honor of the rededication of the Temple and the Miracle of the Lights, Jews all over the world celebrate Hanukkah by lighting a Menorah and drawing their families close.

Children play games and exchange gifts and, as every Jewish family knows, potato latkes and donuts cooked in oil are holiday favorites.

As those of us who are Christian celebrate the birth of Jesus this Christmas, let us also reflect on the story of Hanukkah and the ways in which the Almighty touches our daily lives.

I do wish my fellow Americans of the Jewish faith a happy Hanukkah and a safe, prosperous holiday season.

## ADJOURNMENT UNTIL TOMORROW AT 6 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:55 p.m., adjourned until Sunday, December 18, 2005, at 6 p.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Saturday, December 17, 2005:

ENVIRONMENTAL PROTECTION AGENCY

SUSAN P. BODINE, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF COMMERCE

SANTANU K. BARUAH, OF OREGON, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOHN O. AGWUNOBI, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

JOHN O. AGWUNOBI, OF FLORIDA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS.

NATIONAL TRANSPORTATION SAFETY BOARD

MARK V. ROSENKER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2010.

KATHRYN HIGGINS, OF SOUTH DAKOTA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2009.

DEPARTMENT OF ENERGY

JEFFREY D. JARRETT, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY).

EXECUTIVE OFFICE OF THE PRESIDENT

DALE W. MEYERROSE, OF INDIANA, TO BE CHIEF INFORMATION OFFICER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

FEDERAL TRADE COMMISSION

WILLIAM E. KOVACIC, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2004.

J. THOMAS ROSCH, OF CALIFORNIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2005.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE COLE, OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS.

MERIT SYSTEMS PROTECTION BOARD

MARY M. ROSE, OF NORTH CAROLINA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2011.

DEPARTMENT OF HOMELAND SECURITY

GEORGE W. FORESMAN, OF VIRGINIA, TO BE UNDER SECRETARY FOR PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. MICHAEL R. SEWARD

DEPARTMENT OF COMMERCE

DAVID STEELE BOHIGIAN, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

ANTONIO FRATTO, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF COMMERCE

DAVID M. SPOONER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD T. CROWDER, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

CATHERINE LUCILLE HANAWAY, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF EDUCATION

STEPHANIE JOHNSON MONROE, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DONALD A. GAMBATESA, OF VIRGINIA, TO BE INSPECTOR GENERAL, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

MARILYN WARE, OF PENNSYLVANIA, TO BE AMBASSADOR TO FINLAND.

IN THE COAST GUARD

COAST GUARD NOMINATION OF JAMES R. MONTGOMERY TO BE CAPTAIN.

COAST GUARD NOMINATION OF RICHARD E. PETHERBRIDGE TO BE COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH BENES Z. ALDANA AND ENDING WITH MICHAEL L. WOOLARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2005.

COAST GUARD NOMINATIONS BEGINNING WITH STEPHEN ADLER AND ENDING WITH PETER E. ZOHIMSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2005.

# EXTENSIONS OF REMARKS

## HONORING MR. MARVIN CHASE

HON. ROB SIMMONS
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mr. SIMMONS. Mr. Speaker, on December 12 a good man, a fine public servant and a good friend of mine died at the age of 65. Marvin Chase lived in North Stonington and during his lifetime he was truly a citizen in action. For those of us who knew him, his name is synonymous with public service, a love of his community and a deep love for his family and friends.

Marvin was involved with his community. He was a Republican but he was from the school of thought that said, ''I don't care what your political affiliation is, I care about you and I care about your ideas.'' Consequently, he was able to work with individuals from across the political spectrum. He liked and respected people; and he was liked and respected in return.

A 6-year member of the North Stonington Economic Development Commission, which he chaired, Marvin won another 5-year term in November. First Selectman Nicholas H. Mullane II, said Marvin was ''probably the best chairman I've ever seen on the EDC.''

Marvin did more than keep the seat warm. In 2003 he led the commission as it studied the best way to bring business to town. He also led the commission's two-year effort to create a low-impact commercial development zone near Interstate 95 exit 92, which the Planning and Zoning Commission approved in February. And that zone change drew immediate interest from businesses.

Marvin was always sensitive of the need to balance business with the rural nature of our community and our region in southeastern Connecticut. He wanted to attract businesses so that taxes could be kept under control and so that there would be jobs; but he knew how important it was to ensure that North Stonington kept the quiet characteristics that make it such a wonderful place to live and raise a family.

Marvin belonged to the North Stonington Grange, served on the North Stonington Fair Committee and for more than 30 years he was a member of what is now the Masonic United Coastal Lodge 57. A former deacon of United Church in Stonington, Marvin served until a few years ago as moderator of the First Baptist Church in North Stonington. He was chairman of the North Stonington Republican Town Committee and a lifetime member of the North Stonington Fire Company.

Marvin worked for the State of Connecticut Motor Vehicle Department as an inspector for the Dealers and Repairers Division and he owned and operated a Shell Service Station in Preston for many years.

There was also a racy side to Marvin—he drove race cars at the Thompson Motor Speedway, Norwood Arena, Waterford Speedbowl and Stafford Speedway from 1960 to 2001. And he was vice president of the New England Antique Racer's Association.

Finally, Marvin played a significant role in all of my political campaigns, offering me his sage advice and insights to a variety of issues. His was always a voice of reason and sound judgment. He was a friend—and a friend can tell you things you do not want to tell yourself. But those are often things you most need to hear. I will miss him greatly.

## CONGRATULATING THE LAKELAND DREADNAUGHTS AS NATIONAL CHAMPIONS ''NULLI SECUNDUS''

HON. ADAM H. PUTNAM
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mr. PUTNAM. Mr. Speaker, it is with great pleasure that I rise today to applaud the accomplishments of the Lakeland High School Varsity Football team from Lakeland, Florida—the 2005 Class 5A Florida State Champions and the 2005 National Champions.

Coach Bill Castle, 2004 5A Coach of the Year and recent inductee of the Polk County Sports Hall of Fame, led the Dreadnaught's to their 5th State Championship, 17th District Championship, and 1st National Championship. The Dreadnaughts defeated Ft. Lauderdale's St. Thomas Aquinas, 39–19, ending their season at 15–0, in a rematch of last years title for the Class 5A State Championship. This is the first time a Polk County football team has won back-to-back State titles, and the first time that two top-five nationally ranked teams have met this late in the season.

I would like to extend my congratulations to Coach Castle and his staff, Dan Talbot, Dan Moonet, Frank Webster, Chris Davis, Clay Taylor, Jason Butler, Michael Peeples, Denny Krahe, and Brian Abdon, for the positive example they set and for the leadership they provide. In addition, Principal Mark Thomas and his administration, Athletic Director Sid Kimbrell, the faculty and staff, the parents, the students, the alumni and the fans should all be commended for their community spirit and constant support.

Most importantly, however, I would like to recognize those outstanding student athletes, who exemplified the hard work, character, and sportsmanship, to make this victory possible: Matt Grier, Scott Bryant, Chris Rainey, Rashard Coleman, Andre Walker, Pat Turner, Deonte Parker, T.K. Lamb, Ledarius Dobie, Darius Jones, Tyler Grantham, Billy Lowe, Awtan Glover, Jordan Hammond, Jesse Smart, Paul Wilson, Adam Williams, Blair Castle, Leon Covington, Steve Wilks, Cedric Edom, Preston Chatmon, Ahmad Black, Jamar Taylor, Troy Johnson, Calvin Shaw, Derrell Harrison, Connor Johnson, Tony McElrath, Aaron Walters, Devon Terry, Justin Burdette, Bryant Peace, Matt Roddenbery, Nic Moody, Colin Clyne, Quinten Campell, Mike Jensen, Michael Horton, David Liason, Ben Wilcox, Jensen Harris, Justin Calabrese, James Campbell, John Brown, Eagar Lewis. The Dreadnaughts prove that academic excellence, intensive training and a lot of heart, will lead a team to victory. The school's motto is ''Nulli Secundus,'' which means ''Second to None.'' I know that I speak for every member in offering congratulations and the best of luck to the Lakeland Dreadnaughts, who officially are ''second to none'' in the Nation.

## FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SPEECH OF

HON. BENJAMIN L. CARDIN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. CARDIN. Mr. Speaker, I rise in opposition to the fiscal year 2006 Labor-Health and Human Services-Education Appropriations Conference Report. I was dismayed to hear my friend, the Chairman of the Subcommittee, state that this bill ''more than any other, illustrates the compassion of the American people.'' But the American people did not produce this bill, and, judging from the hundreds of calls and letters to my office, they do not support its provisions.

Across the board, in nearly every area of importance to American families, our citizens are shortchanged by this bill. The Labor-HHS-Education bill is often the most contentious appropriations measure to move through Congress. This is because the programs it funds affect the health, the quality of life, indeed the future of every American. This year, the original version of the conference report was deemed so harmful that it was rejected once already on November 17. Today, the authors of this bill have returned it to the floor with a few cosmetic changes designed only to secure enough votes to squeak the bill through. But this so-called ''new and improved version'' will be no less objectionable to the sensibilities of the American people and certainly no less harmful to American families.

This legislation sends a clear message to the American people: for educational opportunity, for food assistance to elderly Americans, for help with heating bills next winter, for access to quality health care, for advances in medical research: do not look to this Congress for help.

The majority says it cares about families, about better education, about improved health care, about a productive workforce, about economic opportunity. But it has produced a bill that cuts the bootstraps of middle class families trying to stay afloat and aspiring families who are reaching for the American dream.

Overall, this bill cuts $1.5 billion from last year's funding levels. Let us examine what effect these cuts will have on our Nation.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A strong and productive workforce is key to our Nation's future. According to the Department of Labor, nearly 8 million Americans and 120,000 Marylanders are unemployed. But this Congress is poised to slash more than $400 million from job training and employment services funding.

It will also cut State unemployment insurance and employment service offices by $245 million, and assistance for approximately 1.9 million people will be jeopardized.

This bill also cuts by $250 million the Community College Initiative, which is President Bush's initiative to help community colleges train prospective workers for high-skill jobs. The conference report cuts funding for that effort by $125 million and rescinds $125 million from fiscal year 2005 funds.

A healthy America is key to our Nation's future. We have more than 45 million Americans without health insurance. Many of them rely on networks of community health centers to receive much needed care. I was encouraged by the President's initiative to increase the number of community health centers around the country, but the conference report provides $238 million less than the President's request. The Republican leadership supports this conference report, despite the fact that this House passed in July a resolution stating that community health centers are ''vital to the nation's communities.'' Surely, the dedicated workers at our health centers will find the words of that resolution hollow if this conference report is passed. This conference report cuts health care access for underserved areas of the country. It eliminates the community access program, which provides lifesaving and life-enhancing health care to many regions that lack a sufficient number of health care facilities.

This bill cuts title VII health professions programs by 69 percent and it eradicates several programs entirely. This is particularly outrageous coming from a Congress that claims to want to end health disparities. Johns Hopkins Institutions in my home town of Baltimore receive more than $2.5 million in funding for title VII grants. These programs serve different spheres of the health care system, from the Schools of Nursing, Public Health and Medicine. All of this funding is jeopardized by the bill before us today.

The National Institutes of Health is headquartered in my home State of Maryland. Over the past year, I have met with dozens of representatives from patient groups. They are aware that the President's budget for fiscal year 2006 proposed the smallest increase for NIH in 36 years. The paltry increase in this bill does not even keep pace with inflation. What does it mean in real terms? Not only will we not be able to increase our efforts to fight diabetes, HIV/AIDS, cancer, brain injury, Alzheimer's and other pernicious diseases, we will actually see a reduction in the number of grants and the number of research projects funded by NIH.

Improvements in education are key to our Nation's future. This Congress speaks often about the need to hold our schools accountable, yet this conference takes away the funding our school districts need to improve students' achievement levels.

Title I funding for low-income children are given a 0.8 percent increase—the smallest increase in 8 years, and only a fraction of the increase requested by the President. Special education grants receive a 0.9 percent increase—the smallest increase in 10 years.

We talk a lot about the need to increase education technology, yet this conference report cuts that funding by nearly half. We speak of the need to protect our children from violence and illegal drugs, but this bill cuts Safe and Drug-Free Schools by one-fifth, and provides no increase for after-school programs for the fourth consecutive year.

Everyone in this House can agree that the cost of higher education is soaring, but this conference report fails to provide any increase whatsoever for Pell grants, without which so many college students could not continue their education. President Bush proposed a $100 increase, the House passed a $50 increase, but the conferees did not even provide that. Instead, they froze the maximum Pell grant amount at $4,050 for the fourth consecutive year.

Finally, our goodness as a nation is measured by how we treat the most vulnerable Americans. If we are to truly be a great nation, we must care for those who are less able to care for themselves. It is disappointing that this conference report slashes funding for the Social Security Administration, which is entrusted with processing disability claims for millions of Americans. In my district, the Third Congressional District of Maryland, I represent many employees of the Social Security Administration. They are hardworking, dedicated staffers, but they can only do so much without adequate funding for personnel and technological support. In the Ways and Means Committee, we have had several hearings about the backlogs of cases at SSA, and Commissioner Barnhart has sought congressional assistance in bringing her processing systems up to date. Unfortunately, this bill will not make SSA employees' jobs any easier nor will it help reduce the backlog of pending cases. In fact, the backlogs will get worse. The House failed to provide the President's request, it provides even less than the House- or Senate-passed bills.

Some of my colleagues have defended these cuts as necessary to restore fiscal discipline to our budget. When combined with a planned 1 percent across-the-board cut, this bill will save approximately $3 billion over last year's spending, and $15 billion over the next 5 years. But at the same time, the congressional leadership is advancing an agenda of tax cuts that exceed $70 billion. They are asking us to believe that it is necessary to eliminate programs and inflict pain on American families, but they are doing this not to balance the budget, but to make room for tax cuts.

Mr. Speaker, when this House defeated the Labor-HHS bill prior to the Thanksgiving recess, it was because a majority of this House believed that it would jeopardize vital services for millions of Americans. The revisions in today's conference report are minimal and keep us on the same track toward wiping out key safety net programs. Therefore, I rise again in opposition to this conference report and urge my colleagues to do the same.

## TRIBUTE TO GLADYS TANTAQUIDGEON

### HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mr. SIMMONS. Mr. Speaker, I rise today to recognize the achievements of Gladys Tantaquidgeon, whose life's work greatly enhanced the Mohegan Tribe of Connecticut.

On November 1, the woman who was rightly known as the ''keeper of the Mohegan culture'' died at the age of 106. Gladys Tantaquidgeon was a woman of uncommon integrity and cheerful determination. Throughout her life she devoted her skills, talents and knowledge to the revival of the Mohegan Tribe and countless lives have been enriched by her steadfastness.

Gladys Tantaquidgeon was an anthropologist and ethnobotanist. She wrote extensively about Native Americans and her knowledge was wide-ranging. She played a key role in establishing the Mohegan tribal museum. Her flawless record-keeping and her encyclopedic knowledge of the history of her tribe were instrumental in helping the Mohegans win Federal recognition in 1994.

In the Hartford Courant, Melissa Tantaquidgeon Zobel, Gladys's grandniece, pointed out that much of the artwork in the tribe's Mohegan Sun Casino, in Montville, was inspired by the collection of the ''keeper of Mohegan culture.'' Ms. Zobel recently remarked, ''We all have to wonder, would we be where we are today without her? She was an image from another world. It would be dishonorable not to celebrate her passing.''

The Mohegan Tribe today is successful by any measure and they most certainly would not be where they are today without the perseverance and stamina of this incredible woman. Supported in no small measure by her work, the tribe has preserved its heritage and history and has created economic security for the future.

The Mohegan Sun Casino has created jobs throughout the region, has provided economic assistance to its host community and works with vendors throughout the State.

And while the tribe and the entire region mourns her death, we surely celebrate the extraordinary life of this great woman who was a descendent of Uncas, the famous Mohegan chief.

She demonstrated that the Mohegan's history is an integral and essential part of Connecticut's history. The Hartford Courant said it well, observing that Gladys Tantaquidgeon was ''the living link between past and present whose diligent record-keeping led to federal recognition for the Mohegans. They are now running one of the world's most lucrative casinos and are fabulously rich. It is telling that they are prouder of their heritage than their wildly successful business venture.''

The Mohegan Tribe and the State of Connecticut are better off because of Gladys Tantaquidgeon. She did much more than enable her people to secure the recognition they deserved. She taught, by word and example, that our lives as Americans are deeply entwined and that history is not something that happened in the past. History is alive and even as it reminds us of who we were, it also reminds us of what we might become.

Gladys Tantaquidgeon was an exceptional woman. The Mohegan Tribe and Connecticut are fortunate that for more than a century she was among us. She will be missed.

## TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2005

SPEECH OF

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2005*

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the Torture Victims Relief Reauthorization Act (H.R. 2017). The Torture Victims Relief Act (TVRA) has provided critical support to thousands of survivors of torture since it was first authorized in 1999. The sad fact is that torture is still used by governments around the world and the need for the bill is as pronounced as ever. With revelations of the U.S.'s own use of torture making waves around the world, we can ill afford to take a step back in the field of torture treatment.

The United States must renew its commitment against the use of torture. And it must support efforts to ease the pain and suffering of those living in parts of the world where there are no other resources—not to mention political motivation—to help survivors of torture.

Currently, 27 programs in 17 states including Illinois receive assistance for torture treatment in the U.S. Treatment provided by these programs enables survivors of torture to recover their lives and become productive members of their communities. Many of these centers, including the center in Illinois, also train mainstream professionals. This increases the ability of health care providers, attorneys, leaders of faith, and others, to provide for the special needs of torture victims and contribute to the. prevention of torture.

The TVRA is at work in my district, supporting the work of the Marjorie Kovler Center of Heartland Alliance. The Center provides medical, mental health and social services to more than 300 torture survivors every year. While these services are provided for people across the state and into Indiana and Wisconsin, the Center receives more referrals from my Congressional district than any other. These individuals make their way to our community at great personal cost. They come seeking safety, only to be confronted with the difficulties of adjusting to life in the United States. They each carry a heavy burden from the trauma they have suffered, and many would not become the productive members of the community that they want to be if it not for the services supported by the TVRA.

In addition to the people in my district that the Center serves, I am proud to say that dozens of my constituents volunteer and work at the Marjorie Kovler Center. I have had the opportunity to meet many of them at events in the district over the past several years and am aware of their skill and commitment. The fact is that volunteer and in-kind donations worth more than $400,000 annually leverage funds from the TVRA spent in my district. This amounts to a one-to-one match of Federal funds provided by my community.

For these reasons, Mr. Speaker, I wholeheartedly support the Torture Victim Relief Reauthorization Act, and I urge my colleagues to support funding for torture treatment centers.

## OPPOSING SECTION 3145 OF THE RECONCILIATION SPENDING CUTS CONFERENCE REPORT (H.R. 4241)

### HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to call attention to Section 3145 of H.R. 4241, the proposed Reconciliation Spending Cuts Conference Report, and to express my unequivocal opposition to that provision and the base bill. That section will just provide added cause to reject the report, because it would require everyone—everyone—applying for Medicaid to produce a birth certificate or passport to prove citizenship.

Supporters of this provision talk a good game. And, on the surface, their rationale seems plausible and reasonable. They claim that Section 3145 will save a great deal of money by restricting undocumented residents from lying about their citizenship and falsely obtaining Medicaid services. However, Mr. Speaker, proponents of Section 3145 do not discuss is a comprehensive study by the Department of Health and Human Services, Office of the Inspector General. This July 2005 study found no compelling evidence that illegal residents were lying about their citizenship status in order to qualify for Medicaid.

So it is nothing more than another barely veiled attack on immigrants—our fellow human beings—and it would also have adverse impacts on other American citizens as well.

For many of us here, the idea of obtaining a passport or a copy of a birth certificate does not sound difficult. However, for many Americans—particularly low-income Americans in rural communities, low-income racial and ethnic minorities and elderly Americans—getting a passport or a copy of a birth certificate is very difficult and sometimes even impossible. Even the cost is a barrier for some.

But further complicating the process for some Americans, particularly those who are low-income, racial and ethnic minorities and/or born in rural areas, is the fact that when they were born, their families may not have had access to hospitals—they may not be able to get birth certificates and therefore passports simply because they were born at home.

As you know, during much of the last century, many hospitals and health clinics—especially in the south and in areas entrenched in segregation and discrimination—would not admit minorities, especially African Americans. This long history of discrimination created barriers to health care access that continue to affect the health and health care of racial and ethnic minorities today. It is the same discrimination that now still makes it difficult for so many low-income African Americans senior—and other seniors of color—to obtain the required documentation they would need under this provision to obtain Medicaid services. Mr. Speaker, let's not be a part of allowing discrimination to create additional barriers to health care for immigrants or other Americans of color.

Further, were section 3145 to pass, it will be states and counties who will determine how to enforce it and who to ask for the additional documentation.

My concern is that this provision will put low-income Americans at the mercy of individuals whose assumptions about their status put them at great risk for discrimination. It would attack everyone's civil liberties.

Mr. Speaker, Section 3145 is based on a completely false and slanderous assumption about immigrants in this country, and it is nothing more than another anti-immigrant provision among the many egregious ones that are being debated on the floor today.

There are repercussions for health in general. If enacted this provision would also have extraordinarily detrimental effects on the health and health care of many American citizens, it will increase the already unacceptably high numbers of uninsured Americans, and consequently, it will exacerbate health disparities—both racial and ethnic, and rural—as well as worsen the health and well being of many American citizens.

In our focus on section 3145, we don't want anyone to get the wrong impression that this is one bad provision in an otherwise good bill. Nothing could be further from fact. What it does is just make a conference report that is shaping up to be a terrible bill already, even worse.

Just today I received a letter from the national Council of Churches of Christ in the USA. It read in part:

''The role of government is to protect its people and work for the common good. This is not the time for the budget reconciliation process to create greater hardships for those who are already experiencing great suffering. To do so is not only unjust; it is a sin. It violates all the fundamental Christian principles of loving thy neighbor, caring for the poor, and showing mercy. As religious leaders, this violation is unacceptable to us.''

This is a reference to the entire budget reconciliation bill, and whether one is Baptist, Catholic, Jew or Moslem the words ring true.

It is rotten to the core, and this country, which pledges to be one ''under God'', should not let the Immigration/Border Security Bill or any part of the inhumane budget reconciliation or spending cut bill as it is now written become the law of this land.

## PERSONAL EXPLANATION

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 638, had I been present, I would have voted ''yea.''

## CONGRATULATING THE ACHIEVEMENTS OF JERIOUS NORWOOD

### HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PICKERING. Mr. Speaker, Mississippi State University has much to be proud of: excellence in academics with a reputation for top agriculture and energy research. This year, I

join MSU in congratulating a student athlete for his on-the-field achievements.

Senior running back Jerious Norwood of Brandon, Mississippi, was awarded the Cellular South Conerly Award this year, earning the honor of Mississippi's top college football player of 2005. Norwood ran for 1,136 yards and six touchdowns this season, 204 yards and three scores coming in the Bulldogs' season-ending, 35–14 win over rival Ole Miss in the Egg Bowl. That performance also earned him the Southeastern Conference Offensive Player of the Week.

Norwood is only the second Bulldog ever to rush for 1,000-plus yards in back-to-back seasons. He follows James ''JJ'' Johnson (1997–1998) both in that distinction and in earning the Conerly Award. Norwood and Johnson are the only two Bulldogs to win this recognition in its 10-year history.

Midway through this season, Norwood became State's career rushing leader with a final achievement of 3,222 total yards on the ground, eclipsing Walter Packer's previous mark of 2,820 yards set in the 1970s. Norwood also finished with the most 100-yard games in MSU history.

Norwood, along with senior defensive end Willie Evans, was named to the 2005 Coaches' All-SEC team and was named second-team, All-SEC by the Associated Press.

Mr. Speaker, I congratulate Norwood on his achievements and join with Bulldog head coach Sylvester Croom in wishing him many future successes.

## RECOGNIZING THE ANNIVERSARY OF THE RATIFICATION OF THE 13TH AMENDMENT

SPEECH OF

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2005*

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H. Res. 196, to recognize the ratification of the 13th Amendment to the United States Constitution, providing the final blow to eradicate the system of slavery in this great nation.

The history of slavery in North America traces back to the early-1500s. Through various European colonies, continuing through the early years of the United States, around 6 million Africans were forcibly removed from their home and brought to North America to work as slaves. The years, however, wrought on and the conscience of this Nation came to realize the profundity of inequality that this system perpetuated. Not only were people born and raised in this country forced to work as indentured servants, but even their status as human beings was reduced to that of three-fifths of a person. This system could not continue.

Brave abolitionists working tirelessly to bring about the downfall of this inherently unjust system, many of them sacrificing their lives and their own freedoms, the tensions surrounding this issue provided one of the major breaking points for the American Civil War. With the advent of a nation turned upon itself, President Abraham Lincoln issued the Emancipation Proclamation in 1863, freeing all slaves within the Confederate States. Two years later, the 13th Amendment to the United States Constitution was proposed on the House floor and was met with cheers in support resounding from the House Gallery. Less than one year later, on December 6, 1863, Georgia's state legislature became the 27th State to pass the measure, meeting the requirement for ratification. On that day, the 13th Amendment was passed, slavery had been abolished, and our great Nation could finally put this dark period of history in our past.

Over the next five years, the remaining Civil War Amendments would be passed, including the 14th Amendment, which granted equal protection under the law, and the 15th Amendment, which granted voting rights regardless of race. Although slavery itself had been abolished, these historic achievements would set the foundation for a long struggle towards abolishing discrimination and injustice.

The 13th Amendment set a firm base for the modem-day civil rights movement, many aspects of which continue on with us today. The legacy of those who ended slavery and started us on the path to equality for all people must continue to inspire us to reach for greater tolerance, greater understanding, and greater compassion for our fellow human beings.

## PERSONAL EXPLANATION

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. EMANUEL. Mr. Speaker, I was not present in the Chamber on Thursday, December 15, to cast my votes on rollcalls 636 through 641. Had I been present I would have voted in the following ways: Rollcall 636—Nay; Rollcall 637—Yea; Rollcall 638—Yea; Rollcall 639—Yea; Rollcall 640—Nay; and Rollcall 641—Yea.

## PAYING TRIBUTE TO JENNY GRAVES AND ASHLEE MANN

### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. TANCREDO. Mr. Speaker, I would like to take a moment and pay tribute to two outstanding young women from Littleton and Aurora, CO. Jenny Graves and Ashlee Mann graduated from AmeriCorps National Civilian Community Corps 10-month program in Perry Point, MD.

Through this program these young women learned the critical role that AmeriCorps*NCCC plays in disaster relief. These young women now have a stronger understanding of the role that volunteers play in assisting areas affected by natural disasters.

Mr. Speaker, it is my distinct pleasure to honor Jenny Graves and Ashlee Mann and their achievements here today, and wish these young women all the best in their future endeavors.

## SALUTING THE COMMAND, CREW AND AIR WING OF THE U.S.S. ''RONALD REAGAN''

### HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PICKERING. Mr. Speaker, the newest carrier in the United States Navy is engaged in final training and preparation in the Pacific Ocean and will soon be deployed to the Middle East to support our national interests, defend freedom and spread liberty to a more stable world. Nearly 6,000 Navy personnel call the U.S.S. *Ronald Reagan* home and serve both day and night in her courageous mission to provide ''peace through strength.''

Many of the personnel on the *Reagan* hail from Mississippi, and we our proud of our men and women who serve from the magnolia State. I often tell my colleagues that Mississippi has the full military package: Our citizens serve bravely in our Armed Forces, our bases train top pilots and protect important facilities, our universities provide cutting edge military research and technology, while companies and manufacturers earn top military contracts to produce the equipment our modern soldiers need for today's battles. I take personal honor in sharing the title ''Mississippian'' with these soldiers. We at home are proud of the Mississippians serving on the U.S.S. *Ronald Reagan*.

Many of the aviators and crew onboard the U.S.S. *Ronald Reagan* trained at Naval Air Station Meridian in my district in Mississippi. NAS Meridian is an essential, necessary and critical component of our national security network. This valuable and effective facility, and the community that supports it, adds strength to the character and performance of the United States Navy. We send these personnel to the U.S.S. *Ronald Reagan* and to our Navy forces around the world to serve with honor, courage and commitment.

Mr. Speaker, I hope Congress joins me in saluting the command, crew, and air wing ofthe U.S.S. *Ronald Reagan*. Their training and preparation allows the United States to advance our priorities around the globe, and remain secure at home. The U.S.S. *Ronald Reagan*'s designation is CVN 76 and the crew practices daily the ''Spirit of 76'' in honor of their ship and the year of our independence, 1776. Their service will continue to keep us free. For the next half-century, the U.S.S. *Ronald Reagan* will serve the American people in times of peace and times of war, and I take this time to honor her and the forces on board as they prepare for her maiden deployment.

## PROVIDING FOR CONSIDERATION OF H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

SPEECH OF

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2005*

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to the irresponsible Republican tax giveaways proposed in

H.R. 4297. The Republican bill provides tax cuts for the wealthy few in our society by slashing critical services for vulnerable Americans and adding to our already exploding deficit.

I am appalled that the majority party has slashed food stamps, health care and student loans for vulnerable and middle-income families to pay for tax breaks for the Nation's most fortunate. The top priority—63 percent of the spending—in the Republican tax reconciliation bill is to extend capital gains and dividend tax cuts from 2008 to 2010.

Forty-five percent of the benefits of this provision will go to millionaires. In addition, this bill, even combined with the devastating cuts, will add $81 billion to the deficit over the next 10 years.

The Republican bill focuses on benefits for their wealthiest contributors and fails to address tax changes that are necessary for the middle class. This bill does not include a provision to protect families from tax increases from the alternative minimum tax. I supported the 1-year fix on the AMT that this House passed because this is a critical issue for families in my district. However, this provision should have been included in this reconciliation package and should have been a priority for this Congress.

In total, the Republican reconciliation package includes tax increases of up to $3,640 for middle income families due to the alternative minimum tax, increases of $5,800 per student for their college education, and a loss of access to health care and nutrition for many struggling families. It also adds to a spiraling deficit already projected to reach $640 billion by 2015. At the same time, Republicans will provide an average tax break of $32,000 to the wealthy few. This is an outrage and should be an embarrassment for this Congress.

Mr. Speaker, America can do better. Congress should put forward a budget that is fiscally responsible, prioritizes our families, and does not threaten our children and grandchildren's future by increasing the Federal deficit.

I urge my colleagues to reject this irresponsible, immoral budget plan.

## HONORING A WORLD WAR II HERO

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. EMANUEL. Mr. Speaker, I rise to honor Sherman Dickholtz, a World War II hero, beloved husband and father, and valued member of the Illinois legal community. Mr. Dickholtz passed away on Saturday, December 3, 2005 at the age of 80.

As a member of the 17th Airbone Division, Sgt. Dickholtz distinguished himself as an infantryman, paratrooper and parachute rigger. He participated in campaigns in France and Germany including Operation Varsity, the last full-scale airborne drop of the World War II. On March 24, 1945, he and the other members of the 17th parachuted behind enemy lines east of the Rhine River, and capture key points in order to assist the advance of ground troops. Sgt. Dickholtz was awarded the Bronze Star for gallantry and meritorious service.

Upon his discharge from military service, Mr. Dickholtz went on to graduate from John Marshall Law School, working his way through school by driving a taxi for the Vets Cab Company. At that time, veterans were not able to obtain taxi medallions, and Mr. Dickholtz participated in a protest ''cabalcade'' of taxis from Chicago to Washington, DC to protest. Mr. Dickholtz gained national recognition for his participation when his picture was published in newspapers across the country.

Mr. Dickholtz had a successful career as an attorney, and in October of 2005 was conferred the title of Senior Counselor by the Illinois Bar Association. He was also a member of and proctor for the American MENSA Society.

Mr. Dickholtz's wife Darlene was not only legal secretary and office manager for her husband, but also his best friend. Together they raised seven children in a very busy and loving home.

Mr. Dickholtz was the proud grandfather of 10 grandchildren and two great grandchildren. His family has continued his legacy of service and success in both the public and private sectors. Mr. Dickholtz will be dearly missed by his family and community. I am privileged to pay tribute to this great American.

## CONFERENCE REPORT ON H.R. 3199, USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

SPEECH OF

### HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. COLE of Oklahoma. Madam Speaker, I rise today to explain my vote against a democrat motion to instruct conferees on December 14, 2005.

Although President Bush and Secretary Rice have made it clear that under no circumstance will the United States use torture, I am also sympathetic to Senator MCCAIN's wish to establish a clear set of rules to govern interrogations of persons under the detention of the Department of Defense. With this said, I don't believe it is beneficial to instruct conferees on an issue that is already under negotiations between the White House, Senator MCCAIN and the United States House of Representatives. These negotiations could yield a much more favorable outcome than what Senator MCCAIN originally requested and it also undermines the legislative process. However, if no compromise is agreed to, I would support the McCain language as our policy toward torture.

## IN MEMORY OF MIKE KOUNTOURIS

### HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PICKERING. Mr. Speaker, on December 4, 2005, a dear and beloved member of the Jackson, Mississippi community passed away.

Mike Kountouris has been as much the landmark to Jackson as his famous restaurant the Mayflower Cafe, where he had worked since 1935.

An immigrant from Greece, Mike and his family lived the story of America. They came to this land and worked hard to become honored citizens. Mike served in World War II, fighting in the United States Army in his home country of Greece where he was wounded and awarded the Purple Heart. He and his family—those before him and now his children—poured their sweat and passion for life into their family business. The Mayflower has been for generations a place where families and celebrities, politicians and journalists, the young and old have come for good food and fellowship. From first dates to wedding anniversaries, Mike made this a center of the Jackson community by making family the focus of his business.

Mr. Speaker, Mike began his journey in this world on the island of Patmos and we in Mississippi were blessed that he ended the journey not only in Jackson, Mississippi, but the hearts of his family, friends and customers. I take this time to remember Mike Kountouris and to remind my fellow Mississippians of the impact that one man can have on a community. He was a special man that we will all miss.

## RECOGNIZING THE WOMEN OF TOMORROW MENTOR AND SCHOLARSHIP PROGRAM

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Women of Tomorrow Mentor and Scholarship Program, an incredible organization located in my Congressional district, and congratulate its founders, Jennifer Valoppi and Don Browne, for being named recipients of Governor Jeb Bush's Points of Light Award.

This award is the State's highest honor given to those who dedicate themselves to the Florida community through acts of volunteerism.

Since its inception in 1997, the Women of Tomorrow Mentor and Scholarship Program has been a pioneer institution for inspiring at-risk young women to achieve their fullest potential through education and job training.

As a result of the organization's efforts, young women throughout our community can receive positive guidance and mentoring from professional women in South Florida.

The Women of Tomorrow Mentor and Scholarship Program is a perfect example of individuals uniting to improve the lives of our community's youth, and I am proud of all those who are associated with this remarkable organization.

## HONORING MATTHEW SCOTT

### HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

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 out driving a truck near a very dangerous area in my congressional district called Deception Pass. The road was dark, and the two girls could not see the road in front of them. Leslie, the driver, yanked her steering wheel in the wrong direction and drove off a 185-foot cliff into the freezing ocean below. Her passenger managed to jump from the truck at the last second before it went over the edge. At the same time, Mathew Scott, a young Naval Chief Petty Officer, was driving by the location when he spotted a busted guardrail, and a hysterical group of people pointing to the ocean below.

Matthew does not consider himself a hero. On that night in 1997, he was just there for another human being—a young girl he had never met. He scaled down a treacherous, dark cliff with only a small flashlight to guide him. At the bottom of his remarkable 185-foot descent, he swam 30 yards out in strong tides and frigid water to rescue young Leslie. She was in bad shape. Leslie suffered a broken back, leg, and arm and had numerous cuts and bruises covering her body.

Because of his selfless, courageous heroics—Leslie is now 24-years-old and the manager of a local coffee shop. She is also the mother of a little girl and an upstanding member of her community.

Matthew Scott has continued to dedicate his life to one of military service. He is now a Lieutenant studying for his MBA at the Naval Post Graduate School in Monterey, California.

Those who know Lt. Scott talk about his everyday heroics. As a member of the House Armed Services Committee, I am honored to have had Lt. Scott serve at Naval Air Station Whidbey Island in Washington state's 2nd Congressional District. He is the truest face of our U.S. Navy. Every day he honors what is described as the Navy's unofficial motto—''not self but country.''

Lt. Scott has spent his life serving his country. That dark night in 1997 was no different. But that night he served his country and his fellow Americans in a personal and profound way. Off duty, he still put his own life at risk to save the life of another.

For this, I come to the floor of the U.S. House of Representatives to honor him and call on all of 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 is not just a good father—not just a good sailor—he's a good person. And he is a true hero.

## PERSONAL EXPLANATION

### HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. ISTOOK. Mr. Speaker, my absence from the House chamber for today's votes and any held this weekend is due to my attending my daughter's wedding in Salt Lake City, Utah. The wedding was scheduled months ago, when the House was not expected to be in session during December.

## RECOGNIZING JOHN CORRERO

### HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PICKERING. Mr. Speaker, for many who attend and serve Mississippi State University, the university is more than an institution, it is a family. Today I would like to recognize and honor one of the most dedicated members of that family who is retiring from work, but never as a Bulldog.

This summer, John Correro retired from his position as Alumni Director of the MSU Alumni Association after serving the school for over 35 years and being associated with Mississippi State for over four decades.

He began his partnership with MSU as a student earning academic honors with three years as Varsity Football Letterman. John was President of the Campus ''M'' Club; President of the Kappa Delta Pi (National Honor Society in Education); and a member of Omicron Delta Kappa (National Leadership and Scholarship Society), Blue Key (National Leadership and Scholarship Society), Who's Who in American Colleges and Universities, President's and Dean's Scholar and was chosen Mr. Mississippi State University. He earned a B.S. Degree in Physical Education from MSU in 1962 and stayed at the school to conduct graduate studies, earning a Masters in Educational Administration and Counseling in 1964. During that time he served as a graduate assistant and as freshman football coach at Mississippi State.

John served as Executive Director of the Mississippi State University Alumni Association since 1994. Previously he served as Associate Director of the Alumni Association (1975–1994) and Field Secretary of the Alumni Association (1969–1975).

John is a dedicated member of the community serving on numerous Starkville City and Oktibbeha County boards and organizations. He and his wife Gloria Collum Correro are committed members of St. Joseph Catholic Church. Gloria, like their two children Kimberly Ann Fandel of Tupelo and Chris of New Orleans, is a Mississippi State graduate.

Mr. Speaker, John Correro's legacy and dedication to Mississippi State University is a family tradition and an example for Bulldogs old and young. We are proud and thankful of his lifetime of service and Mississippi State University is a better institution because of his hard work.

## HONORING GOVERNOR CARROLL CAMPBELL

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. WILSON of South Carolina. Mr. Speaker, all South Carolinians have mourned the loss of former Governor Carroll Campbell. As a longtime friend, I especially appreciate his service.

I met Carroll Campbell when we were both elected delegates at the State Republican Convention in 1972 for the National Convention in Miami Beach. We were delegates when I hired fellow delegate Lee Atwater of Newberry College to organize college campuses to work with Carroll in the Upstate to elect President Richard Nixon.

In 1975, as Executive Assistant to Governor Jim Edwards, South Carolina's first Republican Governor, I worked closely with Carroll and accountant Wagdy Demian to reform the irregulataries at the Department of Social Services. Our meetings were in hallways due to concern of monitoring in offices and Mr. Demian courageously provided whistleblower information despite an attempt on his life.

In 1985, I was the first State Senator to endorse his candidacy for Governor and I worked independently with State Senators Ryan Shealy and Warren Giese to recruit Congressman Tommy Hartnett for Lieutenant Governor and developed the Dream Team of two candidates with the highest integrity and ability.

In 1986, the gubernatorial campaign was a historic breakthrough which fostered a Republican majority in the State. Working with Bob McAllister and Warren Tomkins, I researched, developed, and publicized with State Senators David Thomas and Bill Branton, the sweetheart leases of Democrat officials with state agencies at ''The Good Old Boys Tower.'' After the election, Governor Campbell re-negotiated the leases, saving taxpayers millions of dollars.

In 1990, I was grateful to work with the Campbell staff and irate Democrats uncovering purchasing irregularities at the State Department of Education, explaining the need to elect a new State Superintendent. Working with Representative David Wright, we were slammed as ''Hatchet and Tomahawk'' by Democrats, but the efforts prevailed to elect Barbara Nielsen as the State's first Republican Superintendent, who served with great distinction.

During the two terms of the Campbell Administration, I was honored to serve as floor leader for his initiatives in the State Senate. The highlight was to address the power failure of state government with restructuring. Working with Chamber leader Paula Harper Bethea, Democrat Lt. Governor Nick Theodore, Senator David Thomas and Senator Greg Ryberg, we were successful. Due to the House leadership of Rep. David Wilkins, we were able to pass a bill despite determined opposition who were opposed to the reforms and devoted to tarnishing the Campbell legacy of success.

The following obituary is a full tribute to Governor Campbell. This tribute ran in the The Post and Courier of Charleston, South Carolina, on December 9, 2005.

CARROLL CAMPBELL, JR.

Carroll Ashmore Campbell, Jr., beloved husband, father, grandfather and former two-term South Carolina governor who led the economic and political transformation of his home state, died of cardiac arrest Wednesday at a Lexington health care facility after a five year struggle with Alzheimer's disease. He was 65.

Born July 24, 1940 in Greenville to Carroll Sr. and Anne Williams Campbell, he was a lifelong learner himself, educated in Greenville's public schools and graduated from the McCallie School in Tennessee. As a teenager,

he paid his own way to attend college part-time at the University of South Carolina-Spartanburg. He continued his education while in Congress, taking classes in the evening and earning a master's degree in political science and the award for outstanding scholarship at the graduate level from the School of Government and Public Administration at American University. One professor told friends in later years that Campbell was the only public official who had taken the class without having staff members do the classwork. He also held ten honorary doctorate degrees and received numerous business and public service awards.

Despite accomplishing reforms on behalf of millions of fellow South Carolinians, Carroll Campbell took his greatest pride in the achievements and love of a few. His family—a wife of 46 years, two sons and their wives and four grandchildren—were his strength and comfort. Iris and Carroll Campbell married in 1959 and soon became known in Greenville for their delight in the company of friends and their shagging to the beach music Carroll had learned and loved as a young lifeguard during high school summers in Myrtle Beach.

At 19, while working in the real estate business, he cofounded a successful chain of parking facilities. In 1967, he was co-founder of a business that developed a chain of 13 Burger King restaurants. He later became an active breeder of Arabian horses, owning and operating a farm near Fountain Inn in the Seventies. Later, along with his sons and others, he owned a chain of 19 Wendy's restaurants throughout South Carolina.

He was first elected to public office in 1970 as a member of the South Carolina State House of Representatives. Mr. Campbell served there until 1974. Running in a 1976 special election, he won a seat representing Greenville in the state Senate.

In 1978, Carroll Campbell was elected to the United States Congress from South Carolina's fourth congressional district, the first Republican since reconstruction to hold that seat. He served in Congress until 1986.

Campbell was elected as governor of South Carolina in 1986 and re-elected in 1990. Job creation, strong economic growth, education reform and fiscal conservatism were the hallmarks of his administration.

In 1995, Mr. Campbell became President and CEO of the American Council of Life Insurers, the trade arm of the life insurance industry. He retired from that position in January 2002. He served on the board of directors for BMW International, Fluor Corporation, AVX Corporation, Norfolk Southern Corporation, Wackenhut Corporation, TRAC Racing and the Boy Scouts of America.

In an October 2001 letter to the people of South Carolina, Mr. Campbell announced his diagnosis and plans to fight the disease. He was an active supporter of the Alzheimer's Association in South Carolina, raising funds for the association and for the care facility that bears his name and where he spent his final days.

Surviving are his wife Iris, his son Carroll III and wife Elizabeth; son Mike and his wife Ruffin, and four grandchildren, Blakeney Herlong Campbell, Carroll Barrett Campbell, Michael Rhodes Campbell and Marie Riley Campbell, all of Columbia. He is also survived by Anne Mangum, Mary Carpenter, Elizabeth Tatum, and Caroline Campbell.

Instead of flowers, the Campbell family asks that donations be made to the South Carolina Alzheimer's Association, Attention: Carroll Campbell Respite Program, PO Box 7044, Columbia, SC 29202. The Respite Program helps family members relieve the stress they may experience while providing care for a loved one with Alzheimer's.

The governor's body will lie in state on the second floor of the State House between the House and Senate chambers from 9 a.m. until 7 p.m. Friday, December 9. The viewing is open to the public. Members of the S.C. Army and Air National Guard will serve as honor guards during this time.

The funeral will be held Saturday, December 10, at 10:30 a.m. at Trinity Episcopal Cathedral in Columbia. The body will be taken by caisson. The funeral will be open to the public, though seating will be very limited.

After the Columbia funeral, the body will be taken to All Saints Episcopal Church at Pawley's Island for a brief service inside the church at 4 p.m., followed by burial in the church cemetery. This service, too, will be open to the public, though seating will be very limited.

Pallbearers will be officers representing SLED, the Department of Natural Resources and the S.C. Highway Patrol. Members of his former security detail will be honorary pallbearers.

Dunbar Funeral Home is handling arrangements.

Visit our guestbook at www.charleston.net/deaths.

## PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

SPEECH OF

### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. WEXLER. Mr. Speaker, I want to thank my colleagues for joining me in introducing this critical resolution, which states unequivocally that Hamas should not be permitted to participate in the upcoming Palestinian elections unless it disarms, renounces terrorism, ceases incitement and recognizes Israel's right to exist as a Jewish state.

Since its establishment in 1987, Hamas has used terrorism as a means of achieving its primary political goal—that is, the destruction of Israel. Hamas has masterminded and carried-out numerous terrorist attacks, and are responsible for maiming thousands and killing hundreds of innocent Israelis in addition to 26 Americans.

As we approach the Palestinian parliamentary election on January 25, Hamas has opted to participate—for the first time—in the political process. While this presents a unique opportunity for the Palestinian Authority to delineate red lines for political participation—including the denunciation of terror and disarming of militant groups—no preconditions have been set. Instead, the Palestinian Authority has sat by as Hamas continues to assert its right to run for the parliament as a means of promoting its unconscionable agenda of incitement and terror against Israel.

The upcoming Palestinian election presents a critical test for President Mahmoud Abbas, who has, thus far, failed to dismantle terrorist organizations such as the Palestinian Islamic Jihad and Hamas. The recent suicide bombing in Netanya served as a painful reminder that Mr. Abbas's plan for "one authority, one gun" has yet to be realized, and this resolution is intended to send him a message that he must translate empty rhetoric into concrete action on the ground.

The disarmament of Hamas and the true implementation of "one authority, one gun" is in the best interest of the Palestinian people, and the essential first step toward creating an atmosphere conducive to peace.

## PERSONAL EXPLANATION

### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. BERKLEY. Mr. Speaker, due to a medical issue, I was unable to vote yesterday on rollcall No. 633, H. Res. 602, providing for the consideration of H.R. 2830, the Pension Protection Act. Had I been present, I would have voted "no."

## TRIBUTE TO NATALIE TERESA LANAM

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of Natalie Teresa Lanam, a distinguished and beloved resident of San Mateo County, CA, who died on December 8, 2005, after a long battle with cancer.

Natalie Lanam was a native of San Francisco's Mission District and her Mexican heritage was a source of great pride to her. She was a faith-filled woman who was respected throughout our community for her decades of volunteerism and for the professionalism she brought to every effort she was associated with.

Natalie Lanam was an effective fund-raiser for the causes she held dear. She volunteered for local schools and Easter Seals, and she was best known for her commitment to providing legal services for anyone who needed them, regardless of their ability to pay. For more than 15 years she volunteered for the Legal Aid Society of San Mateo County and her efforts were honored by the society when they named their building the Natalie Lanam Criminal Justice Center.

Natalie Lanam is survived by her husband of 55 years, the Honorable Bill Lanam who served with distinction on the Superior Court in San Mateo County and who was first elected as a result of Natalie's superb organizing efforts. Natalie and Bill's family of 4 daughters, 2 sons, 17 grandchildren and 3 great grandchildren are a testament to the values of Natalie Lanam and her special gifts to the world God has called her from.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a remarkable woman for her lifetime of devotion to her family, her faith, her community and her country and extending our deepest condolences to Judge Lanam and the entire Lanam family.

## RECOGNIZING LEWIS F. MALLORY, JR.

### HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PICKERING. Mr. Speaker, I would like to take a moment to recognize one of

Starkville, Mississippi's great citizens, in fact, an outstanding businessman recognized across the entire state and a family man of great reputation. Lewis F. Mallory, Jr., is chairman of the board and chief executive officer of the National Bank of Commerce, now known in Mississippi as Cadence Bank. He was inducted this year into the Mississippi Business Hall of Fame.

Lewis has been a leader in Mississippi banking circles for decades, and has been very successful in leading his bank through a period of tremendous growth. When Lewis began his career, his bank had about $8 million in assets, two locations and 20 employees. Today, he has $1.4 billion in assets in 32 offices in 12 communities throughout Mississippi, Alabama and Tennessee. The company provides jobs for more than 475 people with earnings to exceed $14 million.

Lewis grew up on the campus of Mississippi State University where his father served as Vice President for Business Affairs. He graduated from MSU with special honors in 1965 with a degree in Banking and Finance and a minor in Economics. While in college, Lewis was a member of Phi Eta Sigma, Beta Gamma Sigma, Phi Kappa Phi, and Omicron Delta Kappa.

Currently, Lewis is a member of the Board of Directors, Federal Reserve Bank of St. Louis, Mississippi Economic Council, Mississippi State University Foundation, Mississippi Catholic Foundation, Greater Starkville Development Partnership and is on the Senior Executive Advisory Council for the College of Business and Industry at Mississippi State University.

Lewis is a member of St. Joseph Catholic Church in Starkville and he and his wife Pie are the parents of two sons, Marcus and Lewis F. III.

Mr. Speaker, Lewis Mallory is a highly respected businessman and community leader and he thrives on promoting Starkville and Oktibbeha County. I commend him on his selection to the Mississippi Business Hall of Fame and I am proud that he is one of my constituents.

## EXPRESSING SENSE OF THE HOUSE THAT SYMBOLS AND TRADITIONS OF CHRISTMAS SHOULD BE PROTECTED

SPEECH OF

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. HOLT. Madam. Speaker, I am troubled and disappointed that this resolution concerning Christmas is before the House today. It is a solution in search of a problem, it is divisive, and it comes at the cost of substantive issues that should be addressed.

There is a sad irony in this resolution. Christmas is supposed to be a season of goodwill, bringing people together, a holiday that brings out the best in us, and encourages us to reach out to our fellow man. Instead, this resolution was created simply so the Majority could pat itself on the back. It is a straw man, and should not have been considered by the House because it is needlessly divisive and inappropriate.

It comes as a surprise to no one, I'm sure, that as a Christian, I support and look forward to celebrating Christmas with my friends and family. But this is beside the point. More importantly, I support and respect the right of my fellow citizens to celebrate religion as they chose.

The House floor should not be manipulated so one group or members can revel in their own sanctimony. What makes America a great and free society is our system of government and our Constitution, which provides each citizen with broad, basic rights and freedoms. One of these is freedom of religion. This right treats all religions, and the lack of religion, equally. Yet today in this resolution, the House singles out one religion over the others, and defends one religious holiday at the expense of others. I wish this resolution had not come to the floor.

Just over a month ago, the House of Representatives unanimously supported a resolution that I sponsored which stressed the need for continuing interreligious dialogue and respect. Rather than ''protecting'' one specific religious holiday, we should protect and defend all of them. And we should honor the right of every citizen to celebrate or not celebrate these religious holidays as they chose. We should support and protect Hanukah, Kwanza, Diwali, and all other religious holidays. It is my experience that the American people are much more respectful of each other's differences than the House may believe. They do not need to be told to respect the symbols of Christmas. They already do, just as they respect other religions.

Rather than creating a false argument over Christmas, the House should honor the spirit of Christmas through its own actions. Christmas is not about trees and candy canes, it is about a spirit of giving and helping those who need help. If the House wants to do something about Christmas, it should protect the various federal programs the Majority is trying to cut, such as food stamps, Medicaid, and money to help low income families pay their home heating bills. Ending the cuts on these essential programs for the poor and disadvantaged in our society would truly honor Christmas.

I will vote present on this resolution because it does not belong on the House floor.

## PENSION PROTECTION ACT OF 2005

SPEECH OF

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mr. RAHALL. Mr. Speaker, the House today passed the Pension Protection Act. I voted in favor of this legislation, though with great reservation.

The Pension Protection Act is a comprehensive attempt to reform our Nation's pension laws. Congress is taking up this issue in the wake of several major corporations defaulting on their pension plans. American workers are crying out for assistance as their nest eggs, for which they've worked their entire lives, are shrinking before their very eyes. I don't think anyone can argue the fact that something must be done.

But H.R. 2830 is a far cry from what is needed to place our pension system on a strong foundation. I am concerned that the workers in many of our Nation's oldest industries are going to lose out when this legislative process shakes out. I am concerned that the future of the defined benefit—and the future of the worker's nest egg built through a defined benefit plan—is in jeopardy. And I am concerned that companies will continue to be able to dump their negotiated pension plans through bankruptcy proceedings.

Today's bill does not go far enough in alleviating my concerns.

However, I can tolerate this legislation for the simple reason that it gives us an opportunity to go to conference and improve this bill. And improve it we must—or I will be unable to support final passage on a conference agreement.

Today's debate was a needed and necessary exercise. But as we look to conference, we must remain focused on protecting the retirement dreams, and indeed the American dream, to which so many of our workers look forward.

If the conference report doesn't include the silver lining of pension protection our workers will depend upon in their golden years, I will be unable to support this bill on final passage.

## IN RECOGNITION OF CHIEF MASTER SERGEANT RALPH J. CELENTO III SERVICE AND DEDICATION TO THE UNITED STATES AIR FORCE

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of a great American, Chief Master Sergeant Ralph J. Celento III. I honor him today for his 30 years of service in the United States Air Force.

Chief Celento's most recent assignment was flight chief, vehicle operations for the 99th Logistics Readiness Squadron, 99th Mission Support Group, 99th Air Base Wing, Nellis Air Force Base, Nevada. In this position Chief Celento was responsible for all enlisted matters and he assisted the flight commander in daily missions. In addition, Chief Celento directed over 150 personnel, ten sections, and ensured that vehicle management services to Nellis AFB were complete.

Chief Celento was born in Rochester, New York and entered the Air Force in 1976. His Air Force career has included assignments in various transportation and logistical programs on bases in North Carolina, California, Washington, Maryland, and Mississippi. Chief Celento also served overseas in Japan, Germany and the Republic of Korea.

Chief Celento has been awarded over 19 major awards and decorations during his distinguished service in the Air Force including the Bronze Star, Air Force Meritorious Service Medal with five Oak Leaf Clusters, National Defense Service Medal with one Oak Leaf Cluster, Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal and more.

Chief Celento's accomplishments also include the White House Communication Agency Award, Best Vehicle Operations Flight in Air Education and Training Command, Verne

Orr Award for Most Productive Unit, and the Best Vehicle Operations Flight in the Pacific Air Forces Command among others.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute Chief Celento for his service and dedication to our great nation.

## RECOGNIZING THE DECATUR TELEPHONE COMPANY

### HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PICKERING. Mr. Speaker, small and family businesses are the backbone of America's economy. Today I want to recognize one of these family institutions that serve a community in Newton County, Mississippi. In this day of international mergers and billion dollar telecommunication deals, it is wonderful to see a small and stable company continue to provide telephone service to customers after sixty years in the same family. If I may, let me quote from The Newton Record's November 23, 2005 issue and article titled "Decatur Telephone marks 60 years" by Kenneth Billings.

Few enterprises are fortunate enough to reach a milestone one local business will celebrate next month when its owners celebrate more than half a century of operating the business. On Dec. 5, Bill and Louise Bailey will mark their 60th year as owners of the Decatur Telephone Company and the continuation of a family legacy begun in 1945.

''In a way it seems like any other day,'' Louise Bailey said of the upcoming anniversary. ''Sometimes I can't believe it has really been that long. The office has been a part of home so long it is sort of an ,extension of what we do everyday.''

The Baileys purchased the company shortly after Bill returned home from the military and began seeking a vocation. They purchased the company and all 46 customers from Katie Perkins in 1945 and began what would grow into a family legacy.

Over the years they nurtured the business and in 1976 earned the distinction of becoming the first telephone company in the world to be completely digital. Today, Decatur Telephone boasts more than 2,500 customers in the central part of Newton County.

Bill, 84, and Louise, 83, still take an active part in the business, but in recent years have begun to cut back. No longer is all day spent at the helm of the business as they prepare to pass the reins to other family members to carry on the legacy of the business.

Although their son, Mark has gone on to a career in medicine after spending summers at the company as he grew up, their daughter and company Vice President Esther Smith is preparing to take control when time comes for her parents to fully retire. Smith said taking up the family business seemed the natural thing for her to do having spent most of her life inside the offices of the company.

''I have grown up here,'' she said. ''I remember when I would walk 'home' this is where I came. While momma and daddy worked I went into the storeroom and played. I even one time tried to memorize the entire phone book because I thought that was what I had to do.

''Daddy was always so good to look into future. He was a real visionary business person. In the world, technology changes so fast and he was making advances for the company at a critical time. I just hope I can continue on the path daddy started.''

The Bailey's said an all-day open house is set for Dec. 5 at the Decatur Telephone Company for customers and friends to join with them in celebrating their anniversary with finger foods and refreshments available.

Mr. Speaker, this month marks 60 years of Bailey Family telephone service to Decatur, Mississippi and hope they will continue for many more decades to come. They make it possible for my constituents to call here to Washington, DC and participate in the great American experiment, the democratic debate of our Congress. They are able to call around the world and down the street. It may be technology that makes it possible, but it could not be done without the hard work of folks like Bill and Louise Bailey and their family.

## COMMENDATION FOR ROGER EASTON, NATIONAL MEDAL OF TECHNOLOGY RECIPIENT

### HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. BASS. Mr. Speaker, it is my privilege to congratulate New Hampshire resident Roger Easton for receiving the National Medal of Technology, America's highest honor for technological achievement.

More importantly, I would like to commend Mr. Easton for four decades of distinguished service to the field of navigation technology and to our Nation. His numerous inventions, from the Minitrack satellite tracking system to the ''Navigation System Using Satellites and Passive Ranging Techniques,'' provided the foundation for the development of the Global Positioning System (GPS) in widespread use today. This crucial technology initially advanced the capacity and effectiveness of U.S. satellites, in addition to providing a measure of increased security in the Cold War era by enabling our military to track unknown objects orbiting the Earth. Mr. Easton's ground-breaking inventions have subsequently inspired the use of GPS technology in the civilian sector, including the system's adaptation for usage in commercial airplanes and personal automobiles.

His contributions as a public servant are equally noteworthy, having served two terms as a colleague of mine in the New Hampshire State Legislature and three terms on the Board of the New Hampshire Electric Cooperative. The National Medal of Technology could not have been bestowed on a more deserving individual, and it is an honor to offer this outstanding contributor to America's economic, environmental, and social well-being my heartfelt congratulations.

## STATEMENT ON RELEASE OF RESPONSE BY AMERICA'S SECOND HARVEST TO HURRICANES KATRINA AND RITA

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. MCGOVERN. Mr. Speaker, the destruction caused by Hurricanes Katrina and Rita was devastating. More than one thousand people died and thousands of Gulf Coast residents lost their homes in these storms. As we now know, the Federal Government's reaction and response was woefully inadequate. We've seen how FEMA was ill-equipped to handle the catastrophes caused by these massive storms. We know that the then-Administrator of FEMA, Michael Brown, was the wrong choice to head such an important agency and we know that the lives of these Gulf State residents will never be the same because, in part, of the botched Federal response.

The responses to these hurricanes weren't all bad. The residents of the gulf coast were fortunate that there are non-profit organizations that were able to step in and provide the basic services and care to the victims of these storms.

One such group, America's Second Harvest, was a beacon of hope during and after the storm, providing food and water to the victims. America's Second Harvest is the nation's largest hunger-relief charity, and their truckloads of food and water helped support food banks and food-rescue organization in the gulf coast and other impacted areas.

Yesterday, December 15th, America's Second Harvest released a report documenting the impact of emergency food distribution in the wake of these devastating storms. Specifically, this report details the depth and breadth of the impact of the Gulf region hurricane disasters on the charitable food distribution system and the clients it serves. This report shows that demand for emergency food assistance in the Gulf Coast tripled following Hurricane Katrina. Just as startling is the finding that the demand for emergency food assistance continues to be more than fifty percent higher than it was before Hurricanes Katrina and Rita. The study also confirms what we know—that low income families and African Americans were disproportionately impacted by the hurricane disasters.

I'm a co-chair of the House Hunger Caucus, a group I helped form to focus on and educate Members of Congress about the issue of hunger. Two days ago, the Caucus hosted a briefing on the food distribution response—Federal Government and private groups—to the hurricanes. What we learned is that we need to tighten up the system. We need to cut red tape so that food and water is on the ground, ready to go into impacted areas right away. We need to educate people in disaster-prone areas so they have adequate supplies of food, water and other necessities.

And we need to make sure that the Federal Government and private groups have clear lines of communication and that there are real plans in place so that the relief and recovery can begin immediately after a disaster. There will be disasters. According to experts, the Gulf Coast is only a mild tropical storm away from being devastated once again. We must take the lessons learned from Katrina and Rita, apply to them now, and get ready for the next natural disaster that will strike.

This report, and the expertise of America's Second Harvest, is a good first step and I'd like to commend Bob Forney and his staff at America's Second Harvest for their work on it and for their dedication to combating and ending hunger in America. As we look into the successes and failures in the days leading up to and the days, weeks and months following Hurricanes Katrina and Rita, this report should

play a critical role in the education of the American people, as well as the U.S. Congress, as to how America's emergency food networks responded to these natural disasters. Copies of the report can be found on America's Second Harvest website (www.secondharvest.org).

## CONDEMNING ACTIONS BY SYRIA REGARDING THE ASSASSINATION OF FORMER PRIME MINISTER OF LEBANAN

SPEECH OF

### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. WEXLER. Mr. Speaker, I want to thank Mr. ISSA and Mr. LANTOS for joining me in introducing this critical resolution, which condemns Syrian efforts to hinder the investigation into the assassination of former Lebanese Prime Minister Hariri, expresses support for extending the mandate of the investigative commission, and supports punitive sanctions against Syria if it continues to fail to comply with the ongoing investigation.

On February 14, 2005, former Lebanese Prime Minister Rafik Hariri was assassinated in a vicious terrorist attack in Beirut, Lebanon that killed 22 and injured more than 100. In response, the U.N. Security Council passed Resolution 1595, establishing an international commission to investigate this attack and demanding the full compliance of all U.N. member states with the investigation.

This commission—led by German prosecutor Detlev Mehlis—released its initial findings in a report that implicated senior Syrian officials in the Hariri assassination. This past week, a second report was released that exposed Syrian efforts to impede and obstruct the investigation, including misleading the commission, providing falsified accounts and threatening those involved in the investigation. At this juncture, we must hold the Syrian regime accountable for their actions and demand Syrian compliance with the ongoing investigation.

Since the assassination of Prime Minister Hariri, targeted assassinations aimed at intimidating Lebanese opponents of Syria have continued unabated. Just this past week, a prominent and well-respected journalist was killed in a car-bombing in Beirut. Make no mistake; this was a clear attempt to limit freedom of the press in Lebanon on the part of the Syrian regime.

This resolution does just that. It supports the findings of the Mehlis report, condemns the Syrian Government for its apparent involvement in the assassination of former Prime Minister Hariri and others, and demands Syrian compliance. It also supports U.S.-led efforts to hold Syria accountable for its role in the Hariri assassination under Chapter 7 of the U.N. Charter, which leaves the door open for sanctions.

As the U.N. considers the grave and far-reaching implications of the Mehlis report, I strongly support critical and timely resolution.

## HONORING FLORIDA STATE SENATOR PAULA DOCKERY

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PUTNAM. Mr. Speaker, I rise today to honor a fellow public servant and dear friend, whose dedication and hard work has earned the admiration of not only the people of Florida, but public officials nationally as well. This is why I am proud to congratulate Florida State Senator Paula Dockery for her well-earned selection as Governing Magazine's 2005 ''Public Official of the Year.''

Senator Dockery was one of only eight public officials from across the country, and the only Florida official, to be so honored. She was recognized by Governing Magazine ''in honor of her success in bringing diverse groups together to craft a sound and far-reaching water policy for the State of Florida.'' The magazine also stated ''Since being elected to the House in 1996 and subsequently to the Senate, Dockery has demonstrated the ability to build consensus among groups with a history of contention.'' Senator Dockery has also recently been awarded ''Legislator of the Year'' by the American Water Works Association for her ''outstanding leadership and dedication in developing water supply legislation for the people of Florida.'' Additionally, the Florida Ocean Alliance presented the Senator with an award of appreciation for sponsoring legislation that established the Florida Ocean and Coastal Resource Council noting her ''leadership in sponsoring legislation to further conservation and management of ocean and coastal resources.''

Yet, this is only a small portion of Senator Dockery's long history of bringing together disparate interests to craft sound environmental policy. As a defender of private property rights and protecting Florida's environmental resources, she constantly recognizes the importance of sound conservation principles in a rapidly growing State.

I had the opportunity to serve with Senator Dockery in the Florida State House of Representatives for 4 years, and it is her dedication to the common good, passion for legislating, and ability to inspire her colleagues, that has led the way to her success. In 1999, Senator Dockery authored the Florida Forever initiative, providing $300 million a year to purchase land for preservation. Business interests and environmentalists both praised the program. In addition, she followed this initiative with the goal of developing a water plan for Florida. Spending much of 2003 and 2004 developing legislation to conserve water for Florida's future, Senator Dockery successfully led the passage of SB 444 in 2005, creating comprehensive water legislation that provides $300 million to help local governments develop water supply through alternative resources.

The constituents of Senate District 15 and the State as a whole are extremely blessed to have her leadership serving them in Tallahassee. As the Senator continues to proudly serve the good people of Florida, I look forward to many more accomplishments as she continues to lead and guide the future of our great State.

## IN RECOGNITION OF COMPANY ALPHA, 2ND BATTALION, 112TH ARMOR OF DENTON

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to honor a dedicated group of soldiers from Denton, Texas, who have devoted their lives to saving our country and bringing freedom to the people of Iraq—the soldiers of Company Alpha, 2nd Battalion, 112th Armor of Denton.

Denton's Company A is part of the 3,000 members of the 56th Brigade Combat Team of the Texas National Guard's 36th Infantry Division, which recently turned over its command to the Georgia Army National Guard's 48th Brigade Combat Team in Macon, Georgia.

Deployed in August of 2004, the soldiers from Denton trained at Fort Hood, Texas, through December of last year before embarking to Iraq. While in Iraq, they were stationed at Al Taqaddum, or ''TQ'' Airbase between Fallujah and Ramadi, Iraq.

During the year-long deployment in Operation Iraqi Freedom, the 56th Brigade took part in combat missions, humanitarian relief, convoy security and the recovery and destruction of munitions. They were engaged in more than 7,000 combat patrols, escorted convoys over 1.3 million miles and protected more than 150,000 civilian trucks. Most of the operations took place at night, and patrols lasted 12 to 14 hours. The soldiers encountered more than 330 improvised explosive devices while traveling on Iraqi roads, and the patrols were involved in more than 250 small-arms engagements.

These brave soldiers from Denton include: CPT Mark Christopher Grahmann, 1st LT Chester Lee Harbert, 1st SG Charles George Piatt, SFC Kevin Jay Brown, SSG Lonnie Ray Fuller, SGT Ryan Colby Erwin, SSG Michael Samson Bowen, SGT Andrew Culloden Bell, Chris William Coufal, SGT Ashley Brant Acevedo, SGT Shane Benjamin Walter, SPC John Christopher Britton, SPC Scott Alan Dolat, SSG Mark Steven Sims.

## BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

SPEECH OF

### HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2005*

Mr. TURNER. Mr. Speaker, I support H.R. 280, the Brownfields Revitalization Enhancement Act. I want to thank Congressman MILLER from California for his hard work and dedication toward the issue of brownfields redevelopment. I look forward to working with Congressman MILLER in the future on this issue.

Brownfield sites are served by an existing infrastructure and through their remediation, urban sprawl can be reduced. Redeveloping brownfields could create 1.9 billion dollars annually in increased tax revenues for American cities.

H.R. 280 provides grant money to cities and towns to redevelop brownfield sites. This bill also detaches grant availability from section

108 loan guarantees, which allows more communities to have access to critical grant funds.

Mr. Speaker, we must clean up our Nation's brownfields. These contaminated sites are hazards to our communities, and through their remediation we can bring businesses and families back into American cities.

## A SPECIAL TRIBUTE TO DENNY SCHAFFER IN RECOGNITION OF HIS CONTRIBUTIONS TO NORTHWEST OHIO

### HON. PAUL. E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. GILLMOR. Mr. Speaker, today I pay tribute to a good friend of Northwest Ohio. In October of this year, the great city of Atlanta, Georgia received a gift of one of Ohio's adopted sons. After 25 years in radio, including more than a dozen years in Toledo, Denny Schaffer has become one of the newest Georgia Peaches.

A native of Flint, Michigan, Denny Schaffer dominated the Toledo radio market since his debut in 1993. After hosting the ''Breakfast Club'' on 92.5 KISS–FM for 10 years, Denny moved to 1370 AM WSPD's afternoon talk show. His biting commentary and political knowledge made Denny Schaffer one of the most listened to radio personalities in Toledo.

I had the privilege of appearing on Denny Schaffer's radio show on numerous occasions. Every time I was interviewed by Denny, I found him to be fair and knowledgeable of the political climate both in Northwest Ohio and in Washington. I know that Denny's quick wit and sharp mind will entertain the people of Atlanta and keep Georgia's politicians on their toes.

A frequent Fill-In Host for the nationally syndicated Glenn Beck Show, Denny's reputation in radio precedes him to Atlanta. Denny's devotion to God, his Family and his Country will serve the Atlanta listeners of WGST Radio well. For more than a decade, Denny has hosted charity events and encouraged his loyal fans to give freely to those in need. However, Denny's devotion as a loving husband and father is the best gift he can give. I am certain that Denny's legacy as a giving and big-hearted person will follow him to Atlanta.

I joined the thousands of saddened Northwest Ohioans this past August in learning that Denny Schaffer would no longer grace our airwaves. But we consider Denny our gift to the citizens of Georgia and know that they will be well served, and certainly entertained, by his commentary, his humor, and his ability to avoid FCC rebuke.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to an adopted Ohioan, Denny Schaffer. On behalf of the people of the Fifth District of Ohio, I am honored to recognize Denny's efforts to better our community. His impact on Northwest Ohio will remain in our minds long beyond his departure and we wish Denny, his wife Sharon, and their children Olivia and Joshua all our best in the future.

## TRIBUTE TO ALL-AMERICAN HEROES

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. BURGESS. Mr. Speaker, it is my honor to represent these All-American heroes. Their dedication to democracy and their strength of character are to be admired and emulated:

SPC Michael Wayne Bennett, SSG Roy Edgar Bowers, SGT Shawn Michael Porter, SGT Carlos Antonio Garcia, SPC Terry Davinci Mitchell, SGT Eric Arthur Stevens, SGT Jason Eiron Sternberg, SGT Jerome Joseph Koehler, SPC Jacob Sterling May, SGT Warren Keith Moore, SPC David Frank Denbek, SPC Johnathan Lee Hicks, 1LT Brian Marsh Gallavan, 1LT Matthew Vance Isch, 1LT Richard Joseph Sabe, SFC David Edwin Hewett, SFC Hudson Martin Roberts, SSG James Alson Fountain.

SFC David Wayne Harris, SSG Jose Manuel Orozco, SSG Douglas Ray Taylor, SFC Robert Lloyd Thomas, SFC Mark White, SGT Jose Arias, SGT Robert James Bush Jr., SGT Anthony Ellis, SGT Paul Douglas Ford, SGT Christopher Joe Henry, SGT Jason Lee Martin, SGT Archie Lamont Price, SGT Edward E. Roelofs, SFT Kristopher Erik Townsend, SGT Curtis Lloyd VanHusss, SPC Joseph Ray Calhoun, SPC Joseph Andrew Carten, SPC Robert Junior Downs.

SGT Gregory Wayne Horn, Jr., SGT Nathan Andrew Lemmon, SGT Wayne Douglas Melton, II, SPC Victor Cazares Mozqueda, Jr, SPC Daniel Patrick Rico, PFC Eric Alejandro Stanley, SPC Seth Thomas Tackett, SGT David Thomas Tolan, SPC Phillip James Easterling, SPC Ariel Daniel Garcia, SPC Matthew Alan Germain, SPC Nagaris Traion Johnson, SPC Raymond Gene Leger, SPC Keith Ryan McGriff, SPC Ernest Ronald McMichael, SGT Thomas Nelson Miner, SPC Joshua Roland C. Pierce, SGT Jeffrey Paul Rico, PFC Joshus Lee Walterscheid, SPC Robert Christopher Willis.

## A TRIBUTE TO ANITA DEBREST

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. BRADY of Pennsylvania, Mr. Speaker, I rise today to honor Ms. Anita DeBrest as she reaches her 25th year as president of the COLT Coalition, a Philadelphia organization that she herself founded. Due to her tireless work, the COLT Coalition has built an impressive record in the past 25 years: it has developed many townhouses, including the first modular townhouse in Philadelphia, it has developed the St. Joseph's Apartment Building, and it has acquired many housing units to be used for low-income rental.

Ms. DeBrest's accomplishments are in no way limited to her time at the COLT Coalition. While this marks her 25th year as president of the COLT Coalition, it is also her 50th year of service to the Philadelphia community. Her list of achievements is a long and diverse one: first, in 1955, she created a school to teach girls etiquette and job skills, next moving on to become President of the Benjamin Franklin High School PTA, and later to become President of Tioga Homeowners Association and the Tioga Nicetown CDC. She has been a member of the vestry of St. Simon's Church, and has taken on the role of Board Member in organizations ranging from the Nicetown Boys and Girls Club, to the Citizens of Tioga Nicetown, to both the Temple University Hospital and Jeans Hospital.

Today, Mr. Speaker, I extend my warmest congratulations to Anita DeBrest upon her 25th anniversary as president of the COLT Coalition; I also wish to express my deep gratitude for her many years of dedicated service to the community. I ask that you and my other distinguished colleagues rise to recognize Ms. DeBrest for her many accomplishments.

## THE DIGITAL TRANSITION CONTENT SECURITY ACT OF 2005

### HON. F. JAMES SENSENBRENNER, Jr.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing the Digital Transition Content Security Act of 2005. This legislation is designed to close the ''analog hole'' that has arisen as a result of the transition to digital transmission technologies. The term ''analog hole'' refers to the use of devices to convert analog content into digital versions which can easily be uploaded onto the Internet. Although many of those who convert analog content into digital form are not engaging in any illegal conduct, there are unfortunately criminals who take advantage of existing deficiencies in current law and technology to obtain copyrighted content in order to redistribute this content for profit at the copyright owner's expense.

There is no doubt that piracy of intellectual property can be a profitable criminal activity. Just this week, a software pirate pled guilty in Alexandria, VA, to making $20 million in sales of counterfeit intellectual property. The House Judiciary Committee has extensively examined efforts to strengthen and update intellectual property laws to address intellectual property theft made possible by new technologies. This legislation is no different.

The ''analog hole'' is unfortunately a potential source of pirated content that becomes an attractive target for pirates as high quality sources of content are made available to the public in high definition format. Congress is already considering another technology, the ''broadcast flag,'' to address the redistribution of high definition content. The analog hole is its counterpart.

Congress has previously mandated the use of technology to limit and frustrate redistribution of video content. Enacted at 17 U.S.C. 1201(k) as part of the Digital Millennium Copyright Act, Congress required the use and detection of Macrovision technology in several analog devices. This new legislation builds upon this existing law by mandating the detection and response to two separate technologies that work together to defeat pirates. The two technologies are the Content Generation Management System—Analog, CGMS–A, and Video Encoded Invisible Light, VEIL.

The timing for this legislation is readily apparent. New technologies have made the widespread redistribution of copyrighted content significantly easier. Some have referred to the Internet as the world's greatest copying

machine. While the Internet has without question been a huge benefit to society on a number of levels, some have used the Internet for criminal gain, notably the redistribution of copyrighted content without the copyright owner's permission. Enactment of the Digital Transition Content Security Act of 2005 will help ensure that the rights of copyright owners are respected.

The legislation would require that devices that convert analog content pass through the CGMS–A and VEIL content protection signals contained in the original version. To ensure that the technology used does not become outdated, the Patent and Trademark Office is authorized to conduct ongoing rulemakings to update the technology.

The Judiciary Committee's Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on a discussion draft of this legislation last month. Witnesses from the Motion Picture Association of America, the Recording Industry Association of America, the Consumer Electronics Association, and Public Knowledge testified. Their testimony covered piracy issues generally as well as more specific issues regarding the legislation.

The bill I am introducing today makes several changes to the original discussion draft. Various provisions of the bill have been rewritten to ensure that the intent of the bill is clear. The references to several tables in the original draft have been clarified so that the Patent and Trademark Office develops these tables after an open, public rulemaking. The original draft had assumed that these tables would have been developed by the industry groups in time for the introduction of this legislation. This has not yet happened.

Finally, I urge all interested parties to continue to negotiate to see if a private sector solution can be fully developed to address the ''analog hole.'' This issue is simply too important for parties to avoid negotiations. I look forward to working on this and other legislation to protect intellectual property in the second session of the 109th Congress.

## PERSONAL EXPLANATION

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. HYDE. Mr. Speaker, on December 14, 15, and 16, 2005, I was absent for several votes for personal reasons. Had I been present, I would have voted:

Vote No., description, vote: 626, motion to recommit, ''no''; 627, adoption of PATRIOT Act conference report, ''yes''; 628, adoption of Labor/HHS Approps conference report, ''yes''; 629, motion to close portions of the Defense Approps conference, ''yes''; 630, motion to instruct conferees, ''yes''; 631, establishing the Task Force on Ocean Policy, ''no''; 632, Trafficking Victims Protection Reauthorization Act, ''yes''; 633, on agreeing to the resolution, ''yes''; 634, motion to recommit Pension Protection Act, ''no''; 635, passage Pension Protection Act, ''yes''; 636, on agreeing to the resolution, ''yes''; 637, symbols and traditions of Christmas, ''yes''; 638, observance of an American Jewish History Month, ''yes''; 639, Jackson-Lee amendment, ''no''; 640, Hunter amendment, ''yes''; 641, Russian Federation and nongovernmental organizations, ''yes''; 642, close portions of the Defense Authorization Conference, ''yes''; 643, motion to instruct conferees, ''no''; 644, previous question, ''yes''; 645, on agreeing to the resolution, H. Res. 619, ''yes''; 646, on agreeing to the resolution, H. Res. 621, ''yes''; 647, on agreeing to H. Con. Res. 294 as amended, ''yes''.

## HONORING NATELEE BRINLEE

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize an extraordinary young woman whose bravery and quick thinking saved her family from a devastating fire. Eight-year-old Natelee Brinlee is a hero in every sense of the word.

Natelee had been through the Irving Fire Department's Safety House where she learned how to implement life-saving measures during a fire emergency. When a fire started in her home, Natelee knew to call 911, and alertly woke up her uncle and brother. This heroism saved Natelee, her uncle and two brothers.

Natelee Brinlee showed maturity and bravery well beyond her 8 years. The recognition she is receiving is imminently well-deserved, and I know this is merely the first step of many bright years ahead.

## IN RECOGNITION OF THE GLENDALE CITY SEVENTH-DAY ADVENTIST CHURCH'S 100TH ANNIVERSARY CELEBRATION

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate the Glendale City Seventh-Day Adventist Church on 100 years of outstanding service to the community.

On January 27, 1906, Conference President George W. Reaser and 29 individuals gathered in the parlor of the Glendale Sanitarium—formerly the grand old Glendale Hotel—to hold Glendale's first official Seventh-Day Adventist worship service. One year later, the Glendale Church School—now Glendale Adventist Academy—opened with 15 students. In 1911, a church building was purchased at what is now the corner of Wilson and Isabel streets. Membership grew rapidly and in 1919, the burgeoning congregation moved the church to land purchased at the corner of California and Isabel streets. For 11 years, this new building served its members well. Tragically in 1930, a fire broke out in the new church as a result of a boiler malfunction. Members quickly took on the task of raising funds to rebuild on the site. Two years later on April 16, 1932, the current Spanish style sanctuary was dedicated. The topic of Pastor Reaser's sermon in 1906 is now forgotten, but it is evident that the spark he ignited that day still shines at Glendale City Seventh-Day Adventist Church.

Glendale City Seventh-Day Adventist Church has had 26 pastors over its 100-year history. They have all been dedicated to outreach and service. The church prides itself on its deep commitment and passion to its surrounding community. The first contribution to the Glendale community was the Glendale Adventist Hospital. Shortly thereafter a private school was established and open to all. Additionally, the church offers free classes in topics such as health, cooking, and meditation. Locally, the church supports community efforts put forth by Glendale Adventist Medical Center, the AIDS Service Center in Pasadena, Project Achieve in Glendale, and the CINCO Job Development Center in Los Angeles just to name a few.

I ask all Members of Congress to join me today in congratulating the Glendale City Seventh-Day Adventist Church for 100 years of outstanding service to the city of Glendale and surrounding communities.

## REMARKS ON THE POLITICAL SITUATION IN ETHIOPIA

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. TOWNS. Mr. Speaker, I rise today to address reports that one of America's key allies in the global war on terror, the Federal Republic of Ethiopia, is experiencing nascent strains of instability that will not only affect that country's capacity to continue its partnership with us in combating terrorism, but may have profound consequences for economic growth and the protection of civil liberties and political rights.

In 1991, the people of Ethiopia overthrew a brutal Marxist dictatorship that had terrorized the country for more than 15 years. That regime had used starvation as a tool to subjugate Ethiopia's people, impoverishing the very workers it claimed to represent, while enriching a totalitarian elite at the expense of the country's children.

The democratic revolution that deposed the dictatorship also resulted in independence for Ethiopia's neighbor, Eritrea. That event has led to its own problems, including a border dispute between the two countries that share a common history and many cultural values, but that is an issue to address on another day.

Today I wish to express my concern for the situation that has manifested itself in the past several months, since Ethiopia held elections for its Parliament, elections that resulted in an increase in the number of opposition legislators from 12 to 174. This remarkable advance in democracy occurred despite the fact that several opposition parties chose to sit out the election in protest.

Immediately after the election, a delegation led by former President Jimmy Carter reported:

> The May 2005 elections, the third to be held under the current constitution, showed great promise in the deepening of Ethiopian democracy. For the first time in history the majority of Ethiopian voters were presented with choices when they went to the polls. We believe that Ethiopia has made tremendous strides toward democracy in the last several months, including more open debate, greater political participation, large rallies, and enormously high voter turnout on election day.

The results were not accepted by everyone with equanimity, however. Following the parliamentary elections, in which some 90 percent of registered voters went to the polls to cast their ballots (a figure that should be taken as instructive even for mature democracies such as our own), some opposition groups organized protest demonstrations in the capital city of Addis Ababa.

In an unfortunate series of events, Ethiopian police and security forces shot at the crowd, killing about 40 of the demonstrators. Then, in October, another demonstration took place, in which some of the protesters came armed with clubs and grenades, resulting in the death of six police officers and another 335 officers injured. Forty-six protesters were also killed.

In mass arrests that took place following these demonstrations, more than 11,000 people were detained on a range of criminal charges, from misdemeanor public disturbance to plotting to overthrow the government. Of these, 2,000 remain in jail, awaiting trials that are scheduled to being within the next few weeks. The Ethiopian government has assured us that all the detainees have access to legal counsel and contact with their families, and that due process of law will be followed in each and every case that comes before the courts.

Ethiopia's Prime Minister, Meles Zenawi, established an independent commission to investigate the events and to bring recommendations for improving ways in which the police handle large crowds and demonstrations. He has stated publicly that he regrets the deaths, adding "I don't want to justify it when policemen get in a panic, but I can understand it when there are people throwing hand grenades and using guns."

These actions and assurances are very important, but the underlying situation remains disturbing. I would like to commend to my colleagues the recent remarks of Dr. Jendayi Frazer, who serves as assistant secretary of State for African Affairs. At a press briefing on December 5, Assistant Secretary Frazer was asked about the situation in Ethiopia, and she replied, in part, by saying:

We have condemned what's going on in Addis Ababa. We have done it here in Washington and our Ambassador, who is the Chargé, has done it in Addis Ababa. Basically, we've condemned the police shooting of demonstrators. We've condemned the broad-based arrests of demonstrators. So certainly we've been on—we are on the record as putting pressure on Prime Minister Meles to allow for greater freedom of assembly and certainly freedom of expression.

We have—my Deputy Assistant Secretary Don Yamamoto just returned from Ethiopia, in which he carried the same message to Prime Minister Meles and to the Foreign Minister. So we're continuing to hold the government accountable for allowing greater democratic space and respect for human rights.

That said, I must say also that it's the responsibility of the opposition as well because when the opposition takes stones and pelts the police forces, they have to respect the rule of law when they're demonstrating freely. And so I think that the responsibility—this is true of Ethiopia but it's true across Africa—there's responsibility that has to be there for both the opposition and for the government. Whereas we hold the governments even more accountable because they are supposed to be the upholders of the rule of law, we still must say when the opposition goes out of bounds as such.

And this is a very diverse opposition in Ethiopia. There are some who are demonstrating to sit in parliament, to create greater democratic space. There's others who are demonstrating to overthrow the government. And that's true that there are different—there are some who want to reclaim Eritrea.

So this opposition—there's democrats within the opposition and there are nondemocrats within the opposition. I would say the same thing for the government. But still we hold the government more accountable for not allowing free demonstrations. We've called on the government to free the many who are jailed and we've called on them to free the leaders of the opposition who are in jail right now, who are detained. . . .

As I said, we've already pressured the Government of Ethiopia to release the detainees. We've been very, very clear. We've asked them to conduct free and transparent judicial processes for those who are not released and to allow international observers to be present at the trials. So we've been very clear and unequivocal in our message.

I met with Prime Minister Meles at the UN General Assembly with Under Secretary Nick Burns and we were very, very clear with Prime Minister Meles at that time. You know, that was prior to these demonstrations, but even at that time we were saying you have to respect the right of people, citizens of Ethiopia, to demonstrate freely and to express themselves freely, that there shouldn't be these wide-scale arrests.

And so we're going to continue. We have conversations constantly with members of the opposition. At the Africa Bureau at State Department we meet with them, we talk with them. We're meeting with them and talking with them and their families in Ethiopia. And so I think that we're very engaged. You know, we're continuing to put pressure. But I say this and I say this broadly and I'm not saying it about Ethiopia. I'm actually making a point about the progress of democracy in Africa. And the opposition also has to be responsible.

You know, and I'm saying this about—you know, across the continent. If you get—and this is—you know, the opposition in Ethiopia is a broad-based opposition. It's a coalition opposition. So I'm not speaking about any particular or in general. But I am saying that one of the elements of democratic progress that we need to see in Africa is real democrats in the opposition. You know, opposition leaders who want to be part of government; they want to as democrats. You know, it's not personal. It's not sort of overthrowing governments. It's not—and I'm not—again, I want to be very clear. I'm not talking about Ethiopia here. I'm talking about oppositions in general.

As important as I see it in terms of the progress of democracy, we have to put a lot of emphasis on these independent national electoral commissions because they conduct the elections and they often count the votes. And so if we get these institutions to be credible, it will give greater confidence to civil society that they've had a free and fair election. So we need to strengthen these institutions. That's a key component of democratization. We need to hold accountable the governments that are not allowing a level playing field. We have to put more pressure on them to allow that level playing field.

And we also have to get the opposition to act responsibly. You know, many of them, as soon as they're about to lose, they then decide it was unfair or they decide to boycott because they know they're going to lose, you know. And so I think that there's all elements of society that are responsible for the progress of democracy.

Certainly in Ethiopia, we hold the government accountable. We've protested the arrests. We've protested the political violence with the Ethiopian Government and we are going to continue to do so. We're putting tremendous pressure on Prime Minister Meles.

(Source: State Department Washington File, December 7, 2005, ''State's Frazer Heralds Spread of Democracy in Africa.'')

Mr. Speaker, Assistant Secretary Frazer's remarks suggest a fair, balanced, and judicious approach to a sensitive and dynamic situation in Ethiopia. I urge my colleagues to monitor Ethiopia's emerging democracy in order to keep the pressure on both government and opposition there to respect the rule of law and protect civil liberties. This is important to U.S. interests because, to paraphrase the testimony of Ambassador Donald Yamamoto, stability in the Horn of Africa is a priority for the U.S. Government in the global war on terrorism.

## PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

SPEECH OF

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Ms. LEE. Mr. Speaker, on December 14, 2005, the House voted on H. Res. 575, a resolution stating that Hamas should not be permitted to participate in Palestinian elections. I voted ''no'' because this resolution is based on a faulty premise; that democracies should limit who participates in elections.

First, I want to be clear: I unequivocally denounce and condemn any and all terrorist acts, whether committed by Hamas or any other terrorist group. I believe that the United States should do everything within its power to strengthen President Abbas's ability to establish and ensure respect for the rule of law, to demand that all individuals renounce violence, and to successfully disarm all militant groups.

Participation of Hamas in elections and integration of Hamas into mainstream Palestinian politics is a risky strategy. However, demanding that President Abbas exclude Hamas from participation—and threatening consequences if he does not meet this demand—also involves risks, including undermining the nascent Palestinian democracy and sparking more bloodshed and possibly even civil war.

There is no question that Hamas can and must be disarmed. However, I do not believe the best way to achieve this is necessarily through ultimatums. I believe that the administration and Congress should be working with President Abbas to strengthen his authority, bolster moderates, and ensure that his own strategy for taking on militants—from Hamas and from other parties, including his own Fatah—succeeds. Our shared vision is for a stable and democratic Palestinian state where views are expressed through legitimate political channels rather than violence—a state where there is, as President Abbas has repeatedly stated, one authority and one gun. Our goal must be to find ways to make this happen.

As the former military governor of the West Bank and Israeli Deputy Defense Minister,

Ephraim Sneh, wrote in the Washington Post on October 19, 2005: ''Attempts to postpone the elections yet again, or to prevent Hamas's participation, or Israeli disruption of the elections as 'punishment' for the participation of Hamas, will strengthen Hamas in the Palestinian street instead of weakening it. The short time left before the elections must be used to empower all who oppose Hamas, first and foremost the supporters of the elected Palestinian president, Mahmoud Abbas.''

Mr. Speaker, I am committed to doing all we can to support the fragile peace in the Mideast. Sabre-rattling resolutions like this are only counterproductive.

## INTRODUCTORY STATEMENT TO ACCOMPANY THE NATIONAL SECURITY LETTER AND CONGRESSIONAL OVERSIGHT ACT

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. HARMAN. Mr. Speaker, two days ago, the House passed the conference report to H.R. 3199 reauthorizing certain expiring provisions of the USA PATRIOT Act.

The final bill failed to include adequate safeguards on national security letters, NSLs, which are requests for personal data and records issued directly by Government agencies without the approval of a judge.

NSLs have existed since the 1970s, but their use—primarily by the FBI—greatly expanded after 9/11. Using NSL authorities, the Government has collected and maintained data on thousands of Americans.

NSLs are important investigative tools, but their use has grown rapidly—and without adequate oversight.

NSLs may be issued by the FBI without asking a judge for a warrant. In this way, they differ from orders under the Foreign Intelligence Surveillance Act, FISA, for business records under section 215 of the PATRIOT Act, the so-called library provision. Section 215 orders must be approved by a Federal judge.

NSLs have been characterized as ''back doors'' for obtaining library and other records that may not be available under FISA. If 215 orders can be called ''fishing licenses,'' then NSLs allow fishing without a license.

Defenders of NSLs liken them to grand jury subpoenas. However, they are different in important respects. First, grand jury subpoenas may only be issued by a U.S. Attorney as officer of the court. NSLs may be issued by an FBI agent in the field without any review by a jury or court. Second, grand jury subpoenas may only be issued after suspicion that a Federal crime has occurred; for NSLs, the standard is much lower—requiring only that the information sought is ''relevant'' to a national security investigation.

Congressional oversight of NSLs is almost nonexistent. Congress receives a classified one-page summary listing aggregate numbers of NSLs at least 6 months after they are issued. These reports are essentially meaningless and are the only oversight Congress at present exercises.

Clearly, there is a need to reform NSL standards and processes. This bill addresses this need by incorporating checks and balances on the front-end and back-end of the process.

On the front-end, the bill: Restores the pre-Patriot Act standard for issuing NSLs: the government must show a specific connection to a terrorist or foreign power before an NSL could be issued; requires approval of each NSL by a FISA Court or designated federal magistrate judge; requires the FISA Court to set up an electronic system for filing NSL applications, so that requests are expedited and investigations will not be slowed down.

On the back-end, the legislation: Provides a Sense of Congress that, in cases where an NSL recipient challenges the ''gag''/non-disclosure requirement, the government's certification that harm to national security will occur shall be treated as a ''rebuttable'' presumption, not as ''conclusive'' evidence that harm would occur; requires minimization procedures to ensure destruction of information obtained through NSL requests that is no longer needed; and requires detailed semi-annual reports to the Congressional Intelligence and Judiciary Committees on all NSLs issued, minimization procedures, court challenges, and how NSLs aided investigations and prosecutions.

We must arm our investigators with the tools to catch terrorists, spies and others who threaten our national security. But, we must do so in a manner that protects the cherished liberty and privacy expectations of U.S. citizens.

This legislation will not hobble the investigative process nor hamper our pursuit of the terrorists. It will impose much-needed accountability and oversight.

## TRIBUTE TO HUBERT WILKENS

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Hubert Wilkens of Concordia, MO, who recently received the Safe Driver Award from OATS Public Transportation. He has distinguished himself and the Concordia community with dedicated service.

Hubert Wilkens was given the Safe Driver Award for 4 years of driving the OATS bus without an accident. Mr. Wilkens picks up senior citizens from the city of Concordia and the outlying rural area. He transports them to the grocery store, doctor, chiropractor, dentists appointments and to the Concordia Senior Center.

Mr. Speaker, Hubert Wilkens has been dedicated to making the City of Concordia a better place to live. I am certain that my colleagues will join me in wishing him and his wife Eunice all the best.

## PERSONAL EXPLANATION

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. McDERMOTT. Mr. Speaker, I was unavoidably detained earlier today and therefore missed the vote on House Resolution 534. Were I able to vote, I would have voted in support of the resolution.

## RECOGNITION OF THE CENTER FOR RESEARCH ON EVALUATION, STANDARDS, AND STUDENT TESTING (CRESST)

### HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. McKEON. Mr. Speaker, I rise to recognize the University of California at Los Angeles' (UCLA) Center for Research on Evaluation, Standards, and Student Testing (CRESST) for their work in helping to improve education performance.

For more than 30 years, the UCLA Center for the Study of Evaluation (CSE) and, more recently, CRESST, have been on the forefront of efforts to improve the quality of education, training, and learning in America. Located within UCLA's Graduate School of Education & Information Studies, CSE/CRESST has pioneered the development of scientifically based evaluation and testing techniques, vigorously promoting the accurate use of data, test scores, and technology for improved accountability and decision making. Their work has been used in both civilian and military learning sectors. CRESST has created products used by schools serving millions of students and adopted force wide by the Armed Services. They are also an internationally recognized leader in education assessment and evaluation.

UCLA/CRESST is truly a center of excellence for educational research, development, and evaluation. I look forward to their being able to continually serve our great country and to assisting the numerous federal agencies that need effective and objective education and training research, development, and evaluation techniques.

## RECOGNIZE AND CONGRATULATE CHIEF DEPUTY C. PHILLIP BYERS FOR BEING SWORN IN AS SHERIFF OF RUTHERFORD COUNTY

### HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. McHENRY. Mr. Speaker, Rutherford County, in the 10th district of North Carolina, will be swearing in a new Sheriff on December 30th of this year. I would like to recognize and congratulate the extremely qualified Chief Deputy C. Philip Byers on becoming Sheriff of Rutherford County.

Sheriff-elect Byers has 15 years of law enforcement experience under his belt, and has faithfully served the Rutherford County Sheriff's Office for the past 4 years as the Chief Deputy. Having degrees from Appalachian State University and Western Carolina University, he was a teacher and a business owner before deciding to serve his community as a police officer. In addition, his wife Sheila is dedicated to serving the community through the North Carolina Vocational Rehabilitation

Services, a state agency that educates and trains disabled and developmentally challenged persons to obtain meaningful jobs.

Mr. Speaker, Sheriff-elect Byers has a superb record as an officer of the law, and is dedicated to making Rutherford County a safe and peaceful place in which to live. Combating the methamphetamine epidemic is a perfect example of his leadership for the county. He is an excellent choice for this position, and I congratulate him on this great honor. I thank Sheriff-elect Byers and his wife Sheila for their dedication to the community and look forward to his service as Sheriff of Rutherford County.

## HONORING THE ASTUTE LEADERSHIP OF JAMES T. WILLERSON, M.D., PRESIDENT OF THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON (UTHSC–H) FOR UTHSC–H's RESPONSE TO THE CRISIS BROUGHT ABOUT HURRICANE KATRINA

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. BRADY of Texas. Mr. Speaker, I rise today to pay tribute to Dr. James T. Willerson, President of the University of Texas Health Science Center at Houston (UTHSC–H).

On September 1, 2005, Dr. Willerson, along with UTHSC-H Executive Vice President and Chief Operating Officer Michael D. McKinney, M.D, was given the task by Houston Mayor Bill White to transform a portion of the George R. Brown Convention Center (GRB) in Houston, Texas, from a convention center to a medical triage center, adjacent to the shelter created for more than 5,000 Hurricane Katrina survivors.

The UT Health Science Center acted quickly to design, organize and prepare clinic space to serve evacuees at the George R. Brown Convention Center, which opened as an additional safe haven to Houston's Astrodome, which quickly achieved capacity within a day of opening. Over about three weeks, more than 6,000 volunteers operated the UT Clinic and managed more than 9,000 patient visits. The volunteers included UT physicians, nurses, dentists, public health professionals, students and administrative staff as well as spouses of these professionals. The clinic also included other volunteers and health professionals from Texas Medical Center institutions and individuals from across the country who answered the call to help in the aftermath of this national crisis. These volunteers worked tirelessly to ensure welcome, comfort and care for our neighbors in need. Services provided with expertise and compassion in the UT Clinic included: emergency aid, pediatric care, immunizations, obstetrics and gynecology, internal medicine, pharmacy, laboratory services, imaging and vision components, dental care and mental health services.

Several dedicated professionals from the UT Health Science Center worked to ensure that healthcare concerns at the evacuee sites were communicated with state and local officials. Scott Lillibridge, M.D., the Director of the Center for Biosecurity and Public Health Preparedness, provided critical technical assistance and general epidemiology support at numerous evacuee facilities. Faculty and staff conducted rapid health assessments daily at evacuee sites. This information allowed Dr. Ward Casscells, the John Edward Tyson Distinguished Professor of Medicine and Vice President of Biotechnology at the Health Science Center, and Dr. Lillibridge to continually inform public health officials of evacuee health status and coordinate efforts with FEMA, CDC, the Red Cross, the City of Houston, Harris County, and the Texas Commissioner of Health.

Each of the UT Health Science Center's six schools—contributed in one way or another to the Hurricane Katrina response. Dr. Willerson encouraged his deans to seek every possible avenue to help during this time of crisis. He approved of the placement of students from Tulane Medical School and allocated space for the displaced Tulane faculty for their medical education, resident training and research at the UT Medical School. The medical school is also hosting 37 residents from Tulane so additional interruptions to their education will not occur.

Dr. Willerson is an exemplary leader who through his actions in this most recent crisis was able to show compassion in the midst of quick decision-making. With the help of a superb leadership team, headed by Dr. McKinney, the staff performed to the highest standards of professionalism and compassion. With the encouragement, support and guidance of Dr. Willerson, the University of Texas Health Science Center at Houston responded in countless ways as health professionals, lay volunteers, concerned citizens and caring friends.

Mr. Speaker, Dr. Willerson and the hundreds of UTHSC-Houston professionals who answered the call to aid and assist their fellow Americans deserve the acclaim and gratitude of the Nation.

## COMMENDING DR. ANNE HARLAN ON HER OUTSTANDING SERVICE TO HER COMMUNITY AND NATION

### HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. LoBIONDO. Mr. Speaker, I rise today to commend Dr. Anne Harlan on her long and distinguished service to her community and country, and congratulate her on her upcoming retirement as director of the Federal Aviation Administration's William J. Hughes Technical Center in Pomona, N.J.

During a career that has spanned more than 20 years, Dr. Harlan has been an unwavering advocate for improving the safety and security of our Nation's skies. Since 1995, she has lead the FAA's Technical Center and oversaw the research and development of new aviation safety and security technology. She has been a tremendous leader for the center, effectively managing and motivating over 1,000 outstanding employees who have given her their complete confidence. She has worked tirelessly to expand the center, while keeping the growing community cohesive and working as a team.

Before she came to the Technical Center, she served for 11 years in FAA's New England Region where she held positions in the divisions of Flight Standards, Civil Aviation Security, and Human Resources. Dr. Harlan has also dutifully served as a special assistant to two deputy administrators during her multiple Washington assignments over the years.

Dr. Harlan has been willing to share her expertise over the years as she was on the faculty at the prestigious Harvard University Graduate School of Business where she taught in the MBA and doctoral programs. Those students who were fortunate enough to learn from her are certainly better off today having her insight and experiences passed down to them.

Throughout her distinguished career in public service, Dr. Harlan devoted herself to safeguarding the country, while preparing us for our future's challenges. I would like to personally congratulate and thank her on behalf of the flying public and all Americans. I hope she enjoys every bit of her retirement, she certainly deserves it.

## A TRIBUTE TO SAN BERNARDINO NATIONAL FOREST SUPERVISOR GENE ZIMMERMAN

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to a dedicated public servant who has spent 42 years helping preserve our forests and wildlands for future Americans, want to particularly commend Gene Zimmerman for the past 15 years he has spent as supervisor of the San Bernardino National Forest.

Even as a boy growing up in eastern Oregon, Gene heard the call of the great outdoors. He spent his time camping, fishing and hiking in the Umatilla National Forest, and worked for a timber company in the summer. While attending Oregon State University, he spent his summers working for the U.S Forest Service, and began his full-time career there when he graduated in 1964.

Supervisor Zimmerman worked as a ranger in a number of forests in Oregon, and began honing his skills in volunteer organization and partnership building while working as district ranger in the Columbia Gorge District. He continued to develop an expertise in this area when he came to the National Headquarters in Washington, DC, to oversee legislation on recreation issues.

The experience Gene Zimmerman gained on how to help people enjoy National Forests without damaging them paid off when he was appointed supervisor of the San Bernardino National Forest. I have proudly represented this area throughout my years in Congress, and I can safely say that there is no more heavily used and urbanized forest in the United States.

Imagine a forest nearly surrounded by the largest urban area in the Nation—the cities of Southern California—and sharing a mountain territory with tens of thousands of homes whose values range into the millions of dollars. The main ski resort area of southern California is within the San Bernardino National Forest, and millions of people go there for recreation each year. For millions of children

in southern California, this is the only place to go to play in the snow or hear the wind whispering through the pines.

The supervisor of this forest spends as much time dealing with urban issues as many mayors. He must deal with water quality, roads, development and emergency services as often as he deals with tree health and animal habitat protection. Gene Zimmerman has become the most familiar face in the San Bernardino Mountains in this role over the past 15 years.

It has been my pleasure to work with Gene on developing services for visitors—the Big Bear Discovery Center is one of the most heavily used visitor centers in any forest in the Nation. The San Bernardino National Forest Association, which Gene organized to help raise funds for visitor services, has become a unifying force throughout the mountain communities.

The need to forge a unified approach between the forest and the surrounding communities became deadly serious in recent years, when drought and an infestation of pine bark beetles left millions of trees dead and just waiting for a spark to become a terrible disaster. Gene rose to this challenge, as well, organizing the Mountain Area Safety Task Force. These Federal, State and local officials developed a plan to evacuate nearly 50,000 people, and when the inferno of the Old Fire struck in 2003, not a single life was lost to the fire even though nearly 1,000 homes burned.

My work with Gene has continued in the past 3 years as we have sought ways to reduce the fire danger and restore the forest. It is my hope that this can be accomplished with the help of the recovery plan Gene has set in place. He will now hand off the implementation of that plan, as he has decided to retire at the beginning of 2006.

Mr. Speaker, I believe that the mountain residents in my district owe a debt of gratitude for the dedication shown by Supervisor Gene Zimmerman. I would ask you and my colleagues to join me in thanking Gene for his four decades of public service and in wishing the best to Gene and his wife Anne in all of their future endeavors.

## IN RECOGNITION OF GERALD AND JULIA GEIER

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. ROGERS of Alabama. Mr. Speaker I rise today to pay special recognition to Gerald and Julia Geier, who will be celebrating their 50th wedding anniversary tomorrow, December 17, 2005. In fact, they intend to renew their vows at a celebration being held at Saks Baptist Church in my hometown of Anniston, AL.

I attend church with this fine couple. It is wonderful to see two people who still care so much about each other after all these years. Their commitment is an inspiration to everyone who knows them.

I salute Gerald and Julia Geier on their 50th anniversary and join their family in honoring them on this special occasion.

## RECOGNITION OF LORETTA E. REARDON'S SERVICE TO FORT MONMOUTH ARMY GARRISON

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PALLONE. Mr. Speaker, I proudly rise today to pay tribute and express my deeply felt gratitude to the service of Loretta E. Reardon, who serves as the staff advisor and special projects officer/coordinator for the Deputy to the Commanding General at Fort Monmouth Army Garrison in Eatontown, NJ.

Ms. Reardon has proudly served our government for nearly twenty-seven years. Throughout her career she has shown a total dedication to her mission. Ms. Reardon has been a mentor to employees and has always been an energetic team player.

She has selflessly served Fort Monmouth as liaison to industry organizations on issues involving the command as well as Congressional offices on all federal matters.

She has always quickly responded to special inquiries generated by my staff, and my colleagues in the New Jersey Congressional Delegation, and myself on a myriad of issues pertaining to Fort Monmouth such as Appropriation and BRAC issues.

She was the eyes and ears for the command through multiple rounds of Base Realignment and Closures. She has been a steady and guiding force keeping Victor J. Ferlise, the Deputy to the Commanding General U.S. Army Communications—Electronics Command, on the right track for a number of years.

In closing, her retirement marks a new chapter in her life. It also represents the loss of a member of the Fort Monmouth family. It will be impossible to replace her work ethic, her exceptional standards, her unparalleled skill, and her ability to make everyone she touched feel special.

I want to thank Loretta E. Reardon for all she has done for Fort Monmouth, for the State of New Jersey, and for our country.

I ask my colleagues to recognize the tremendous contribution that Loretta E. Reardon has made throughout her impressive twenty-seven year career.

## INTRODUCTION OF H.R. 4560, THE ''CLEAN WATER TRUST ACT OF 2005''

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. DUNCAN. Mr. Speaker, I have introduced the ''Clean Water Trust Fund Act of 2005.''

We are all well aware that our national water infrastructure is aging, deteriorating, and in need of repair and replacement. The American Society of Civil Engineers recently graded the condition of the infrastructure throughout our country. Wastewater infrastructure received a ''D–.'' Nearly half of the sewer pipes in American cities are over 50 years old. Some are over 100 years old. Treatment plants built in the 1970s need to be upgraded. New mandates to manage municipal stormwater runoff have gone into effect. And water quality must be improved.

As a nation, we are not investing enough in our wastewater treatment infrastructure to ensure that we will continue to keep our waters clean. Unless we act, we could lose the significant gains in water quality that have been achieved over the last 30 years.

The Congressional Budget Office, EPA, and the Water Infrastructure Network have estimated that it could take over $400 billion to address our Nation's clean water infrastructure needs over the next 20 years, twice the current level of investment by all levels of government. We can help reduce the overall cost of water infrastructure with good asset management. Innovative technologies, increased water efficiency, and regional approaches to water pollution problems also will help reduce costs. But, these things alone will not close the large funding ''gap'' that now exists between water infrastructure needs and current levels of spending. Increased investment also must take place.

A recent survey by the Luntz Research Companies found that most Americans believe clean and safe water is a national priority, and are willing to pay more to get it. The survey also found that most Americans want a sustainable, dedicated source of funding for water infrastructure projects, and would support the creation of a sustainable trust fund for wastewater infrastructure.

The ''Clean Water Trust Act of 2005'' addresses these issues by:

Establishing a Clean Water Trust Fund to provide an assured source of funding to help the nation meet its water infrastructure needs.

Authorizing over $37 billion over five years from the Clean Water Trust Fund for increased investment in critical water infrastructure, improvements in technology and infrastructure management, addressing water quality issues in critical regional waters, and improving and protecting wetlands and fisheries uses.

Encouraging innovative and alternative approaches to solving water quality problems and financing infrastructure improvements;

Encouraging appropriate management of infrastructure assets, including planning for the payment of the costs of repair and replacement; and

Increasing support for rural and small communities through technical and funding assistance.

In crafting this bill we have looked at the national goal of improving water quality, establishing an assured source of funding to help the nation meet its water infrastructure needs, and the responsibilities of local communities to provide municipal services and maintain their local wastewater systems.

The ''Clean Water Trust Act of 2005'' embraces innovative solutions for these interests and I urge Members to support this legislation.

## TRIBUTE TO DR. JOSEPH E. LOWERY

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to the Reverend Dr. Joseph E.

Lowery for his instrumental role in assuring equal rights for all Americans. Dr. Lowery, who has been called the ''dean of the Civil Rights Movement,'' was the cofounder of the Southern Christian Leadership Conference.

Dr. Lowery was born in Huntsville, AL, on October 6, 1921. During the 1950s, he led the Alabama Civic Affairs Association, an organization dedicated to the desegregation of buses and public places. In 1957, Dr. Lowery joined Dr. Martin Luther King, Jr. and other leaders from throughout the Southeast to organize the Southern Christian Leadership Conference, an organization renowned for its nonviolent approach to ending segregation. He would eventually lead the SCLC from 1977 until 1997.

Dr. Lowery also organized and led the 1965 Selma to Montgomery Civil Rights March. This march was a key moment in the civil rights movement and a strong influence on the passage of the 1965 Voting Rights Act.

Dr. Lowery's work and influence spreads outside of our country as well. He led a group that began protesting the South African Apartheid in the 1970s and continued until the successful election of Nelson Mandela in 1994.

Although officially retired, Dr. Lowery remains active and is an influential voice encouraging African Americans to vote.

Mr. Speaker, on Friday, December 16, through Sunday, December 18, Dr. Lowery will be honored by his hometown community, with the placement of a historical marker near the site of his childhood home. I rise today to join in that celebration and to thank Dr. Lowery for all he has done on behalf of all Americans.

## STATEMENT IN HONOR OF DOLORES HUERTA

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. ZOE LOFGREN of California. Mr. Speaker, on behalf of the California Democratic Congressional Delegation, I am proud to pay tribute to a woman who has greatly influenced the course of workers rights over the past 50 years, Ms. Dolores Huerta. On the occasion of her 75th birthday it is only fitting that we pause to honor Ms. Huerta's lifetime of courage and achievement.

Ms. Huerta was born on April 10, 1930 in Dawson, New Mexico and was raised in Stockton, California amid the farm workers of the central San Joaquin Valley. Ms. Huerta's mother, Alicia Chavez, and her father, Juan Fernandez, instilled in her, through their own works, a drive to help and care for others. In her own life, Ms. Huerta has been an incalculable asset to the movement for the advancement of worker's rights and in particular, the rights of farm workers and their families.

Ms. Huerta began advocacy for workers and their families in 1955 when she created the Stockton chapter of the Community Service Organization, CSO, after encountering farm workers' hungry children while teaching in a public school. Early in her endeavors, Ms. Huerta successfully lobbied, in Sacramento, for the removal of citizenship requirements from pension and public assistance programs. She also helped pass legislation that allowed people to take their drivers license examinations in their native language and established the right to vote in Spanish.

Through her work with the CSO, Ms. Huerta met Caesar Chavez and together, in 1962, they founded the United Farm Workers of America, UFW. Ms. Huerta became the organization's First Vice President Emeritus. The UFW is perhaps best known for its role in the Delano Grape Strike beginning in 1965. The strike ended after 5 years of hard work and careful negotiations, which were led by Ms. Huerta, with the establishment of a 3-year collective bargaining agreement with the grape industry.

Among Ms. Huerta's many achievements are several outstanding awards. She was bestowed with the California State Senate's Outstanding Labor Leader Award in 1984 and her impact on the national workers rights movement was highlighted in 1993 when Ms. Huerta was inducted into the National Women's Hall of Fame and received the Ellis Island Medal of Freedom Award, as well as several other awards. Although Ms. Huerta's efforts concentrated intensely on California, her impact on workers rights nationwide has been remarkable and merits our honor and admiration.

Mr. Speaker, my colleagues—Reps. BECERRA, BERMAN, CAPPS, COSTA, FARR, HONDA, LANTOS, MATSUI, NAPOLITANO, PELOSI, ROYBAL-ALLARD, LINDA SANCHEZ, LORETTA SANCHEZ, SCHIFF, SHERMAN, SOLIS, THOMPSON, WAXMAN and WOOLSEY—join me in thanking Ms. Huerta for her tireless adherence to the improvement of workers rights across the United States. We are humbled to honor such a wonderful person who, for years, has been a great friend and inspiration to us all.

## TRIBUTE TO MITCH KEHETIAN

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. LEVIN. Mr. Speaker, I rise to pay tribute to the distinguished career of Mitch Kehetian.

Known as the ''dean of Detroit-area journalism,'' Mitch Kehetian's career in journalism dates back to 1953 with roots stemming from Allen Park, Michigan. Beginning as a ''copy boy'' for the Detroit Times, Mr. Kehetian served diligently as reporter and editor working his way through the journalism establishment. After his tenure at the Times, he joined the Citizen-Journal of Columbus, Ohio then returned to Detroit at the Eastside News. In 1969, Mr. Kehetian accepted a job as the Warren reporter and bureau chief of the Macomb Daily.

Serving as a reporter, managing editor, and editorial page editor at the Macomb Daily for over 30 years, Mr. Kehetian brought an intense, lifelong interest in politics, public service and government to his coverage, especially their impact on citizens and communities. His wide-ranging attention to international, national, and local affairs and his personable yet direct manner drew attention and admiration from the halls of all types of houses—from Macomb to the White House.

Mitch Kehetian loved and believed in the work of journalism. He was a reporter's reporter committed to the news, and the trusted role of the ''newsman'' in our country. Michigan was better off with his reporter's eye and his editor's pen at work in our community. His dedication to his work allowed him to enjoy mentoring young and aspiring journalists often at the beginning of their careers. Mr. Kehetian served as both the President and as a member of the Board of Directors of the Detroit Press Club, and as President of the Metro Detroit Chapter of the Society of Professional Journalists. In 2002, the Society bestowed its highest honor upon him, ''Lifetime Achievement Award.'' He has also been awarded countless journalism awards from the Associated Press, United Press International, Michigan Press Association, to name just a few.

Mr. Kehetian is also a proud family man and a proud Armenian-American. Mr. Speaker, it has been my personal privilege to know and be in regular touch with Mitch these last decades. He combined enough distance from people in public life to be objective and enough closeness to create friendships. So I ask my colleagues to join me in congratulating Mitch Kehetian, a distinguished journalist and a friend, for his years of dedicated service to journalism and the communities and citizens he served and in wishing him good health and happiness in the next phase of his life.

## TRIBUTE TO CLEVELAND MAYOR JANE L. CAMPBELL

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mayor Jane L. Campbell, for her unwavering dedication, diligence, vision and integrity that defined her leadership as Mayor of the City of Cleveland.

Mayor Campbell's vital focus on lifting the lives of the poor and disenfranchised, starting at the neighborhood level, framed her every professional and political endeavor. She began her service to our community as the founding Executive Director of WomenSpace, and later as the Executive Director of the Friends of Shaker Square. During her 12-year tenure as State Representative, Mayor Campbell introduced and enacted legislation protecting the rights of children, families and seniors. As a Cuyahoga County Commissioner, she advocated for women and children, chairing the Violence Against Women Act Committee, and the Children Who Witness Violence Committee.

Throughout her journey from County Commissioner to the Mayor of Cleveland, Mayor Campbell continued her unrelenting focus on behalf of all Cleveland residents, especially children, families and seniors. During her term in office, she implemented numerous health and human services programs that provide guidance and support for our most vulnerable citizens who struggle daily to elevate their lives above the raging cycle of poverty and homelessness. Mayor Campbell's vision to raise the City into the promise of restoration and renewal is also reflected in the commercial and residential structures of Cleveland's neighborhoods, from Detroit-Shoreway, Cudell and Old Brooklyn, east to Slavic Village, Union-Miles and Buckeye-Woodland, where commercial redevelopment, storefront renovation and housing restoration has become a reality.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of my friend, Mayor Jane L. Campbell, whose unwavering commitment, steadfast integrity and vital accomplishments have raised the City of Cleveland above the shadows of financial crisis 4 years ago, onto a solid foundation today, where urban renewal and the hope of a better tomorrow for all citizens continues to rise. Mayor Campbell's legacy of service and concern for her constituents will be remembered and recognized for generations to come. I wish Mayor Jane Campbell and her family many blessings of peace, health and happiness as they journey onward from this day.

## RECOGNIZING THE CONTRIBUTIONS OF STEVE KIRKHAM

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to acknowledge Steve Kirkham of Kingston, Tennessee for his leadership and involvement in his community.

Steve is a known fixture in his home county of Roane County, Tennessee and is fast becoming an integral member of many other communities due to his work in promoting economic development in East Tennessee.

Kirkham, owner and chief executive officer of Rocky Top Markets, is a man who exhibits traits that have helped make America what is is: hard working, compassionate, and exemplifies preseverance and generosity. If you ask him how he got to be where he is he will tell you, ''by grinding it out, having good employees, and just plain luck.''

Working for the Harriman Oil Company in the mid-70's Kirkham suggested to the owners of the company that they should join the convenience store craze. They did, and Rocky Top Market was born in June 1980 with the first opening.

Since 1980, Rocky Top Markets has grown to a chain of 38 and has plans for continued growth in Tennessee and Northern Georgia. Having purchased Rocky Top Markets in 1998, it is now one of the largest retail convenience stores in East Tennessee employing almost 400 people.

A long standing member of the business community Steve has been a member of the Tennessee Oil Marketers Board, Tennessee Grocers and Convenience Store Association Board, and the Shell Jobber Council. He has served as Chair of the Roane State Foundation and the Community Development Council. As chairman of the CDC he helped form and fund the Roane Alliance. The Alliance is an effort to bring together the chamber, tourism and industrial development groups in Roane County for a unified effort in promoting responsible growth. He is currently serving as chairman of the Roane County Industrial Development Board.

If not working or golfing Steve is with his family. There is an understanding of the high regard he has for family for those who know him in and outside of work. He is married to Teresa Kirkham and has three daughters: Angie, Stephanie, and Christie. He is also the proud grandparent of Tyler, Tanner, and Ryley.

## TRIBUTE TO ALFRED LOUIS ROMEO

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life of a wonderful man, who sadly passed over a year ago, Mr. Alfred Louis Romeo.

It is fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth, for his lifelong dedication to the City of Paterson.

Born and raised in my hometown of Paterson, New Jersey, Fred graduated from Central High School. After his graduation from high school in 1958 Fred joined the Paterson Fire Department as a member of the Division Line Gang.

The Division Line Gang was a group of firefighters who were assigned to maintain the communications infrastructure for emergency call boxes throughout Paterson. Fred was a member of the Division Line Gang until 1983 , when the ''Gang'' was disbanded, in order to use the more effective emergency voice response system. It was at this time that Fred was transferred as a firefighter to Engine Company Number 7.

Fred found time during his busy schedule to volunteer at the Paterson YMCA where he had been a member for over 70 years. In addition, to sitting on the Board of Directors, he served as the Co-Coordinator for the YMCA. Perhaps most importantly, Fred had donated his time on Thanksgiving, for the past 34 years, to help feed the underprivileged at the annual Thanksgiving Feast.

Beyond his many philanthropic contributions, Fred was also a Champion and Hall of Fame handball player. He had amassed two New Jersey State Singles Championship titles, 24 NJ State Doubles Championship titles, a Jr. National doubles Championship title, and a National doubles Championship title. Fred was not only a Member of the Board of Directors for the Old Timers Sports Hall of Fame, Association of Paterson; he was an inductee as well.

In addition to Fred's many academic and professional achievements, his personal achievements are many also. He was the devoted husband to the late Rose Romeo and father of Rosalind, Francine, and Dominic.

Mr. Speaker, I ask that you join our colleagues, Fred's family and friends, and me in recognizing the outstanding and invaluable achievements of a man who will be truly missed, Mr. Alfred Louis Romeo.

## IN MEMORY OF OFFICER HENRY ''HANK'' NAVA, JR.

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to share the collective grief of the people of North Texas on the death of Fort Worth Officer Henry ''Hank'' Nava, Jr. who died of a gunshot wound to his head while in the course of duty.

Officer Nava, recognizable by his military hairstyle, Oakley sunglasses and electric smile, was a dedicated servant of the community. The grief from his loss is shared not only by his fellow police brethren, but by the greater Fort Worth community.

Hank Nava was the first Fort Worth officer killed in the line of duty in 11 years. He served as an officer in Austin, Plano and Fort Worth, where he was most recently assigned to the 10-member North Side Crime Response Team. This team is directed to handle particularly difficult cases. He was always first to volunteer and enthusiastic to accomplish the tasks ahead of him. A natural leader, he was a source of encouragement for his fellow police officers.

Officer Nava's personality and bravery made him a trusted friend, devoted husband and father, and a hero to other police officers. Gianni Ghilespi, a Fort Worth police captain, said that Officer Nava gave him a home during his darkest moment and helped him work through his problems stating, ''God sent a hero to me,'' he said. ''It was Hank Nava.''

His generous personality extended beyond his call to service as a police officer. Officer Nava could often be found working out in the community especially with children. The impact of his death left a wounded community. Currently, the Fort Worth police are having difficulties reassigning his patrol unit. It seems that citizens just started showing up and signing condolences on the vehicle. But truly, he will be missed most by his family.

Hank Nava is survived by his wife, Teresa and his two children Kayleigh, age nine, and Justin, age four.

We were blessed to have had him protecting us all from the evils of this world. His courage and dedication brought hope of a safer community. He will be remembered as a husband, a hero, and a friend.

## REJECT THE MEDICAID PROOF OF CITIZENSHIP REQUIREMENTS IN THE HOUSE RECONCILIATION BILL, H.R. 4241

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. LEWIS of Georgia. Mr. Speaker, I rise to express my strong opposition to Section 3145 of the House reconciliation bill that will deny health care to our poorest Americans who desperately need and deserve it. This provision would require people who apply for Medicaid to prove that they are citizens, by producing a birth certificate or a passport. This may not sound like a difficult task to some, but the reality is much, much different.

Many older Americans do not have birth certificates because their parents did not have access to hospitals, and so, they were born at home. This was true in rural America, and is still true in some places today. Also, in the last century, all over the south, because of segregation and racial discrimination, many hospitals would not take minorities. Many minorities, including African Americans, were born at home and don't have a birth certificate.

These people were kept out of the health care system when they came into. the world. To keep these same people off of Medicaid

and further deny these men and women health care is yet another slap in the face. The health system failed these people once, and it should not fail them again.

This rule is arbitrary. It is dangerous. And it is wrong.

Even the Department of Health and Human Services agrees that it is unnecessary. There is no evidence that illegal immigrants are getting Medicaid illegally.

This is very dangerous. If this becomes law, state and county officials will decide how to enforce this rule. Therefore, anyone with dark skin, or an accent or who looks like an undocumented immigrant will be at great risk for discrimination.

American citizens, particularly the poor, minorities, and the very old, who are eligible for Medicaid, will be denied the health care that they need. All for a misguided attempt to keep undocumented immigrants from receiving health care. It is unjust and it is wrong. It is un-American and I ask my colleagues to join me in opposing this provision.

## IN RECOGNITION OF JOHN WILLIAM RICHEY

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to John William Richey of Smiths Station, AL. Mr. Richey is a man of integrity and great accomplishment in the pharmaceutical field. He was chosen as the 2005 Good Neighbor Pharmacist of the Year, selected out of an astounding 4,000 applicants across the entire country.

In 1971, Mr. Richey opened Plaza Pharmacy in Smiths Station with a partner and later became the sole owner. Mr. Richey proves his commitment to his customers daily; he is often found opening the pharmacy willingly after hours for emergencies. His unparalleled generosity and good will towards human life extends beyond his business into his personal life. In 2000, he kindly donated one of his kidneys to his friend. He has four children and three grandchildren.

His business has been a landmark in Smiths Station for decades, and today Mr. Richey fills the prescriptions for grandchildren of his first customers. I am proud to acknowledge Mr. Richey in the House on this day and congratulate him on his dedication to his family, to pharmaceutical service, and to his customers.

## RECOGNIZES CENTENARIAN JESUS HERNANDEZ OF SPRING HILL, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Jesus Hernandez of Spring Hill, FL. Jesus has done something that all of us strive for but that very few of us will ever accomplish, celebrate his 100th birthday.

Jesus was born November 26, 1905 in Ciales, PR. Located in the central mountain range of the island, Jesus's parents owned and operated a small farm. He grew up with his brothers and sisters where he cared for cattle and horses and performed agricultural chores while attending school. Other than the love and respect he had for his parents, working on the farm and playing sports are the fondest memories of his childhood.

During the Great Depression Jesus moved to New York City to work and help provide for his family during hard times. In 1932, he returned to Puerto Rico where he met and married his wife Carmen. Blessed with two sons, five grandchildren, and seven great grandchildren, Jesus says that the happiest moment in his life was the birth of his two sons, Ed and Lou.

During the Second World War Jesus tried to enlist in the military like his brothers but was unable to do so because of a heart condition. Jesus instead went to work for the railroad until 1944 when he decided to return to New York City with his wife and sons.

Jesus moved to Spring Hill in 2004 where he lives with his son Lou, who retired from the U.S. Army, and his daughter-in-law Marge. Today, Jesus says he gets the most pleasure from walking in the morning, playing dominos and helping to maintain the trees and plants in his son's backyard. He says that the only thing he would change if he had the chance to do his life over would be to travel the world.

Jesus says that despite his health he remains a positive person and possesses a great sense of humor. Jesus's secret to a long life is that he watches what he eats, does not drink alcoholic beverages and does not smoke. His advice to the young people is to ''finish your education, have respect and consideration for your parents and everyone as a whole, work hard and save your money to be self-dependent.'' Finally, Jesus says that ''he is proud to be an American and all it stands for. God Bless America.''

Mr. Speaker, I ask that you join me in honoring Jesus Hernandez for reaching his 100th birthday. I hope we all have the good fortune to live as long as he has.

## SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. GORDON. Mr. Speaker, today I am introducing legislation to complement two previously introduced bills, H.R. 4434 and H.R. 4435, to authorize additional recommendations from a committee of the National Academy of Sciences, chaired by Mr. Norman Augustine. The recommendations of the committee's report, Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future, reflect the consensus forged among nationally-recognized industry, academic and government experts.

With this bill, Sowing the Seeds Through Science and Engineering Research Act, and the previously introduced bills, I have taken steps to implement the Augustine Committee's highest priority, which is to improve K–12 math and science education by enhancing the skills and qualifications of math and science teachers, and to respond to the committee's call to ''sustain and strengthen the nation's traditional commitment to the long-term basic research that has the potential to be transformational to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life.''

The bill I introduced today authorizes 10% increases per year in funding for basic research in the physical sciences, mathematical sciences, and engineering at the principal federal agencies supporting such research. These increases, if sustained, would lead to a doubling of basic research funding in these critical areas over 7 years.

The bill also takes action to develop the research talent needed for the future by providing for up to 200 new awards per year, of $100,000 per year for 5 years, to outstanding early-career researchers. It seeks to enlarge the pool of graduate students in science, math and engineering by creating a graduate fellowship program, with 5000 new fellowships per year for individuals pursuing studies in areas of national need.

Finally, the bill establishes a presidential innovation award to stimulate scientific and engineering advances in the national interest and provides for the refurbishment of academic and government research laboratories, an essential factor to enable leading-edge research.

These three bills are a response to a serious challenge to our Nation's future economic prosperity. From the Augustine report, ''This Nation must prepare with great urgency to preserve its strategic and economic security. Because other Nation's have, and probably will continue to have, the competitive advantage of a low-wage structure, the United States must compete by optimizing its knowledge-based resources, particularly in science and technology, and by sustaining the most fertile environment for new and revitalized industries and the well-paying jobs they bring. We have already seen that capital, factories, and laboratories readily move wherever they are thought to have the greatest return.''

My intent in introducing these bills is to issue a call for action by the Congress and the Administration. The Augustine Report correctly identifies the challenges we face as a Nation and has developed a series of specific recommendations to address these challenges. The conclusions and recommendations in this report are not new. The problem is that neither the Administration nor Congress has made any real efforts to act.

I hope the introduction of this legislation will begin a substantive discussion on the commitment and resources required to ensure our Nation's future economic competitiveness and that our children have well-paid, challenging jobs. I am committed to working with the private-sector, Members of Congress and the Administration in turning this legislation into funded programs.

## 16TH ANNUAL CONGRESSIONAL BLACK CAUCUS VETERANS BRAINTRUST

HON. CORRINE BROWN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. CORRINE BROWN of Florida. Mr. Speaker, on September 10th, 2004, Rep. SANFORD BISHOP, Jr. (D–GA) and I convened the 16th Congressional Black Caucus Veterans Braintrust issues forum titled: ''Honoring African American Women Veterans Who Served,'' because we both care a great deal about the well being of African America veterans. Moreover, for these past 12 years we have worked so very hard building the Veterans Braintrust, and carrying the torch for America's service men and women.

Nevertheless, we would be remiss if we did not recognize the special service to this Nation, and to this institution of Congressman CHARLES RANGEL of New York, a distinguished and decorated Korean War veteran in his own right, who is the father of the Congressional Black Caucus' Veterans Braintrust, established in 1988, and has carried the torch for African American veterans for over half a century. Since Congressman RANGEL's first Braintrust, the Veterans Braintrust has emerged as an institution ''think tank'' and ''advisory group'' for the Congressional Black Caucus and for other Members of Congress on the critical issues of education, health care, mental health, aging, research, employment and training, homelessness and affordable housing, small business development and veterans benefits and services.

Next, we were happy to extend a very warm welcome and deepest appreciation to our distinguished guests, panelist, moderator, and Bishop Imagine Stewart for performing our invocation. Which included State Senator Ed Harbison, Chairman of the Georgia Legislative Black Caucus special presentation to Spc. Shoshanna Johnson, who was captured in Iraq two years ago with other members of the 507th Maintenance Company. Shoshanna is the only African American women to be held captive in Iraq. But more importantly, Shoshanna truly exemplifies the best that America has to offer—her courage under the most extraordinary of circumstances shows us all just how important the service of our ordinary airmen, marines, sailors, and soldiers are to our Nation. Thus, all those who serve, serve equally and should be awarded based on their service, and not by the color of their skin, or gender.

This led us to the issues we were there to discuss, the treatment of women in today's military, and as veterans. However, the discussion of the current state of affairs would be incomplete without a brief history, or stories of those who paved the way for the modern military woman. Early on, African American women played major support roles during the Revolutionary War, War of 1812, and the Civil War. For example: Harriet Tubman served as a Union spy, an unpaid soldier, a volunteer nurse, and a freedom fighter. While another runaway slave, Susan King Taylor, became famous for her volunteer service as a nurse and launderer as she traveled with her husband's unit, the 33rd United States Colored Troops (USCTs). She formed the Boston Branch of the Women's Relief Corps after the war. Her memoirs published in 1902, became the only written record of Black volunteer nurses in the Civil War. Again, during the Spanish American War black women played the role of nurses. Yet, during the war, over 75% of all deaths resulted from typhoid and yellow fever. Many black female volunteer nurses were told they were immune to the diseases because their skin was darker and thicker. Because of this, many of them exposed themselves to the diseases and became casualties when they returned home. And because of segregated living areas, the Whites never knew the high rate of casualties that these women suffered.

However, during World War I for the first time in military history, African American females had an official organization where they found leadership and direction to use their abilities. The National Association of Colored Graduate Nurses founded in 1909 by Mary Mahoney, Adah Thoms and Martha Franklin. In 1917, the co-founder of the Red Cross urged Black nurses to enroll in the American Red Cross, although they were not accepted until two months before the end of the war in November of 1918. But it wasn't until World War II (1942) that women were officially allowed to serve in great numbers in the armed forces. The Army had the Women's Army Corps (WAC), the Navy had Women Accepted for Volunteer Emergency Service (WAVES); and the Coast Guard had the SPARS. With the majority of African American women serving in the Women Army Corps (WAC), where they remained in segregated units, as did African American men. Out of the highest number of women in the military during the period (271,000), only 4,000 were African American women.

Moreover, African American women continued to serve from the Korean Conflict through Vietnam to Operation Desert Storm. Of the 35,000 women who went to Desert Storm, an estimated 40% were African Americans. And today, the statistics tell us that over 30% of military women are African American, approximately 33.6% enlisted, and 13.1% commissioned and warrant officers. Notably in 2002, African American women were over-represented in the armed services as compared with their proportion in the civilian population. This is simply to say that, African American women made up 30.8% of all military women, while making up only 12% of all civilian women.

Equally important, the purpose of this forum was to discuss issues pertaining to women in the military and veterans, but particularly black women veterans. The overarching questions however were: What happens to these women socially, economically, and politically, when they return to the civilian sector as military veterans? Or what effects does military service have on their subsequent lives? With the second question being: how can we systemically help the masses of young women veterans in order to inspire them to reach their fullest potential?

To address these questions we had two distinguished panels with us that day to discuss a range of issues pertaining to the African American woman veteran. Among the topics discussed were those of post traumatic stress disorder, homelessness, physical disability, and sexual harassment, or assault. Our first panel of presenters consisted of Attorney Herbert Fenner of the law firm McKenna Long and Aldridge who presented the case of Jemekia Barber; Muriel Gibson, Senior Staff Assistant to U.S. Senator PATTY MURRAY's office discussed several cases. We also heard from three African American women veterans themselves: Kericia Smith, SSgt. Vanessa Turner, and Carolyn Williams. Followed by a second panel consisting of Dr. Laura Miller, Social Scientist with the Rand Corporation, who has researched extensively women in the military, including sexual harassment and assault; Dr. Saharra Bledsoe, Executive Director of Mozella's House for Women Veterans; Zerell Johnson-Welch, Director of the Southwest Veterans Service Center, and Ms. Deborah Scott, a disabled veteran having a lot of problems receiving fair and just treatment at the VA.

While Shoshanna easily connected with the audience with both humor and humility, what we heard from her female counterparts was gut wrenching emotion, anger, and frustration, with more than a few VA officials expressing utter surprise at their anger. From Senator PATTY MURRAY's Senior Staff Assistant Muriel Gibson, who shared strategies that she helped develop through her women veterans group and advocacy work leading the state of Washington to some improvement in their options for VA healthcare and timeliness; Deborah Scott, an Army veteran, whose physical illness was misdiagnosed by VA medical personnel as ''personality disorder''; Kericia Smith whose attempts to get adequate treatment and support for her struggle with PTSD have been repeatedly mishandled by VA officials; SSgt. Vanessa Turner, whose critical illness still has not been diagnosed by Army medical personnel since returning from Iraq, and who has struggled to find and maintain adequate affordable housing and/or timely treatment for her health through the VA; to Carolyn Williams speaking of her struggle for over 30 years to have her sexual assault recognized and addressed by both Navy and VA officials. Although the outward appearance seemed to be ''VA bashing,'' we all realized that their problems arose from systemic problems, or inadequate governmental policies and practices, and were compounded by human errors.

Although issues were brought up which are undoubtedly begging for attention, this forum was just our beginning. Of those concerns addressed, however, it was abundantly clear that there were three vital issues: First, the inadequacy and sometimes absence of adequate Veterans' Administration services and programs for female military veterans. Second, the invisibility of their struggles which are quite often ignored and their frustration with the lack of methods available for redress. Third, the need to consider organizing some type of national conference where the issues facing African American women veterans might be highlighted, discussed, and strategies for addressing these challenges suggested. Such a national conference where these issues are addressed through panels and workshops, with the latter focused on sharing strategies that have proven effective and creating new possible roads to take for the future. Why, because we also heard comments such as, I wish to thank you to the experience at long last gave them an opportunity to find not just an ear that would hear their story. Or their first real opportunity and chance to speak publicly regarding fighting for VA benefits over many

years. But also left them with hope for the creation of an avenue that would rightfully address the life altering negative injustice that black women have and continue to be confronted by while in performance of their military duties, as well as afterward as ''veterans'' seeking help through the VA. For many years they did not believe that anyone cared, or would ever be concerned about the injustice that black women have endured at the hands of the U.S. military.

Again, the generosity of Wayne Gatewood, Jr., President and CEO of Quality Support, Inc., and Amistad Associates paved the way for a gala evening of socializing, recognition and public acknowledgement for the following female veterans and groups from the Civil war to World War II to the war in Afghanistan and Iraq: Deborah Bretey, Antoniette Edwards, Mary Jackson Fears, State Representative Gloria Fox, Vernessa Franklin, Sgt. Casaundra Grant, Col. Delores Hampton, USA, Ret., Hattie Harris, Vera Haskins (now deceased), Lorenza Hilliard, Lt. Col. Patricia Jackson, USA, Ret., Sarah Jackson, Willette Jenkins, Lillie B. Johnson (known as Miss Lillie B, now deceased), Spc. Shoshanna Johnson, Pfc. Sarah L. Keys (Sarah Keys Evans), Noel Mitchell, Capt. Margaret Oglesby, MNG, Col. Marie Rogers, USA, Ret., Mildred Smith-Kidd, Willie Whiting; House of Imagene, Mozella's House, My Women Veterans Group, Black Women's Leadership Caucus, Center for Women Veterans (Department of Veterans Affairs), National Association of Black Military Women, Harriet Tubman Home, League of Women for Community Service, and the Colored Ladies Christian Relief Society of the 54th Massachusetts Volunteers.

In return, they especially thanked us for giving accolades to the female veterans of color, and for always remembering heroine Harriet Tubman. Some felt humbled to receive their awards, other felt good to read the words of acknowledgement and appreciation in addition to giving them motivation to continue on in both their personal and professional lives. As well as for providing one of the few venues that allows them to smell their flowers, or roses before they die.

In closing, I thank Sarah Ann Shaw, Drs. Brenda Moore, Laura Miller, Leisa Meyers, Robenia Gary, A.V. Hankins, Shari Miles and Ron Armstead for their continuing help in making the Veterans Braintrust an ongoing success. Also speaking on behalf of all my colleagues I thanked our African American veterans in the audience for coming and their service to our great nation. Needless to say, it was overwhelming to be in a room with so many true heroines and heroes, because it makes me very very proud that this is one of the best-attended issues forums during the Congressional Black Caucus Foundation Annual Legislative Conference (ALC).

Lastly, Representative SANFORD BISHOP, Jr. and I agree Gen. George Washington had it right when he said, ''the morale and strength of the nation's military forces would be directly proportional to how well veterans who already served and sacrificed for the country are treated and appreciated.''

## TRIBUTE TO DON CHALMERS

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. UDALL of New Mexico. Mr. Speaker, I would like to rise today in recognition of Mr. Don Chalmers, an outstanding citizen in my district. In acknowledgment of the successful management of his business, Don Chalmers Ford in Rio Rancho, N.M., Mr Chalmers recently received the Zia Award, Quality New Mexico's highest performance excellence honor.

The New Mexico Quality Awards program is modeled after the Malcolm Baldrige National Quality Awards, a program initiated in 1987 when President Ronald Reagan signed the Malcolm Baldrige National Quality Improvement Act of 1987. Every year businesses that apply for New Mexico Quality Awards participate in training, education, and assessment programs. Throughout the year, performance levels are checked and commitment to quality business is assessed. Participants are then considered for three levels of recognition. The most outstanding of these is the Zia Award for performance excellence.

By participating in New Mexico Quality training and analysis programs, Mr. Chalmers dealership has become a benchmark for excellence in New Mexico. Mr. Chalmers demonstrated a commitment to improving his already very successful business by surpassing the needs and expectations of his employees and the residents of our New Mexico communities. Because of these accomplishments, Don Chalmers Ford received the most prestigious of performance awards, the Zia Award.

Beyond his business success, Mr. Chalmers has been an active and outstanding citizen of New Mexico over the last 10 years. Mr. Chalmers has participated in a number of community projects such as the Equal Access to Justice Campaign, the New Mexico Balloon Fiesta, and Women on the Move.

It is with pride an appreciation that I congratulate this outstanding citizen on his contributions to our great State and on receiving the one and only Zia Award granted by Quality New Mexico in 2005.

## TRIBUTE TO RADM CHRISTOPHER WEAVER

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SKELTON. Mr. Speaker, I rise today to honor RADM Christopher Weaver, United States Navy, who is retiring after more than 34 years of faithful service to our Nation.

A native of Harrisonville, MO, Rear Admiral Weaver began his career in 1971, when he graduated from the United States Naval Academy. He holds a bachelor of science degree from the Naval Academy and a master of public administration degree from George Washington University. He is also a distinguished graduate of the Industrial College of the Armed Forces. Rear Admiral Weaver is an honorary Seabee and honorary master chief petty officer.

During the years that followed, Rear Admiral Weaver accrued an impressive operational career highlighted by command of USS *Exultant* and USS *Spruance*. Rear Admiral Weaver was designated a surface warfare officer in 1973. His sea tours also include duty aboard USS *Marvin Shields*, USS *Capodanno*, USS *Boulder*, and USS *Samuel Eliot Morison*.

Ashore he commanded U.S. Naval Station, Norfolk, VA, the world's largest Navy base, and served as an assignment officer in the Bureau of Naval Personnel, as head of the Seamanship and Navigation Department at the U.S. Naval Academy, as head of the Surface Combatant Branch of the Surface Warfare Division and as head of the Mine Warfare Branch of the Expeditionary Warfare Division. He also served as executive officer to the director of Logistics, J4, the Joint Staff.

He was selected for Flag rank in February 1997. Rear Admiral Weaver served as the 83rd commandant of Naval District Washington, the oldest continuously operated Navy installation in the Nation. In his most recent assignment as commander, Navy Installations Command, and director, Ashore Readiness Division, Rear Admiral Weaver led unprecedented organizational change amid an historic time of overall Navy transformation in the Navy's shore infrastructure.

Rear Admiral Weaver is an exceptional leader. He is an individual of uncommon character and his professionalism will be sincerely missed in the Navy. Mr. Speaker, I am certain that my colleagues will join me in thanking RADM Christopher Weaver for his honorable service in the United States Navy, and wishing him and his wife Chris all the best in the years to come.

## EXPRESSING SENSE OF THE HOUSE THAT SYMBOLS AND TRADITIONS OF CHRISTMAS SHOULD BE PROTECTED

SPEECH OF

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. BLUMENAUER. Mr. Speaker, this legislation is an excellent example of how the House Leadership politicizes non-issues to distract Congress from substantive issues.

The Federal Government is obviously not opposed to Christmas, an annual celebration that has deep significance for those of us from a Christian tradition. In that sense, a ''Yes'' vote is appropriate.

But Christmas is not under assault from the Federal Government; there is no need for this resolution. Therefore, a vote of ''Present'' could be appropriate; there is simply no controversy here.

I chose to vote ''No,'' however, because the resolution is flawed. It misses the point. Christmas is not being threatened by the federal government. Instead, the season that celebrates Christ's humble birth in a manger has been commercialized and cheapened by those who celebrate it as the retail highlight of the year.

My sincere wish for the New Year is that House leadership sets aside its penchant for distracting and divisive issues to focus on solutions to problems that face Americans every day.

## IN RECOGNITION OF REV. JOHN R. CLAYPOOL IV

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to remember and pay tribute to the Reverend John Rowan Claypool IV, who passed September 3, 2005. He was internationally and nationally recognized as one of the most gifted spiritual leaders and teachers of our time.

Dr. Claypool was ordained to ministry in 1953 and served as Pastor of five Baptist Churches in Kentucky, Tennessee, Texas and Mississippi. He was ordained an Episcopal priest in 1986 and served as Rector of Saint Luke's Episcopal Church in Birmingham, Alabama for nearly 14 years. He retired from full time parish ministry in 2000 and, since that time, had served as the Professor of Homiletics at Mercer University's School of Theology in Atlanta, Georgia.

He has written many books education others of the things he has learned through the death of his 10 year old daughter, and the accounts of his role in the struggle for Civil Rights. Dr. Claypool was truly a model citizen and will be sorely missed. His word lives on through his wife, Ann; and their children.

Again, Mr. Speaker, I am privileged to honor and pay homage to the Reverend John R. Claypool IV in the House today and hope that we may all strive to live as he did.

## HONORING THE LIFE OF WILLIAM ''BILL'' PRYOR NEWBY

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. DAVIS of Tennessee. Mr. Speaker, I stand to honor the life of William ''Bill'' Pryor Newby of Kingston, Tennessee. Mr. Newby, at the age of 85, recently passed away at his home after a long and successful life.

A veteran of World War II serving in the U.S. Navy, Mr. Newby was loved by many family and friends. He was a 64-year veteran of the Tennessee Valley Authority, serving longer than any previous TVA employee.

Mr. Newby began his career with the TVA on August 19, 1941 when he was hired as an electrician apprentice at Fort Loudoun Dam. He also worked at the Fontana and Douglas Dams, and the Johnsonville Fossil Plant. He ended his career at the Kingston Fossil Plant where he was a maintenance supervisor.

Speaking of Mr. Newby, Kingston Plant Manager Earl Deskins said, ''He was a hero who has spanned the technology changes of this industry. His selflessness, ability, sharing past experiences and just treating people in the true STAR 7 fashion has earned him the title of 'our hero.' ''

Mr. Newby is survived by his wife, Sarah, six children; James Herbert Newby, Elizabeth Pryor Newby, William Milton Newby, Sarah Jane Newby, Katherine N. Burnette, and Tom Newby, and seven grandchildren and nine great grandchildren.

He was laid to rest at Roselawn Cemetery in Athens, Alabama with military honors provided by the Roane County Military Memorial Honor Guard.

## RECOGNIZING CENTENARIAN LORETTE NOSTER OF HERNANDO COUNTY, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Lorette Noster of Hernando County, Florida. Lorette will do something this June 3rd that all of us strive for, but that very few of us will ever accomplish, celebrate her 100th birthday.

Born in Manchester, New Hampshire, Lorette was raised by her grandparents from a young age on. Lorette attended Notre Dame school in Stanbridge, Canada, and then worked with her grandparents in their house painting business painting woodwork for nearly forty years. One of Lorette's fondest childhood memories was having her own horse, a retired racehorse named Josie, that she cared for and rode for nearly 12 years.

Lorette married Fred Noster in 1931 and was happily married for 65 years until his death in 1996. Blessed with both a son and a daughter, Lorette and Fred also had five grandchildren, six great-grandchildren and three great-great grandchildren. She moved to Hernando County in the spring of 2000 to be close to her family and enjoys the county's friendly people and comfortable winters.

One of Lorette's memories was her surprise 90th birthday party where she got to see so many family members and friends. Over the years she is most proud of winning prizes for her handmade clothes at the county fairs and her square dancing.

Today, Lorette says that working in her garden gives her the most pleasure. She says that if she had to live her life over, she would continue her education past grade school and study music. Her favorite flower is the lilac and her favorite color is red. Lorette's advice for the young people today is, ''go to college, don't smoke and eat natural foods.''

Mr. Speaker, I ask that you join me in honoring Lorette Noster for reaching her 100th birthday. I hope we all have the good fortune to live as long as she has.

## UNDONE BUSINESS IN ENERGY CONSERVATION

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. GORDON. Mr. Speaker, I am introducing a package of bills designed to take the next step in furthering energy conservation activities in the U.S., especially in the federal government. We stand here today facing the beginning of the winter heating season and a forecast of record high energy prices. It is possible that spot shortages may develop in parts of the country if the winter is especially severe.

Regardless of what happens with supply, energy costs will be high this winter. However, they don't have to be as high in future winters and summers for homeowners and the federal government if we begin now to take some of the low-cost steps to better control our use of energy. Adoption of these measures now will pay big dividends in the future in the form of lower energy costs.

The federal government needs to be a leader on this issue. In 2000, federal agencies spent $7.4 billion to consume 1 quadrillion BTUs of energy. Although energy consumption in government buildings has dropped by almost 25 percent since 1985, approximately $1 billion in taxpayer dollars is still wasted each year. These bills will help ensure that federal buildings are meeting strong energy efficiency goals and that the federal government is taking a look at the full range of energy-saving technologies.

Installation of Metering in Federal Buildings: The installation of appropriate metering equipment in federal buildings for electricity, natural gas and other petroleum-based fuels, as well as steam and chilled water, provides the data that can enable the building operator to manage energy consumption and help cut the federal government's energy bill. Often this will require the installation of ''smart meters'' that provide much additional information for managing energy consumption. This bill amends the ''National Energy Conservation Policy Act'' (NECPA) to advance from 2012 to 2008 the date by which metering must be installed in certain large Federal buildings. Section 103 of the Energy Policy Act of 2005 amended NECPA to require metering in Federal buildings by 2012. However, under current law, new buildings that will be built between now and the deadline will not be required to have metering installed that provides the relevant data for meaningful monitoring of energy consumption. Metering is far easier to install during construction than after the building is completed. Without this basic information, building performance cannot be evaluated and improved. I believe there is no reason why the government shouldn't get on with this program now rather than waiting another 7 years.

AOC Energy Management Responsibility: This bill clarifies the intent of the recently enacted H.R. 6, ''The Energy Policy Act of 2005'' with respect to the obligations of the Architect of the Capitol in energy conservation. The bill explicitly requires the AOC to comply with substantially all of the same building management requirements as the federal agencies. An exception is made with respect to reporting requirements. Under this legislation, the AOC will report results to the committees of jurisdiction, rather than the Secretary of Energy.

Validation of Design Energy Performance in Federal Buildings: A significant problem in new federal buildings is that they often use more energy than they were designed to use. Some of the excess consumption is due to the lack of adequate monitoring of the HVAC systems to ensure they are performing properly. However, some buildings are actually shortchanged during the construction process as costs rise. Often omitted for cost reasons are some of the features that are designed to save energy. My bill directs the head of each federal agency to prepare a report comparing the actual energy performance of each new federal building with the design energy efficiency performance of the building. The report is to be completed 18 months after completion of the building and should also include remedies to bring the building into compliance

with design criteria, if necessary. A second report is required to explain the continued deficiencies that prevent the building from meeting its performance requirements.

## IN RECOGNITION OF THE HENRY FAMILY FOR RECEIVING THE OUTSTANDING YOUNG FARM FAMILY AWARD FOR ALABAMA

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to recognize and congratulate an exceptional family from my home state of Alabama. On December 4th, Mike and Denise Henry of Montgomery County, Alabama, were awarded the 2005 title of Outstanding Young Farm Family for Alabama.

Mike and Denise are exceptional young farmers I met on a recent tour of Third District farms. The family manages a preconditioning business for weaned calves, and has 600 brood cows as well as registered Angus and Charolais cattle on their farm. They also own a catering business.

As the 2005 Outstanding Young Farm Family, the Henrys will participate in many events to encourage other young people to become involved in Alabama agriculture. This is a great honor for this family, and speaks to their hard work and dedication as outstanding leaders in our community and in our state.

As a member of the Committee on Agriculture in Congress, I am privileged to honor Mike, Denise and their five children for this award today, and congratulate them for this notable accomplishment.

## CONGRATULATIONS MARTIN METHODIST REDHAWKS, 2005 NAIA WOMEN'S SOCCER NATIONAL CHAMPIONS

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. DAVIS of Tennessee. Mr. Speaker, the Redhawks of Martin Methodist College in Pulaski, Tennessee won the 2005 NAIA Women's Soccer National Championship during tournament play in Olathe, Kansas. This historical feat came just 2 years after collecting their first winning season in the program's history.

Martin Methodist entered the NAIA National Tournament as the top-seeded team. They defeated McKendree College, Concordia University, tied Westmont College (eventually winning on penalty kicks), and Lee University during the championship drive. The championship game winning goal was scored against seventh-seeded Lee University at 45:55.

During their winning season these hard-working ladies collected 23 wins, 17 shutouts, 125 scored goals and a mere eight goals allowed. They came together as a team believing they can compete at a high level and win. In doing so they etched their names in the history books and earned the respect of their peers and community.

The National Champion RedHawks' 2005 roster included Karen Carmack, Sarah Prendergast, Maria Sonnerborg, Nicole Scherger, Rachel Sharp, Victoria Charnley, Johanna Botold, Jessica White, Clare Sykes, Kelly Lewicki, Mizuki Yoshida, Amanda Johansson, Azusa Takeuchi, Sara Perrigan, Maiko Higashiyama, Lisa Mann, Harumi Someya, Megan Finnegan, Emily Allegood, Tassia Gimenez, Mauela Schuh, Nicole Grochowsky, Julia Bazi, Amanda Clark, Yvonne McField, and Jessica Nix. The Redhawks were lead by Head Coach Gerry Cleary and Assistant Coach Peter Anthony.

Congratulations on a historic season.

## RECOGNIZING CENTENARIAN SALLY VANDER EST OF HERNANDO COUNTY, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Sally Vander Est of Hernando County, Florida. Sally has done something that all of us strives for, but that very few of us will ever accomplish, celebrate her 100th birthday.

Born February 2, 1905 in Grand Rapids, Michigan, Sally was the youngest in her family. She has many fond memories of roller-skating, ice skating and learning to drive in 1936. In fact, Sally has never gotten a ticket.

Sally worked for 28 years in Health, Education and Welfare offices and for the city of Grand Rapids. Following her father's death, Sally cared for her mother into the late 1950's. The proudest moment of her life was when she married Adrian Vander Est at 59 years old, remembering the exact date and time of April 4, 1964 at 4 p.m.

Sally says that her mother was an A–#1 person and her best friend, noting that her mother was always her date during her high school days. While she wishes that she had gotten married earlier in life, she remembers that when her friend got engaged, she told Sally, ''that she wanted the diamond but not what goes with it.''

While she always thought she would live to be 136, Sally now says that being 100 is a miracle. Today, reading, listening to music, especially musicals, gives her the most pleasure. She enjoys being in Hernando County and away from shoveling the snow. Her favorite flower is the rose and her favorite color is blue, because it goes with her eyes. Her advice to young people is to, ''stop smoking and stop this sex business and drinking, change your morals.''

Mr. Speaker, I ask that you join me in honoring Sally Vander Est for reaching her 100th birthday. I hope we all have the good fortune to live as long as she has.

## HONORING ALICE WALKER ON HER RETIREMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. GORDON. Mr. Speaker, I rise today to recognize Alice Walker for her dedicated service to the community of Portland, Tennessee. On December 31, Alice will retire after serving 24 years as Executive Director of the Portland Chamber of Commerce.

During her time with the Chamber of Commerce, Alice has watched as Sumner County has experienced tremendous growth. Her leadership has helped to ensure that Portland keeps up with the development while maintaining its charm.

Alice has involved herself in many areas of the community. She was a charter member of the Kiwanis Club and served on the boards of the United Way, Tennessee Chamber of Commerce, American Cancer Society and many other fine organizations. In 1992, Alice was named Citizen of the Year by the Gallatin News Examiner.

Alice has said that Portland and the Chamber of Commerce will always have a special place in her heart. I know I join with the residents of Portland in saying that Alice also has a special place in our hearts, and her service will be missed greatly.

Alice, I commend you on 24 years of dedicated service to Portland, Tennessee, and I wish you all the best in your retirement.

## IN RECOGNITION OF THE CLAY COUNTY HIGH SCHOOL PANTHERS FOR THEIR CLASS 2A STATE CHAMPIONSHIP

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. ROGERS of Alabama. Mr. Speaker, I would like to recognize today the players and coaches of the Clay County High School Varsity football team from Alabama's Third Congressional District.

On December 3rd, the Clay County Panthers won their sixth State Championship title with a 31–0 victory over Southern Choctaw in the Class 2A final. These talented young athletes won the game after beating a tough opponent. In particular I would like to give tribute to the Panther defense, who in this game helped shutout their ninth opponent of the season.

I am proud to acknowledge and congratulate the Clay County High School Varsity Football team of 2005 in the House today, and extend my most heartfelt congratulations to these talented young people for this significant accomplishment.

## TRIBUTE TO LEWIS AND CYNTHIA UHLER

### HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. DOOLITTLE. Mr. Speaker, today I wish to congratulate two good friends from my district in California, Lewis and Cynthia Uhler, as they celebrate their 50th wedding anniversary on December 26th.

Lew and Cindy grew up together in San Gabriel, California. Long-time friends, they both graduated from Alhambra High School one year apart. However, their relationship gradually changed after Lew went off to Yale University, where he graduated in the class of

1955. They began dating when he returned home for visits during those college years. Meanwhile, Cindy also attended college and worked.

Mr. Speaker, it was during Lew's first year attending the Boalt Hall School of Law at the University of California at Berkeley that the Uhlers' life together really began. During the Thanksgiving break, Cindy agreed to Lew's marriage proposal and they decided to have the wedding the next time he was home. They both knew what they wanted and then made it happen. Thus, on the day after Christmas, December 26, 1955, they were married. This example of setting an important goal and then focusing on quickly realizing it reflects the pattern they have established ever since then.

Their first home together was Berkeley, California. Subsequently, Lew's duty in the Army led them to Baltimore, Maryland. However, their roots continued to be in Southern California until Governor Ronald Reagan designated Lew as the State Director of the Office of Economic Opportunity, and the Uhlers relocated to the Sacramento area. They have made their home in the beautiful community of Granite Bay for 35 years.

Lew served in Governor Reagan's cabinet as Assistant Secretary of the Health and Welfare Agency. In 1972, Governor Reagan asked Lew to organize and serve as Chairman of the Governor's Tax Reduction Task Force. With the assistance of a nationwide panel of advisors (including Nobel Laureates Milton Friedman and James Buchanan), the task force developed California's landmark Revenue Control and Limitation Act, which became a model for tax-expenditure limitation measures in many states.

A devoted wife and mother, Cindy has always made family the priority in her life. Raising four sons, separated in age by 11 years, was her chief mission. While she has always been interested in working and serving in many ways outside of the home, such activities were always relegated to part-time endeavors so she could focus on the great mission of nurturing her children.

Mr. Speaker, Lew is founder and President of the National Tax Limitation Committee (NTLC), one of the Nation's leading grass roots taxpayer advocacy organizations. With offices in the Sacramento Area and Washington, DC, NTLC works with the White House, Members of Congress, state legislators across the Nation and grassroots organizations to limit state and federal spending through statutory and constitutional enactments. In fact, Lew has been at the forefront of the national movements for a Tax Limitation/Balanced Budget Amendment to the United States Constitution. He has written numerous articles and opinion pieces on taxes and spending. He is the author of the book, Setting Limits: Constitutional Control of Government. He speaks internationally on fiscal issues and has appeared on numerous national, regional and local television and radio programs and has also been widely quoted in the print media.

Cindy has always become very involved in her church wherever the family has gone. Several times, she has served as secretary to the pastor and, as one son puts it, ''running the show.'' It would be difficult to account for all the good and worthwhile efforts to which she has contributed.

Along with his fiscal policy work, Lew has been active in land development in Northern California. He is also a member of the California Bar and serves Of Counsel with the Newport Beach law firm of Davis, Punelli & Keathley.

Lew and Cindy have four grown sons and three lovely daughters-in-law: Jim, John and Tricia, Kirk and Tami, and Mark and Echo. Of course, they also take great joy in their eight grandchildren.

Mr. Speaker, undoubtedly, the life Lew and Cindy have created together is a great American success story—one rooted in a love that has endured and grown for fifty years and counting. Today, I join in commending them for their commitment to one another and their ongoing service to their community. Their dedication to God, family, and country is worthy of praise and emulation.

## REVEREND DR. FRED L. MAXWELL, PATRIARCH OF SPIRITUAL LEADERSHIP IN CENTRAL FLORIDA, AUGUST 2, 1907–DECEMBER 13, 2005

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. CORRINE BROWN of Florida. Mr. Speaker, as a pastor at St. John Missionary Baptist Church in Orlando in the Third Congressional District of Florida and an advocate for poor and homeless people in Central Florida, it was in the early 1990's that Rev. Maxwell founded the Grand Avenue Economic Development Corporation. Then, in 1994, due to the tremendous and continually increasing need for permanent housing opportunities for the homeless in the community, Maxwell with the aid of ''his Member of Congress'' Congresswoman CORRINE BROWN, led an effort to apply for grant funding from the Department of Housing and Urban Development to create permanent housing for single, disabled homeless persons, a group rarely assisted. The effort was successful and the organization was awarded $4,800,000 to create 100 units of permanent single room occupancy housing.

As a community advocate, economic development pioneer, and spiritual leader, Rev. Maxwell worked as a catalyst for change for more than a decade to bridge the gap between the rich and poor and black and white communities in Central Florida.

In addition to his public sector work, Rev. Maxwell was an author, ''Where Is Thy Brother,'' a book of his sermons; a radio pastor for 22 years; started a community credit union; construction development company; tax preparation business; transportation company; citrus business, and even appeared in commercials promoting Florida orange Juice.

Rev. Maxwell received the divine call to the ministry in 1926 at the age of 19, but it took him 20 years to heed the call in 1946. In 1950 he became the pastor of Zion Hill Baptist Church, one of the oldest Black churches in Orlando, and at the same time serving as pastor of Shiloh Baptist Church in Alachua, also know as one of the oldest Black churches in Alachua County. In 1964 he was called to pastor at St. John Missionary Baptist Church located on Carter Street in the City of Orlando. In 1971, he organized the purchase of St. John's current location at 2025 West Central Boulevard, Orlando.

In the early 1980's many poor and homeless people were affected by major winter storms in Central Florida and Pastor Maxwell used the church's fellowship hall to provide food, shelter and clothing to people with no homes. It was at this time he became an advocate for the homeless and prayed, ''Lord, let your will be done. I desire to do something to make conditions better for some homeless people, Lord, teach me, lead me, and guide me.''

Maxwell retired as Senior Pastor of St. John Missionary Church in 2001, but never from the ministry and stated, ''Retired, but not slacked up one bit.''

[From the Orlando Sentinel, Dec. 14, 2005]

REVERED MINISTER, MENTOR DIES AT 98

(By Jeff Kunerth)

The Rev. Fred Maxwell, a man considered the father of Central Florida's black preachers, died Tuesday. He was 98.

Maxwell, who served as pastor of St. John Missionary Baptist Church for 37 years, was a civil-rights leader, ardent advocate for the homeless, human history book and a man so universally respected that he often was called in to mediate church disputes.

''This was a man anyone would want to know—similar to Rosa Parks to me. The Reverend Maxwell had that kind of presence,'' Orlando City Commissioner Daisy Lynum said. ''You are talking about an icon.''

To ministers such as the Rev. Randolph Bracy of New Covenant Baptist Church of Orlando, Maxwell was a mentor who encouraged them, and helped resolve the problems that arise with pastoring.

''He knew how to bring calm to a very raucous situation. He had a special gift that way,'' Bracy said. ''I have lost a dear friend. I have lost a mentor.''

Orange County Commissioner Homer Hartage remembers Maxwell as a tireless advocate for the homeless.

Maxwell was instrumental in securing a $4.8 million federal grant to convert a former motel on Colonial Drive and John Young Parkway into a 127-unit rental complex for the homeless that became known as Maxwell Terrace.

But he didn't stop there. When Maxwell came to Hartage seeking support for another motel conversion on South Orange Blossom Trail, Hartage turned him down—four times. Maxwell kept coming back until Hartage finally relented.

Two years later, Hartage had a cousin who got out of prison and needed a place to transition back into society. He found an apartment at Maxwell Gardens on South Orange Blossom Trail.

''He ended up living in the same place I had problems approving,'' Hartage said.

Maxwell, who used a wheelchair, was still active and alert, working on a land deal in Maitland just a few months ago, Hartage said.

''He was still strong, and he was still able,'' Hartage said. ''You really, in your heart, wanted to see him around forever. You just expect him to be there.''

Eatonville Mayor Anthony Grant called for a moment of silence at a Town Council meeting Tuesday night to honor Maxwell.

''He stood up for everything that was right. We have lost a good leader,'' said Ella Dinkins, 87, a volunteer at the Zora Neale Hurston Museum.

Born in Williston on Aug. 2, 1907, Maxwell grew up in Lake County as the son of turpentine industry workers.

He said he first heard the calling to the ministry when he was 19 but rejected it. He worked as a carpenter, grew citrus and started a janitorial business.

Decades later, when he finally answered the calling, he was the father of six children.

Maxwell preached throughout Central Florida. He became minister of Orlando's St. John Missionary Baptist in 1964 and remained there until 2001.

A man who left school in the third grade, Maxwell obtained his high-school diploma later in life and would become known for his intellect and eloquence. That was his entry into the worlds of the humble and the mighty.

''He was not pretentious, even though he was very intelligent, very capable,'' Lynum said.

''He is going to be remembered as an advocate, but not just for the homeless. He worked in the community unselfishly.''

Maxwell's life spanned the Ocoee race riot of 1920 to the civil-rights struggles of the 1960s to the election of blacks to public office.

And he remembered it all until the end.

''He was just a rich repository of African-American history in Central Florida,'' Bracy said. ''He was a living legacy.''

## TRIBUTE TO THE PEOPLE OF IRAQ

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. UDALL of New Mexico. Mr. Speaker, yesterday, millions of Iraqis turned out to vote, and the fledging democracy in Iraq took another step forward. I join all my colleagues in commending the Iraqi men and women for their action, and continue to thank the American men and women who are honorably serving abroad. Unfortunately, despite this important step, there still is a lack of leadership from the White House or from the Majority on the strategy that will bring our soldiers home victorious and bring them home soon.

And yet again, an opportunity for a meaningful debate on Iraq has failed to emerge. This debate must occur, and it must occur now. We see Iraqis voting, but we don't know when their governmental authority will take hold. We see the Iraqi army training, but we don't know when they will be ready to independently defend their nation. We see American troops serving and dying, but we don't know when they will return.

A strategy must be outlined, both to the American people and to the Iraqi people, which demonstrates a path to success. Rhetoric must be replaced with substance for such a strategy to develop. I believe that a concentrated effort will be necessary to urge the Iraqi people to take a lead in the war efforts and in the redevelopment efforts. Only by accelerating the transfer of responsibility to the Iraqis will they be ready to lead their nation toward a stronger democracy sooner rather than later.

Mr. Speaker, earlier this week the President finally admitted that this war was based on several false pretenses and was supported by claims and arguments that were wrong. The President and the Majority must admit that this continued lack of planning on their part is most importantly a disservice to our soldiers, a disservice to Congress, and a disservice to the American people. If we do not learn from this mistake it will be repeated—and the consequence will be more loss of American lives. I again join others in calling for a debate on Iraq, I call for a real strategy and a real plan for success, and I applaud the Iraqi people for their recent success in taking part in the democratic process.

## TRIBUTE TO RETIRING COLONEL TONY A. IMONDI

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SKELTON. Mr. Speaker, it has come to my attention that Colonel Tony A. Imondi is retiring after a long and distinguished career.

Colonel Imondi received a Bachelor of Science Degree in Aeronautics from Dowling College in 1975. After completing Officer Training School in 1976, he entered the Air Force. In 1981, he received a Master of Science Degree in Systems Management from the University of Southern California.

In 1987, he joined the B–2 Stealth Bomber program and became a member of the B–2 Operational Test and Evaluation team and the Deputy Commander for Operations of the 31st Test and Evaluation Squadron at Edwards AFB, CA. In September 1991, he became Strategic Air Command's very first B–2 pilot. He subsequently moved to Whiteman AFB, MO, upon delivery of the first production B–2. He was appointed Deputy Commander of the 509th Operations Group at Whiteman AFB, MO, in December 1993.

After his promotion to Colonel, he attended the Industrial College of the Armed Forces at Fort McNair in Washington, DC. Following his distinguished graduation from ICAF, he served two years on the staff of the Secretary of Defense monitoring weapons testing before returning to Whiteman as the Commander of the 509th Operations Group in 1998.

In 2000, Colonel Imondi assumed duties as the Vice Commander of the 2nd Bomb Wing, Barksdale Air Force Base, Louisiana. In September 2001, after the terrorist attacks on the United States, Colonel Imondi deployed in support of Operation Enduring Freedom as Vice Commander of the 28th AEW, conducting combat missions in Afghanistan. In 2002, Colonel Imondi was assigned to the Directorate of Operations, Headquarters AETC. Colonel Imondi is a command pilot with more than 5,500 hours of flying experience in a wide variety of Air Force aircraft.

Colonel Imondi's awards and decorations include the Defense Superior Service Medal, the Bronze Star Medal, the Legion of Merit Award, the Meritorious Service Medal, the Air Medal and the Aerial Achievement Medal.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Colonel Tony A. Imondi for his exception commitment to the United States Air Force and the United States of America.

## PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. BLUMENAUER. Mr. Speaker, I thank the sponsors to this resolution for their good intentions In opposing terrorism and promoting peace in the Middle East. However, I am concerned that it could have the opposite effect.

I join my colleagues in reaffirming the United States' total commitment to the security of Israel. I condemn Hamas wholeheartedly as a terrorist group whose aims are the destruction of Israel and whose tactics of murder are inexcusable and unjustifiable. They commit horrific terror attacks against innocent Israelis and, in doing so, set back the aspirations of the Palestinian people to statehood.

Through its social service networks and other actions, Hamas has made itself an important political force in Palestinian society. Therefore, the reality is that the way to defeat Hamas begins at the ballot box. I agree with leading Israeli and American security experts who believe that any efforts to exclude Hamas will only backfire and strengthen them. Instead, we must recommit to working against Hamas—to marginalize them, weaken them, disarm them, contain them, strengthen their democratic opponents, limit their power and influence, and eventually eliminate them.

As General (Ret.) Ephraim Sneh—the former West Bank military governor and Deputy Israeli Defense Minister—wrote in the Washington Post, ''Under current conditions in the Palestinian territories, especially given the Palestinian government's weakness, political containment should precede the dismantling of Hamas's military infrastructure. The urgent objective is to defeat it in the next parliamentary elections. Steps that could strengthen it in the elections should be strictly avoided. Attempts to postpone the elections yet again, or to prevent Hamas's participation, or Israeli disruption of the elections as 'punishment' for the participation of Hamas, will strengthen Hamas in the Palestinian street instead of weakening it.''

I am concerned that this resolution sends a message that would be harmful to Israeli security and set back efforts to establish the vision of a democratic Palestinian state that lives side-by-side with Israel in peace. Therefore, I cannot support the resolution.

## RECOGNIZING CENTENARIAN ELSIE JOHNSON OF HERNANDO COUNTY, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Elsie Johnson of Hernando County, Florida.

Elsie has done something that all of us strive for, but that very few of us I will ever accomplish, celebrate her 101st birthday.

Born April 17, 1904 in Coventry, Connecticut, Elsie Johnson attended school in

Massachusetts. She worked for seventeen years at Sears where she manufactured shears. Married to Hugo Johnson in 1921, she and her husband were blessed with four children, nineteen grandchildren and fourteen great grandchildren. She has proudly seen all of her children married and make lives of their own. Married for forty-two years, the happiest events in Elsie's life were her wedding day and the birth of her first daughter.

Elsie moved to Hernando County with her daughter and says that her favorite part of the county is the nice and friendly people who live there. Today Elsie says that she enjoys her crochet work and doing her housework. Passing on the wisdom of her years, Elsie says that her advice to young people today is to "work for what you have and don't expect it to be given to you and to develop higher values."

Mr. Speaker, I ask that you join me in honoring Elsie Johnson for reaching her 101st birthday. I hope we all have the good fortune to live as long as she has.

## RECOGNIZING AND HONORING AN AMERICAN GIANT, CONGRESSMAN JOHN D. DINGELL, JR.

SPEECH OF

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2005*

Mr. OWENS. Mr. Speaker, certainly I would like to associate myself with the previous remarks of congratulations, admiration, and appreciation expressed by numerous members of this House about our esteemed and revered colleague, Congressman JOHN DINGELL of Michigan. It is my opinion that wisdom is the invaluable contribution which Chairman DINGELL continues to offer our deliberations; it is wisdom, gained from years of hard work, experience and keen analytical observations. At a time of relentless public policy turmoil and frequent partisan confrontations, this institution needs well-anchored, seasoned, counseling to blend with the know-how and energy of the fresh and the young. JOHN DINGELL's fifty-year life investment in the House of Representatives continually produces a dividend for all Americans.

## LETTER TO CONGRESS FROM THE DAUGHTERS OF FORMER SENATOR PAUL TSONGAS

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. MARKEY. Mr. Speaker, throughout his distinguished career, our former colleague, Senator Paul Tsongas, worked tirelessly to ensure that our environment and our nation's natural treasures would be preserved for future generations of Americans. He was particularly proud of his leadership in the Senate that led to the original designation of approximately 18 million acres of land in Alaska, including the Arctic Coastal Plain, as the Arctic National Wildlife Refuge. Nothing better demonstrates the importance of the idea of generational responsibility for which he fought so stridently than the statement below from his three daughters—Ashley, Katina and Molly. Senator Tsongas understood that he had a duty to protect the Arctic National Wildlife Refuge for his daughters, and this Congress must understand that it has a charge to continue to preserve this unspoiled wilderness for future generations.

Since its establishment 25 years ago, the threat to the Arctic National Wildlife Refuge has never been greater, but so is the support of American families for keeping drilling away from this magnificent pristine ecological gem. This statement of the Tsongas family is eloquent testimony to the fact that the wilderness values of our wildlife refuge system are eternal, whereas the energy value of a few oil wells will always be fleeting.

Letter to Congress from the daughters of former Senator Paul Tsongas:

DEAR MEMBER OF CONGRESS: We are writing to express our hope that you will vote to keep any authority for oil and gas drilling in the Alaska National Wildlife Refuge out of the budget reconciliation bill. Our father, Sen. Paul Tsongas, believed the most valuable opportunity afforded to any member of Congress is the opportunity to make this country and this world a better place for future generations. The principle of generational responsibility was both grand and personal—he fought for America's children and for us, his three daughters and his future grandchildren and great-grandchildren. For this reason, he cosponsored the legislation to establish the Arctic National Wildlife Refuge with the expectation that it would not only be his enduring gift to us but also Congress's legacy to America's future generations. In doing so, he entrusted us with the responsibility to ensure that this unique natural resource remains protected, not just for a few decades, but for generations to come.

In the years after he left the Senate, our father would cite the creation of this magnificent wild arctic sanctuary as one of the accomplishments he was most proud of in his life. We know that he would be fighting for its preservation today. As his daughters and as Americans, we treasure the gift he gave us and the responsibility it carries. We take this responsibility very seriously and hope that you do as well.

## SUPPORTING THE GOALS AND IDEALS OF KOREAN-AMERICAN DAY

SPEECH OF

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2005*

Mrs. MALONEY. Mr. Speaker, I rise today in support of H. Res. 487, supporting the goals and ideals of Korean-American Day. This important resolution also recognizes the 103rd anniversary of the arrival of the first Korean immigrants to the United States.

In January 1903 the first Korean immigrants came to the United States. Since then, Korean-Americans have raised families, participated in their communities, and contributed to the economy.

I am proud to represent the thousands of Korean-Americans living in my congressional district. These hard-working individuals have started numerous businesses which help to strengthen the economy of New York City.

Our nation's diversity is one of its greatest strengths, and I am pleased that this resolution honors the achievements of this vibrant community.

## TRIBUTE TO OLGA DEFELIPPO

### HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. FOSSELLA. Mr. Speaker, it is with both great pride and sadness that I remember Mrs. Olga DeFelippo, a distinguished, life-long member of the Bay Ridge, Brooklyn community, a tireless advocate for the developmentally disabled, and an exemplary American, who recently passed away on November 3rd at the age of 88.

Today, I honor her memory as a selfless defender for those who could not defend themselves. As a mother of a developmentally disabled child herself, whom no school would accept, she understood personally how children with no voice of their own suffered injustice at the hands of a society that did not comprehend their plight.

This emboldened her to undertake a righteous crusade to render justice and dignity to the thousands of others like her son. She organized other parents and founded the Guild for Exceptional Children, an organization that today still works to help people reach their maximum potential and help families cope with the responsibility of caring for disabled family members at home. With the support of numerous elected and civic leaders in New York State, she lobbied exhaustively, and successfully, for legislation that guaranteed children with developmental disabilities the same right to an education as all other children, and to bring these human beings out of institutions and return them to the comfort of real homes, where they would be surrounded by those who could love and care for them.

Joining the ranks of our Nation's great reformers like Dorothea Dix, Mrs. DeFelippo's efforts to restore dignity to those, less able than we, cannot and will not be forgotten. Olga departed leaving behind her three children, Joseph, Vivienne, and Noel, and her two grandchildren Michael and Peter. However, while we mourn her loss, we as a Nation should smile proudly at her life and her deeds, for there is no greater credit to her accomplishments than having left this Nation and our world better than she had found it.

## PENSION PROTECTION ACT OF 2005

SPEECH OF

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mr. VAN HOLLEN. Mr. Speaker, the good news is that this Congress is at long last attempting to address the looming crisis in our nation's pension system. The bad news is that the best available evidence suggests that today's optimistically entitled Pension Protection Act doesn't achieve its stated objective.

Pension rules are complex. But in my view, the goals of pension policy are really pretty

simple. First, we must protect taxpayers from an S&L style bailout of the Pension Benefit Guaranty Corporation (PBGC). And second, we must shore up the long term viability of the pension benefits promised our workers.

The PBGC today faces a current deficit of about $23 billion, with additional liabilities estimated at up to $100 billion. However, rather than closing that gap, H.R. 2830 actually increases the PBGC's deficit by $9 billion over the next 10 years, according to the Congressional Budget Office (CBO).

Mr. Speaker, I simply cannot support pension legislation that puts taxpayers in greater jeopardy than they already face today.

With respect to pension security, we would do well to recall the Hippocratic admonition to ''First, Do No Harm''. Congressional action that results in companies terminating or freezing or failing to establish defined benefit plans in the first place hurts precisely the same workers we say we are trying to help. Yet that's precisely what this bill does.

A recent survey of the Committee on Investment of Employee Benefit Assets (CIEBA), an organization representing Chief Investment Officers from the nation's largest corporations, found that 60% of pension plans would be frozen or terminated if this legislation becomes law. The CIEBA goes on to warn that HR 2830 would ''have long term consequences for current and future workers, with the potential to damage the retirement security of millions of Americans.''

If we are not effectively securing the earned pension benefits of our workers, then what are we doing here today?

Mr. Speaker, I have a final objection to today's proceedings regarding the inability of our side to offer a Democratic substitute. If we had been allowed a substitute, this House would have had an opportunity to debate a range of critical issues not adequately addressed by the underlying bill—including the inappropriate use of the PBGC as a dumping ground for underfunded pensions run by companies seeking a competitive advantage in the marketplace, the right of older workers not to face age discrimination under federal pension rules and the ability of all workers to receive disinterested investment advice for their company sponsored defined contribution plans. Because the majority has abused its procedural power to block our alternative, these and other important issues that ought to be receiving our careful attention will not see the light of this day.

Mr. Speaker, for the sake of the millions of hardworking Americans counting on their hard-earned pension benefits to support themselves and their families in retirement, this Congress has an obligation to pass meaningful pension reform.

However, I cannot and I will not support pension legislation that further imperils the taxpayers and workers real pension reform is supposed to serve.

I urge my colleagues to vote no on H.R. 2830, and I yield back the balance of my time.

## TRIBUTE TO UNIVERSITY OF NORTH CAROLINA PRESIDENT MOLLY C. BROAD

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to pay tribute to Molly Corbett Broad, President of the University of North Carolina, who will retire from the University at the end of this month following more than eight years of dedicated service to the students, faculty and staff of the University, and to the people of North Carolina.

During President Broad's tenure, the University of North Carolina has begun its journey as a model 21st-century institution. Under her guiding hand, North Carolina voters approved in 2000 the largest revenue bond issue for higher education in the history of this nation. Funds from the ''bond campaign'' are transforming the sixteen constituent campuses of the University through the construction of modern student housing, innovative classrooms, state-of-the-art laboratories and world-class facilities. Bond funds have also enabled UNC–TV to completely digitize its broadcasts and provided the North Carolina Arboretum a remarkable opportunity to make significant investments in its infrastructure and physical plant. During this same period, external grant support to the University has nearly doubled, surpassing $1 billion annually. All of these improvements will enable UNC to sustain its position as one of the premier university systems in the world.

In addition, President Broad has propelled North Carolina to the forefront of public higher education in the use of information technologies across all facets of University life. Her keen vision and recognition of the power of information technology to transform education and the economy of our nation and the world is widely acknowledged. Whether seeking her perspective on the academic usefulness of peer-to-peer technologies, the virtues of online and blended learning in support of access and teacher preparation, or the promise and potential of ''open source'' applications, CEOs of major U.S. corporations, international institutions of higher education, governments and not-for-profit organizations across the globe look to President Broad for sage advice and foresight.

During President Broad's tenure, UNC has also emerged as a national leader in ensuring access to quality higher education, especially among lower-income and first-to-college families. Over the past eight years, the number of North Carolina high school graduates going on to a two-year or four-year college has steadily increased. As a result, North Carolina now has one of the highest college-going rates in the country, and it is still climbing. One of the keys to this success has been the development—in partnership with the K–12 and community college systems—of CFNC.org, a one-stop web-based resource that enables students and their families to learn how to ''prepare, apply and pay for college.'' Developed during the Broad administration, CFNC.org has become a national model in enabling colleges and universities to provide readily available, quality information to students and families about how to pay for a college education—filling a need that the Congress and the public have indicated is so necessary.

Another major development that must be credited to President Broad is the development and growth of North Carolina's Need-Based Financial Aid Program. The North Carolina General Assembly has come to understand that as the college-going rate increases, more North Carolina students will come from circumstances that require financial assistance to make college possible. With legislative support, this need-based program has grown exponentially over the past several years and now provides nearly $60 million to needy North Carolina students.

President Broad has also positioned the University squarely in the middle of North Carolina's economic revitalization. As the North Carolina economy transitions from historical industries such as tobacco, textiles and furniture to 21st-century industries like biotechnology, information technology and nanotechnology, President Broad has stressed that the University must and will play a key role in that transition. From the development on several campuses of biotechnology workforce training and research facilities to the emerging ''biopolis'' in Kannapolis, President Broad has guided the University to the forefront of efforts to re-energize the state's economy and prepare a brighter future for North Carolinians across the state.

She has taken other steps to ensure that our children receive the education they will need in order to be prepared to enter the 21st-century job market. Under President Broad's guidance, the University is on track to increase its certification of K–12 teachers by more than 60 percent over five years. In addition, during the Broad years the University has surged forward in its collaborations with K–12 schools to produce the highest qualified teachers and administrators through such programs as NC TEACH, the North Carolina Mathematics and Science Education Network, and the North Carolina Principal Fellows Program.

President Broad also has been a leader at the national and international levels, chairing or serving on the boards of such diverse organizations as the University Coalition for Advanced Internet Development (Internet2), the International Council on Distance Education, the Council on Competitiveness, and the National Association of State Universities and Land Grant Colleges. She co-chaired the study group that produced the Business-Higher Education Forum report, ''Building a Nation of Learners,'' which has contributed greatly to the important national discussion about the skills our college graduates need to be competitive workers and effective citizens in our 21st-century global society.

We are fortunate that President Broad's retirement from the University does not mean she is retiring from professional life. She will assume a position at the University of North Carolina at Chapel Hill School of Government, and we fully expect her to continue to contribute to the advancement of higher education in North Carolina and beyond for many years to come. We are very pleased, however, that she will have more time to spend with her devoted husband and partner, Bob Broad, and her wonderful children and two grandchildren.

In closing, I want to cite several observations made by others about President Broad's service to the state and University over the past 8½ years. Shortly after announcing her

retirement, the Raleigh News and Observer commended the President for her ''passionate commitment to excellence and for her effective shouldering of the system's noble mission of public service.'' The Durham Herald-Sun noted that President Broad will ''leave the state's public universities . . . ever stronger for her stewardship.'' And the University's Board of Governors recognized that ''as a result of her visionary leadership, this University and this state are better prepared to compete and prosper in a global economy.'' Of perhaps even more significance is the fact that President Broad was recently awarded the Order of the Long Leaf Pine, the highest tribute that can be paid to any son or daughter of North Carolina.

Molly Broad is one of the most personable, intelligent, conscientious, and committed leaders that I have ever had the pleasure to know. From the time of our first meeting, when I was delighted to learn of her intent to strengthen the university system's capacity to work with federal agencies and our congressional delegation, through our collaborative efforts to enhance research support, protect academic freedom, strengthen the university system's contribution to homeland security, and build the international component of higher education, I have enjoyed and appreciated the opportunity to work with her. The people of North Carolina have benefited and will benefit for many years to come from President Broad's service at the helm of their university system. Molly, congratulations on a job well done, and thank you for all that you have accomplished for North Carolina.

## FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SPEECH OF

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 3010, the Fiscal Year 2006 Appropriations Act for the Departments of Labor, Health and Human Services and Education. H.R. 3010 severely cuts education, health care, and human services that are crucial to North Carolina and to the country. This conference report is only marginally better than one that failed last month.

As the only former state schools chief serving in Congress, I know firsthand the devastating effects that these education cuts will have. At a time when we are asking our schools to do more than ever, H.R. 3010 cuts No Child Left Behind Funding by $779 million below last year's level and makes it impossible for our schools to meet high standards of accountability. These cuts will destroy the morale of our teachers, parents and students.

America's working families are struggling to pay record costs for college tuition and expenses. Last November, President Bush made a campaign promise to increase funding for Pell Grants and invest in higher education. Even though the cost of a four year college education has increased thirty-four percent since 2001, the maximum Pell Grant is frozen at $4,050 for the fourth straight year in a row. America needs a highly trained and educated workforce to compete in the global marketplace of the 21st Century, but H.R. 3010 slashes funding for education at all levels and strains school budgets.

The failure of H.R. 3010 to represent the values of the American people extends beyond the walls of the classroom. H.R. 3010 slashes funding for community health centers that assist the almost 46 million uninsured Americans, and under funds the Centers for Disease Control as we face the possibility of a flu pandemic. And as winter officially begins next week with expected record prices to heat their homes, H.R. 3010 fails to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and children.

Mr. Speaker, H.R. 3010 fails to represent the priorities of the American people. I urge my colleagues to vote against this bad bill and restore funding for essential services for our families.

## THE BIOFUELS ACT OF 2005

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. WELLER. Mr. Speaker, I rise today to introduce legislation that achieves a comprehensive approach to the future of renewable fuels. As we move forward with national energy policy, I strongly believe we need to start taking steps in a direction that will provide consumers with another option other than just oil based fuels. With crude oil hovering around $60 a barrel, renewable fuels like ethanol and biodiesel have started to become economically competitive with oil based fuels. By advancing the use and knowledge of renewable fuels, we can lower demand for imported oil by growing America's energy independence.

The BioFuels Act of 2005 will push forward an aggressive schedule for renewable fuels by mandating the renewable content of gasoline to be 25 billion gallons by 2025. Under the Energy bill, we are mandating that the renewable content of gasoline be at 4 billion gallons by 2006 which is 2 percent of total gasoline. Once implemented, the ''25 by 25'' initiative would raise that percentage up to 12.5%.

In addition, this legislation will ensure that government agencies will expand their use of renewable fuels. In the mentality of ''practice what you preach'' it is time for our own federal government to increase their use of ethanol and biodeisel where these fuels are reasonably available. In attempting to reduce our dependence on foreign oil, it should start right here in our nation's capitol.

I believe the most innovative part of this legislation is a new tax credit that will provide for consumers who purchase a new concept vehicle which combines hybrid and flexible fuel technologies. It is this marriage of these technologies that will create a vehicle that will be better steward to our environment and will further reduce our dependence on foreign sources of oil. In providing this tax credit, we promote a greater sense of innovation for the future of automobiles.

One problem we face in the advancement of renewable fuels is the sub par infrastructure we currently have in place. With ethanol and biodiesel plants mostly focused within the Midwest and with only around 1,000 fuel stations that carry E–85 transportation fuels, it is essential that we provide tax incentives for the construction and development of ethanol and biodiesel plants. The legislation also builds upon the relationship between renewable fuels and industry that started in the last Energy bill. The legislation achieves this by providing multiple tax incentives for the construction and development of an infrastructure that will be more able to expand past the Midwest.

The BioFuels Act of 2005 will provide an aggressive 7-year depreciation schedule for all ethanol and biodiesel refining equipment. Also included within this section is a provision that will expand and extend the installation of alternative fuel refueling property that we in Congress passed earlier this year. The provision will allow taxpayers to claim a more effective percentage tax credit for the cost of installing clean-fuel vehicle refueling property to be used in a trade or business of the taxpayer or installed at the principal residence of the taxpayer. This ramped up percentage schedule would help accelerate the construction of the E–85 infrastructure.

Finally, this legislation makes the government put its money where its mouth is in advancing renewable fuels research and use. We can mandate the use of renewable fuels year after year but if we do not encourage research that will make renewable fuels more cost effective, the advancements in renewable fuels will only be small steps in innovation. The BioFuels Act reauthorizes the BioEnergy program that was handled in the 2002 Farm Bill at a level of $140 million for the next 9 years. This program has been a driving force in the advancement of renewable fuels and under this legislation will focus heavily on cellulosic ethanol and hydrogen technologies.

It is now more important than ever that we move towards an energy policy that is less dependent on foreign oil. One of the attributing factors for the high costs of oil is the ever so present terrorist threats to the critical oil infrastructure in the Middle East and the other oil producing regions of the world. The volatility of the oil markets has been made fragile by international conflicts and disingenuous organizations. What happened in the 1970s with OPEC is a reminder of what can happen when nations are greatly dependent upon other nations for a single resource. By encouraging renewable fuels, we will have the ability to grow our own energy security and further ensure that we are not greatly affected by the volatility of world demand.

In closing, I believe the BioFuels Act of 2005 sets forth the comprehensive approach we need in order to blend the use and knowledge of renewable fuels into our society. The latest Energy Information Administration energy outlook report, comments that we can expect these oil prices around $60 to be present from now until the year 2030. Also contained within this report showed that total petroleum consumption is projected to grow from 20.8 million barrels per day in 2004 to 26.1 million barrels per day in 2025. We need to make a serious investment in finding another option to oil. Oil will be used today, tomorrow and for probably the next 100 years but if we do not look towards other options, consumption and

demand will only further increase. Now is the time to advance our knowledge, our use and our partnership with industry of renewable fuels. This legislation is good for farmers, the automobile industry, consumers, the environment and most importantly, the goal of reducing our dependence on foreign oil. I believe the BioFuels Act of 2005, the legislation I introduce today, achieves the goals in renewable fuels we need to achieve. I ask my colleagues to join me in moving forward with this innovative approach.

## IN MEMORY OF FORT WORTH POLICE OFFICER HENRY ''HANK'' NAVA

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. GRANGER. Mr. Speaker, I rise today to honor a courageous police officer from my district who was slain on December 2, 2005. Fort Worth Police Officer Henry ''Hank'' Nava died from a gunshot wound to the head that he received on November 28 while searching for a man who was wanted by police. His loving family and many of his fellow officers were at his side when he died.

Officer Nava was a remarkable officer of the peace who was admired both by fellow officers and citizens of Fort Worth.

Officer Nava, a native of central Texas, began his career in law enforcement in 1988 as an Austin, Texas, park police officer. He became a Fort Worth police officer in 1992 and in the ensuing 13 years worked tirelessly to protect the citizens of Fort Worth. Officer Nava worked for the Plano, Texas, police department for a brief period in 1999 but soon returned because he missed Fort Worth.

During his career, Officer Nava served as a Fort Worth patrol officer, a neighborhood patrol officer, a school resource officer and, for the last 2½ years of his career, as a member of the North Division Crime Response Team. Officer Nava quickly earned the reputation of a hard working officer who always had a smile and the officer who wore the Oakley sunglasses. Often, after his shift ended, Officer Nava would take one more call for help. He mentored young people through the Police Department Explorer Scout program. His desire to help others was exemplified when he and several members of the Fort Worth Police Department traveled to New Orleans to deliver relief supplies to the victims of Hurricane Katrina.

Officer Nava was devoted to his wife, Teresa, and his children KayLeigh, 9, and Justin, 4. He was an outstanding and loving husband as well as a friend to Teresa. Because of his love for his wife, he always took time from his work to be with her whether it was on their yearly cruise or a call home. His last call to Teresa came just minutes before he entered the home where he was fatally shot. His children were the joy of his life. He showered them with his love and attention, as only a proud father can do. Whether it was having fun around the family backyard pool or participating in an activity, Officer Nava always made certain his children had his full attention and that the moment was special for them.

Officer Nava's commitment to law enforcement, his deep love for his family and his pride in Fort Worth made him an outstanding Fort Worth police officer and citizen. I am proud to honor Officer Henry ''Hank'' Nava for his services to Fort Worth and its citizens. He will not be forgotten.

## CELEBRATING THE LIFE OF FATHER TIMOTHY HANNON

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SHAW. Mr. Speaker, I rise today to celebrate the extraordinary life of Father Timothy Hannon, Pastor of St. Anthony Catholic Church in Fort Lauderdale, Florida, who passed away on November 2, 2005.

Timothy Hannon was born the eldest of eight children in County Clare, Ireland. He was ordained into the priesthood in 1962 and began his life-long dedication of service and devotion to the Catholic Church under the Archdiocese of Miami.

He served as Associate Pastor at St. Anthony Parish in Fort Lauderdale, Florida from 1962 to 1964, Associate Pastor at Nativity Parish in Hollywood, Florida from 1964 to 1968 and as associate Pastor at St. Vincent Ferrer Parish in Delray Beach, Florida from 1968 to 1971. He then founded St. Malachy in Tamarac, Florida in 1971 and remained there as Pastor until 1980.

He dedicated the next 25 years, where his vocation began, at St. Anthony.

Under his leadership St. Anthony School and Parish, the oldest in Broward County, flourished. He worked to ensure that students were given the best Catholic education possible and parishioners a welcoming place of worship. He encouraged all those with whom he came into contact to grow in mind, body, and spirit. He will be remembered for his gentle manner and quiet intellect.

Father Hannon is survived by his four brothers, Patrick, Michael, James, and Flan, and two sisters, Ann and Mary, all of whom live in Ireland. His brother John, also a priest, was killed by insurgents while serving last year in Nigeria.

Mr. Speaker, Father Hannon served as a role model, a spiritual leader, a guidance councilor, and an educator to so many in the St. Anthony family and beyond. Those that knew him were blessed by his friendship and his many accomplishments will have a lasting impression in the community.

## ACCOUNTABILITY OF THOSE SERVING ON INTERNATIONAL FORCES AND MISSIONS

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SMITH of New Jersey. Mr. Speaker, as Co-Chairman of the Helsinki Commission, I want to inform colleagues of an important breakthrough in combating human trafficking achieved at the recently concluded Ministerial Council meeting of the Organization for Security and Cooperation in Europe (OSCE). There have been growing concerns in recent years that some individuals serving as peacekeeping forces, or civilian contractors involved in international operations and other personnel serving with international organizations have helped fuel the demand side of the human trafficking cycle, particularly for sexual exploitation. These concerns stem in part from shocking revelations of complicity by elements in these operations with trafficking networks profiteering from this contemporary form of slavery.

Serving in my capacity as Special Representative on Combating Human Trafficking for the OSCE Parliamentary Assembly, I have pressed for adoption of a zero-tolerance policy regarding trafficking in human beings by personnel involved in peacekeeping missions, along with related education and training.

Overcoming pushback from various quarters, I am pleased to report that agreement was reached earlier this month among the 55 OSCE countries meeting in Slovenia, including numerous countries actively involved in peacekeeping missions around the globe, to ensure the highest standards of conduct and accountability of persons serving on peacekeeping forces and other international missions. Importantly, the OSCE countries have pledged to step up efforts to prevent military and civilian personnel deployed abroad from engaging in trafficking in human beings or exploiting victims of trafficking. Countries with deployed military and civilian personnel have also agreed to work cooperatively with authorities in countries hosting such missions, in efforts to combat trafficking in human beings.

While many of the cases involve sexual exploitation and abuse, the OSCE countries also recognized that cases involving forced labor also need to be aggressively pursued and have committed to enforce relevant standards of conduct and to ensure that any such cases are properly investigated and appropriately punished.

Mr. Speaker, if we are to be successful in combating human trafficking, we must be proactive at home and abroad. The OSCE has proven to be an important forum for building consensus and cooperation on anti-trafficking measures throughout the expansive OSCE region. Developing this consensus has required both tact and tenacity. In this regard, I want to recognize the tireless efforts of Janice Helwig and Maureen Walsh, two outstanding professionals on the Helsinki Commission staff. Having secured this important agreement at the OSCE, the Commission will continue to remain fully engaged in monitoring its implementation.

Mr. Speaker. I submit for the RECORD a copy of the Ministerial Decision, agreed to by the 55 OSCE participating States.

DECISION NO. 16/05 ENSURING THE HIGHEST STANDARDS OF CONDUCT AND ACCOUNTABILITY OF PERSONS SERVING ON INTERNATIONAL FORCES AND MISSIONS

The Ministerial Council:

Reaffirming the OSCE commitments to combat trafficking in human beings, in particular 2000 Vienna Ministerial Council Decision No. 1, 2002 Porto Ministerial Declaration and Maastricht Ministerial Decision No. 2/03 and the OSCE Action Plan to Combat Trafficking in Human Beings, as well as its addendum ''Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance'',

Recalling the United Nations Protocol to Prevent, Suppress and Punish Trafficking in

Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, and its comprehensive definition of trafficking in persons,

Reiterating that trafficking in human beings, a contemporary form of slavery, seriously undermines the enjoyment of human rights and fundamental freedoms,

Concerned that military and civilian personnel serving on international peacekeeping forces or other international missions, including contractors, as well as field presences of international organizations including the OSCE could be a contributing factor to the demand side of the trafficking cycle,

Welcoming the efforts of the United Nations as well as other international organizations to develop and enforce ''zero-tolerance'' policies to prevent trafficking in human beings by both forces and other staff, which, combined with education and training, are required,

Recalling the ongoing activities in all relevant international organizations aimed at the development of common standards and best practices to prevent and combat trafficking in human beings,

Concerned about reports of misconduct by military and civilian personnel serving on international peacekeeping forces or other international missions, including reports of engaging in trafficking in human beings as defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, strongly condemning such acts, and noting that they have a detrimental effect on the fulfillment of mission mandates,

Concerned also about reports of misconduct by military and civilian personnel serving on international peacekeeping forces or other international missions including reports of sexually exploiting and abusing local and refugee populations, as well as reports of cases of forced labour, strongly condemning such acts, and noting that they have a detrimental effect on the fulfillment of mission mandates,

Emphasizing the need for more information and awareness-raising concerning these issues among personnel serving on international missions,

Taking note of efforts by the United Nations aimed at ensuring that personnel serving on peacekeeping forces or other international missions are held to the highest standard of conduct and accountability,

1. Calls on participating States to improve, where necessary, measures to prevent military and civilian personnel deployed abroad to peacekeeping forces or other international missions, as well as OSCE officials, from engaging in trafficking in human beings or exploiting victims of trafficking. In this regard, the participating States will seek to ensure that their national laws, regulations, and other relevant documents can be enforced with respect to their nationals who are serving on peacekeeping forces or other international missions, with a view to ensuring the highest standards of conduct and accountability;

2. Calls on participating States with deployed military and civilian personnel to assist, within their competence and respective mandates, responsible authorities in the host country in their efforts to combat trafficking in human beings. Each participating State will take into account policies and consequences regarding trafficking in human beings when instructing its military and civilian personnel to be deployed abroad;

3. Calls on participating States to take appropriate action necessary to prevent sexual exploitation and abuse, as well as cases of forced labour, by military and civilian personnel deployed by them who are serving on peacekeeping forces or other international missions, to enforce relevant standards of conduct in this regard, and to ensure that any such cases are properly investigated and appropriately punished;

4. Reaffirms the importance of implementing the Code of Conduct for OSCE Officials and Staff Instruction 11 addressing trafficking in human beings and instructs the Secretary General, drawing on the expertise of the OSCE Special Representative on Combating Trafficking in Human Beings and the Anti-Trafficking Assistance Unit, to update these documents to make them in line with this decision, and to circulate them to the participating States for comments and discussion prior to issuance;

5. Invites the governments of the OSCE Partners for Co-operation also to commit to the same, principles as are set forth in this decision and to that end tasks the OSCE Special Representative on Combating Trafficking in Human Beings and the OSCE Secretary General to share relevant information and materials with the OSCE Partners for Co-operation;

6. Tasks the OSCE Special Representative on Combating Trafficking in Human Beings to share with relevant international organizations OSCE training materials and other information that could assist in combating trafficking in human beings;

7. Tasks the OSCE Secretary General to report annually to the Permanent Council on the implementation of this decision in regard to the Code of Conduct for OSCE Officials and Staff Instruction 11, in accordance with provision III 11.1 of the OSCE Action Plan to Combat Trafficking in Human Beings.

## THE GLOBAL TRADING SYSTEM

### HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. ENGLISH. Mr. Speaker, as the United States continues to lead the world in trade and commerce, the rules-based system which we helped pioneer has been steered off course by some of our trading partners who profit from the system without submitting to its disciplines. New members in the global trading system are given sufficient time to adjust to the established rules. However, economic giants like China have taken advantage of this system, to the detriment of our manufacturers and workers.

While China has benefited from our relatively low tariffs and high degree of transparency, it has failed to live up to the obligations to which it agreed in acceding to the WTO, the global trading body tasked with setting the rules. As a result, America's manufacturing sector, and most recently the pipe and tube industry, is dwindling away, struggling to survive in a market distorted by currency manipulation, government subsidization of industry and illegal surges of cheap imports!

This month, however, President Bush and the administration have an opportunity to send a powerful message by standing up and protecting America's domestic pipe and tube industry by implementing quota relief as part of the China-specific safeguard, or Section 421, to help combat China's low-cost pipe imports which illegally flood our markets.

Included by Congress as a condition of China's accession to the WTO, Section 421 is a critical element in our trade remedy arsenal because it augments the antidumping and countervailing duty laws by providing domestic producers with a way to respond to absolute or relative increases of imports over periods of time that result in a market disruption.

Between January 2002 and February 2005, five Section 421 petitions were filed and initiated by the ITC. In three of those cases the ITC found that imports caused market disruption, yet no relief was granted to the industries and workers involved under this statute. Earlier this year, seven U.S. standard pipe steel producers, two of which are in my district in western Pennsylvania, filed a Section 421 trade case to seek relief from market disruptions cause by a surge of Chinese pipe imports.

As a result of these surging imports: domestic production and shipments are down by more than 25 percent; 20 percent of the domestic workforce has been laid off; and, from 2002 to 2004, Chinese market share increased from 0.4 percent to just over 10 percent. In addition to standard pipe, China is now the single largest exporter of all pipe and tube to the U.S., and millions of tons of excess steel and pipe and tube capacity in China threaten to wipe out the U.S. pipe industry.

There is no doubt that surging imports are rapidly displacing domestic producers from recent market share. Our American pipe producers have clearly fallen victim to a torrent of unfairly traded imports from China and it is our legal right to respond by imposing this China-specific safeguard program. It is the right thing to do.

I'm pleased that the ITC agreed and chose to advance the pipe and tube petition this past October. Now, however, we have yet another Section 421 trade case, standing before the President, awaiting its fate. If granted quota relief, this domestic industry will be afforded a period to restructure and recover from the damage it has suffered as a result of the illegal import surge.

Our standard pipe producers will be able to rehire laid off employees and finally have the opportunity to make investments to regain competitiveness and continue to contribute to their local economies into the future. A large number of members of this body agree—62 of them joined me in sending a letter to the President urging him to grant relief this month.

It is imperative the President grant the domestic standard pipe industry quota relief under Section 421, and preserve the American steel industry, an industry critical to our nation. In a world where we have to compete to win and win to survive, it is critical that our manufacturers, workers and all of our businesses compete on a level playing field.

America's standard pipe industry contributes to the making of some of the finest products in the world. Providing these firms quota relief under Section 421, will level the playing field for these domestic manufacturers and allow them to thrive in the international trading system of today.

## TRIBUTE TO MR. NICK GEORGE BRONZAN

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Nick George Bronzan of Fresno, California. He is survived by his wife, Peggy, two daughters, Mary and Ann, and son Bruce.

Mr. Bronzan lived a life of honor, compassion and sincere loyalty to those he cared for and to the causes for which he fought.

Born in Stockton, California, Nick spent his childhood in Manteca. Upon graduation from high school, he attended California State University, Fresno and was a Bulldog academically and competitively as the captain of the Fresno State football team. Colleagues recall him as being a real leader and remember him being more interested in the condition and lives of the players than in winning the game.

After graduating from Fresno State in 1939, Mr. Bronzan spent five years as the Kerman High School coach in various sports and teaching mathematics. He worked for 4 years in the Fresno Young Men's Christian Association before becoming the executive secretary of the YMCA in Southern California. Finally settling in Fresno, Mr. Bronzan took a job as the executive director of the Central Valley YMCA in 1968.

Mr. Bronzan was a longtime advocate for youth, seniors, and foster children. He fought for the rights of those who could not fight for themselves. Not only did he work for the foster grandparents program but also served as its director. Mr. Bronzan volunteered alongside others older than 60 to work with children lacking parents and families. He was a member of the Fresno Rotary Club and was elected chairman of the Fresno-Madera Counties Service Area Task Force. His contributions helped develop the Area Agency on Aging for those two counties and in 1984 he was reappointed to the California Commission on Aging and Long-Term Care.

Mr. Bronzan served his community in more ways than one. Although his passing brings sadness to his family, Nick Bronzan's memory will forever live on in the lives of the many people he touched.

## PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

SPEECH OF

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. DINGELL. Mr. Speaker, I rise in opposition to H. Res. 575, expressing the sense of Congress that Hamas should not participate in elections held by the Palestinian Authority.

Now, many of my colleagues might suggest that my opposition to this non-binding resolution means that I stand with the terrorists. I would argue that it means exactly the opposite.

You see, Mr. Speaker, like many of my colleagues, I want to see peace between the Israelis and the Palestinians. I want a free and democratic Palestinian state to stand side by side with the free and democratic Israeli state. And most importantly, I want both states and their peoples to be safe and secure.

For the first time, the Palestinians are engaging in a truly democratic process. I would defer to Palestinian Authority President Mahmoud Abbas and the Palestinian people on how to do this. Mr. Speaker, I have to be honest with you, I do not want foreign leaders telling the United States how to conduct our elections and I think we owe President Abbas and the Palestinian people the same courtesy.

In fact, this is one of the rare occasions that I actually agree with the Bush Administration. On September 20th, Secretary of State Condoleezza Rice said in response to a question regarding Hamas being a part of the election, ". . . we understand that the Palestinian political system is in transition, that it is in transition toward a democratic system, and that has to be a Palestinian process." Secretary Rice went on to say, "This is going to be a Palestinian process and I think we have to give the Palestinians some room for the evolution of their political system."

We need to vest Hamas in the democratic process.

I want to be clear, Mr. Speaker, terrorism is wrong and it should not be tolerated.

However, if Hamas is brought into the process and given the opportunity to run for political office and become part of the political establishment, they will assume responsibility for governance—leading to moderation.

I would submit for the RECORD a statement by Debra DeLee, President and CEO of Americans for Peace Now. Ms. DeLee nicely lays out the position that Palestinian Authority President Abbas is in and why it is important for the elections to go forward in a way that is inclusive in order to moderate those who traditionally turned to terrorism.

Mr. Speaker, I find myself in the interesting position of voting against this resolution and agreeing with Secretary Rice: the United States must let the Palestinians find their way to a democratic state.

THE SHARONIZATION OF HAMAS

(By Debra DeLee)

Israeli Prime Minister Ariel Sharon's recent statement that he would withhold Israeli cooperation from Palestinian legislative elections in January if Hamas candidates take part flies in the face of his own experience with the moderating influence that holding public responsibility can have on extremist views. In explaining his 180 degree turn from being a strong advocate of Israeli settlements in Gaza to the driving force behind their evacuation, Sharon has repeatedly observed that, "what you see from here [in the Prime Minister's Office], you don't see from there." In other words, it was not until he obtained a position of ultimate responsibility for Israel that Sharon began to recognize the burden that the Gaza settlements imposed on the state.

There is no equivalence between the horrific terrorist acts that Hamas has inflicted on Israelis and Sharon's passion for settlement expansion.

Yet it's clear that Palestinian President Mahmoud Abbas is trying to rein in his Islamist opposition through the process of Sharonization (i.e., co-opting the militants by encouraging them to run for public office and to assume responsibility for governance, in the hope that this process will lead to their moderation. )

In an ideal world, Abbas would decide to round up Palestinian terrorists, place a call to his Interior Minister, then sit back to watch the thugs put in prison or die in attempting to evade arrest. But we do not live in an ideal world. While Abbas deplores terrorism, he wants to avoid a Palestinian civil war. And even if he was willing to launch one, with Abbas already struggling to control events on the ground, it's doubtful that the troops at his disposal would win.

Further, if defeating Palestinian terrorists with force alone was so easy, Israel would have done it long ago. Israel's military might has been vigorously applied to the occupied territories for nearly 40 years. It's chalked up some impressive tactical victories. But it has not succeeded in drying out the swamp of terror. Hamas and its fellow travelers are still around, which is why Sharon is busy encouraging Abbas to fight them.

Abbas deserves a chance to see if his way will work better, with the caveat that he must be prepared after the Palestinian legislative elections to forcefully confront those individuals who continue to engage in terror. It is in Israel's interest to see that Abbas is fortified with development aid and encouraged to carry out internal reforms, as well as to ensure that the Palestinian security forces loyal to him are strengthened in order for him to be able to carry out this task.

It is also in Israel's interest to ensure that these upcoming elections go as smoothly as possible. With its departure from Gaza, Israel will not be able to impede the contests in that region. But it could decide—as Sharon has said—to make it impossible for Palestinian voters in East Jerusalem to cast ballots or for candidates, campaign workers, and voters to move from town to town in the West Bank. If such Israeli impediments are put in place, they would delegitimize any victory that secular nationalist candidates might achieve over Hamas candidates, thereby strengthening the hand of the very terrorists that Israel seeks to weaken. They would also shatter the calm that allowed Israel to withdraw quietly from Gaza.

If the Bush Administration has been less than enthusiastic about Sharon's views of the Palestinian elections, it's because the White House has been pursuing the Sharonization of militants operating in areas under American control. Kurdish and Shiite militias have not been forced to disband in Iraq, yet that hasn't stopped representatives of those groups from running in elections and winning top positions in the current government. If the U.S. demanded that the armed supporters of these candidates lay down their weapons before their leaders could assume power, it must have done so in a whisper.

Hamas candidates did well in two earlier rounds of municipal elections. Lo and behold, they have found it necessary to work with Israelis at the local level in order to deal with mundane issues like sewage and water. And their Israeli counterparts have been willing to talk to them. This kind of practical contact is a long way from having terrorists beat their spears into pruning hooks, but perhaps it points to a way forward.

The Bush Administration should encourage Sharon to let Abbas see if he can duplicate this process at the national level of Palestinian politics. If It succeeds, Israel will be more secure, and Palestinian society will be more stable. If it fails, Israel will still have ample military strength upon which it can rely.

## CONGRATULATING BORDER PATROL AGENT THOMAS H. NUETZEL ON RECEIVING THE 2005 TOP HUMANITARIAN AWARD FROM THE U.S. BUREAU OF CUSTOMS AND BORDER PROTECTION

### HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. CASE. Mr. Speaker, as we continue our commitment to securing our nation's borders, I would like to extend a heartfelt congratulations to one of our outstanding border patrol agents, a former resident of Kailua, Hawaii and a real "local boy": Thomas H. Nuetzel.

Today, at the 2005 Commissioner's Annual Awards Ceremony, Tom will receive the U.S. Bureau of Customs and Border Protection's Top Humanitarian Award in recognition of his bravery and service. Tom is currently assigned to the Office of Field Operations at the Douglas Port of Entry in Arizona.

In July, while on the way home from dinner, Tom, his wife Dawn, and their two children observed a rollover vehicle accident. The couple stopped to assist the two adults and two young children trapped in the vehicle. The driver told Tom that there were several full gas cans in the trunk of the overturned vehicle. The heavy rainfall, flooding, and severe lightening magnified a critical situation.

Tom and Dawn immediately called Emergency Medical Services. Then, standing in knee-deep water, Dawn kept the passengers calm as Tom extracted each family member through a broken window. The passengers awaited the arrival of EMS in Tom and Dawn's car. All victims of the rollover accident are doing well, thanks to the selflessness of Tom and Dawn Nuetzel.

Again, I extend a sincere mahalo (thank you) to Tom and Dawn for their act of courage and compassion. I would also like to thank all our border patrol agents that work daily to keep our nation safe and secure.

Mahalo, and aloha!

## REQUIRING RATE INTEGRATION FOR WIRELESS COMMUNICATIONS

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. BORDALLO. Mr. Speaker, I rise today to introduce legislation that will require rate integration for wireless interstate toll charges. Specifically, this legislation would amend Section 254(g) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, to provide for rate integration of wireless long distance service within the United States, including the territories. With this legislation I intend to require uniformity in rates charged by cellular phone and other wireless service providers for calls and communications to and from Guam within the United States.

Section 254(g) directs the Federal Communications Commission (FCC) "to adopt rules to require that the rates charged by providers of interexchange telecommunication services to subscribers in rural and high cost areas shall be no higher than the rates charged by each such provider to its subscribers in urban areas."

Pursuant to Section 254(g), the FCC promulgated a regulation (FCC Order 98–347) to cover Commercial Mobile Radio Services (CMRS) as an interexchange service. CMRS includes Personal Communications Service (PCS) and cellular services. In defense of their Order, the FCC noted that "if Congress had intended to exempt CMRS providers, it presumably would have done so expressly as it had done in other sections of the [1996 Telecommunications] Act."

Subsequent to its issuance, the United States Court of Appeals for the District of Columbia Circuit vacated FCC Order 98–347, by ruling that interexchange telecommunication services do not encompass CMRS. In its ruling, the Court cited the phrase "interexchange telecommunications service" contained in Section 254(g). Since wireless telecommunications do not use exchanges, the Court held that "it is by no means obvious that the Congress, when it used a phrase in which the word 'interexchange' is an essential term, was referring to CMRS."

It is unclear from the language of the statute whether section 254 applies to wireless services. Section 254 does not include specific language regarding its applicability to wireless services, not does it specifically exclude such services. Moreover, the legislative history of Section 254(g) is not instructive as to Congress' intent regarding the applicability of the rate integration requirement to wireless services.

Clearly, ambiguity in the law exists. As a result, cellular customers are subject to varying rates for calls made within the United States. This is particularly evident with respect to rates assessed to calls made to Guam and the other U.S. territories under service plans offered to cellular customers within the 48 contiguous states of the United States. Again, the Telecommunications Act of 1996 requires rate integration for noncellular, landline communication services. The legislation introduced today would simply extend this same requirement to wireless communications.

Rate integration for wireless interstate toll charges is important to businesses and individuals located on the U.S. mainland who engage in regular and reoccurring voice communication with other businesses and contacts located in the offshore territories. Family members and friends are among the customers who are assessed higher and different rates for cellular calls made to Guam or the other territories. These differences in wireless rates exist despite the fact that the U.S. territories are included in the North American Numbering Plan, the numbering plan for the Public Switched Telephone Network of the United States.

This legislation would bring the uniformity and fairness in rates desired by those in Guam wishing to keep in closer contact with relatives, friends, and associates who reside in other parts of the United States through the latest technology. Additionally, as technology in telecommunication advances, laws should be updated and developed to keep pace. This legislation would update existing law to take into account advances in and the popularity of wireless telecommunications since enactment of the 1996 Act. The legislation would do so in a manner consistent with both a previous, but vacated, FCC Order and with rate integration requirements applied to other more traditional telecommunication technology.

I look forward to addressing the issue of rate integration for wireless services as part of the legislative effort to reauthorize the Telecommunications Act of 1996.

## EXTENDING CONGRATULATIONS TO MR. WILLIAM B. BLACK

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to extend congratulations to a government employee who has shown outstanding dedication through his services to the Department of Defense.

Deputy Director, Mr. William B. Black has serviced the Department of Defense for over forty-five years. He is the recipient of the Department of Defense Distinguished Civilian Service Award, which is the highest honor a civilian can receive by the Secretary of Defense. The award is given to an individual whose career reflects exceptional devotion to duty, as well as, significant contributions to the efficiency, economy, or other improvements in the Department of Defense operations.

Mr. Black aided in the success of intelligence production and cyber operations for assignments in Balkans, Afghanistan, Iraq, and the War on Terror. His determination and ambition has also abetted the National Security Agency's mounting field of information operations as a result of his role as the Special Assistant to the Director for Information Warfare.

The National Security Agency was able to participate resolutely in the War on Terror because Mr. Black led signals intelligence and information assurance missions into the digital network era.

Mr. Speaker, I ask that you join with me today to recognize Mr. William B. Black for his service to this country. The exceptional work he has done for the Department of Defense warrants great recognition. Dedication to this country and to the betterment of our intelligence operations is a vital part of our success as a powerful nation and should be observed and commended more frequently.

## TO PROVIDE CERTAIN AUTHORITIES FOR THE DEPARTMENT OF STATE

SPEECH OF

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. SMITH of New Jersey. Mr. Speaker, I am attaching an exchange of letters between Chairman HYDE and Chairman DAVIS concerning the bill H.R. 4436, "To provide certain authorities for the Department of State, and for other purposes" for printing in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC, December 14, 2005.*

Hon. TOM DAVIS,
*Chairman, House Committee on Government Reform, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 4436, to provide certain authorities for the Department of State. There are certain provisions in the bill which fall within the shared Rule X jurisdiction of your Committee. Specifically, I refer to the language in section 4 of the bill relating to increased limits applicable to post differentials; section 6 of the bill which extends the authorization of personal services contracting authority that waives civil service laws and danger pay allowances; and section 7 relating to official residence expenses. Based on discussions between the two committees, I will change the language in this bill as called up to include a modification in section 4 (e) relating to reporting requirements to include your Committee and to sunset the authorization in section 6. Section 7 will remain as in the introduced bill.

In the interest of permitting this Committee to proceed expeditiously to the floor consideration of this bill, I request your Committee to waive further consideration of this matter. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter. I will urge the Speaker to name Members of your Committee to any conference committee which is named to consider this bill.

I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the CONGRESSIONAL RECORD

Sincerely,

HENRY J. HYDE,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
*Washington, DC, December 14, 2005.*

Hon. HENRY J. HYDE,
*Chairman, House Committee on International Relations, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter concerning the bill H.R. 4436 to provide certain authorities for the Department of State. I concur in your judgment that certain provisions which you mentioned fall within the jurisdiction of your Committee.

Based on conversations between the two committees and your agreement to make certain changes in the language which will be considered under suspension of the rules, I am willing to waive this committee's right to consider the bill. In so doing, I do not waive its jurisdiction over the subject matter of the bill. I appreciate your commitment to urge the Speaker to name Members of this Committee to any conference committee which is named to consider this bill and to insert this exchange of letters into the CONGRESSIONAL RECORD.

I appreciate your cooperation in this matter.

Sincerely,

TOM DAVIS,
*Chairman.*

## HONORING MR. BILL PAULI ON THE OCCASION OF HIS RETIREMENT FROM THE CALIFORNIA FARM BUREAU FEDERATION

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. COSTA. Mr. Speaker, I rise today to honor Mr. Bill Pauli for his efforts and contributions to the agricultural industry for his years of service as President of the California Farm Bureau Federation.

Although Mr. Pauli is retiring, his dedication and commitment to enhancing the quality of agriculture in the State of California will always remain sincerely appreciated.

Mr. Pauli's passion for agriculture led him to pursue a Bachelor of Science Degree in agricultural economics and business from the University of Nevada, Reno. He emerged through the industry as a product of some of California's most celebrated wine grapes and Bartlett pears in his home town of Potter Valley. Mr. Pauli's endeavors also led to the establishment of the award-winning Braren-Pauli and Redwood Valley Cellars.

Colleagues, friends, and family alike hail Mr. Pauli as someone who has exemplified genuine concern and dedication to the progression of American farmers. Mr. Pauli's advocacy for agricultural issues dates back to the 1970s. He stood before the United States Congress to address farm concerns and served as a member of agricultural organizations such as the State Compensation Insurance Board, North Coast Grape Growers Association and Tri Valley Growers Cooperative.

Serving as the President of the state's most active and esteemed agricultural organization, Mr. Pauli established many enduring programs that have revamped the image of the Bureau. Among them are The Farm Bureau Leadership program which has brought vibrancy to the organization. In addition, Ag in the Classroom is highly esteemed as an educational tool, and The Plan to Protect California's Family Farms has added to the Bureau's dedication to preserve the efforts of California farmers to provide the highest quality products.

In addition to his extensive profile of agricultural issues, Mr. Pauli has been an outstanding member of his commnity. He donates much of his time to protecting and ensuring the welfare of the residents of Potter Valley and serves as a volunteer chief of the Potter Valley Fire Department.

When asked what he would miss the most upon leaving his post, Mr. Pauli answered, ''The people, the opportunity to see the people, to see their farms and ranches.'' It is through the efforts of people like Bill Pauli that California is the breadbasket of the world. It is with a great pride and gratitude that I rise to thank and honor Mr. Pauli for his thirty-five years of commitment and loyalty to the citizens of California.

## EUROPEAN PARLIAMENT RESTORES SUPPORT FOR INTERCOUNTRY ADOPTION

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased that yesterday our colleagues in the European Parliament voted unanimously in favor of an important measure urging the Romanian Government to settle the cases of applications for international adoption which have been in limbo since the Romanians imposed a moratorium in June 2001. The amendment was successfully offered to the European Parliament ''Report on the Extent of Romania's Readiness for Accession to the European Union.'' Final approval on the report was adopted by the Parliament on December 15.

Amid credible allegations of corruption in the adoption system in Romania, the European Union had put intense pressure on Romania four years ago to impose a moratorium on international adoptions. In June 2004, Romanian Law 273/2004 enacted a permanent ban on international adoptions and, in practice, the law was being applied retroactively to cases that were registered before the ban came into effect on January first of this year. There were approximately 1,500 cases pending in which the children had been matched with parents in Western Europe, and 211 cases had been matched with adoptive parents in the United States.

As a party to the Hague convention on Intercountry Adoption, Romania has agreed to certain international standards and Principles. In fact, intercountry adoption is a recognized as a legitimate option for children who have not found permanent placement in their country of origin. The amendment adopted by the European Parliament is consistent with this principle and urges settlement of the pending cases ''with the goal of allowing inter-country adoptions to take place, where justified and approptate, in those special cases.'' I applaud the European Parliament in offering this assurance Ithat they will not stand in the way of these adoptions.

I am hopeful, Mr. Speaker, that this action by the European Parliament will embolden authorities in Romania to look again at the cases which have been pending. Given this reassurance that resolving the pipeline cases will not jeopardize their efforts toward accession, I would hope that the authorities would consider the cases only with the best interests of the children in mind. They have heard the European Parliament speak with one voice in favor of adoptions for these pipeline cases.

Mr. Speaker, for these children who had already had a loving adoptive family identified, I encourage the Romanians to examine these cases with alacrity and transparency. Such a priority could mean this Christmas would be filled with renewed hope for hundreds of children and the prospects of a permanent home in the New Year.

## HONORING THE 75TH ANNIVERSARY OF BRIGHT TEMPLE CHURCH OF GOD IN CHRIST

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. GORDON. Mr. Spaker, I rise today to recognize the 75th year of existence of the Bright Temple Church of God in Christ in Shelbyville, Tennessee. This fine church in Bedford County has experienced many changes since it first opened its doors in 1930, but the congregation's spirit of compassion and fellowship remains the same.

In the midst of the Great bepression, Clarence Garfield Bright founded The Church of God in Christ. Eventually, the name was changed in his honor to Bright Temple Church of God in Christ. In the 1950s, the church became home to revivals that attracted evangelists from across the nation. And in 1964, the

church began to hold a prayer service at noon Monday through Friday, a tradition that continues today.

The church has grown as Bedford County has grown in recent years. Under the leadership of the church's current pastor, Larry James Crismon, Sr., Bright Temple has expanded its facilities and opened a community social service facility.

Shelbyville is a better place because of the work of the Bright Temple Church of God in Christ and its congregation. I congratulate Pastor Crismon and the congregation for all the good work they have done, and I wish them all the best in the next 75 years.

## FREEDOM FOR RICARDO GONZALEZ ALFONSO

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, once again I rise today to speak about Ricardo Gonzalez Alfonso, a political prisoner in totalitarian Cuba.

Mr. Gonzalez is the president of the Manuel Marquez Sterling Journalists Society and an independent reporter in totalitarian Cuba. Mr. Gonzalez works and writes to inform the world about the gross human rights abuses that occur every day under the repressive regime of the Cuban dictator.

Unfortunately, writing and reporting the truth is not allowed under Castro's tyrannical dictatorship. All attempts to portray the absolute lack of freedom in totalitarian Cuba are viciously condemned and their authors are imprisoned or exiled. Mr. Gonzalez has been harassed by Castro's thugs since 1997, and on March 18, 2003, he was arrested for his insistence on publishing the truth about Castro's totalitarian Cuba.

Mr. Speaker, Mr. Gonzalez was 53 years old when he was condemned to 20 years in Castro's gulag. The conditions in the Cuban totalitarian gulag are so atrocious as to almost guarantee that Mr. Gonzalez will not walk out if he were to have to serve the entirety of his sham sentence. Let me be very clear, Mr. Gonzalez has been sentenced to die in the gulag by the Cuban tyrant for writing the truth about Castro's brutal, repressive and disgusting regime.

Mr. Gonzalez's wife is calling for the governments of free nations, NGOs, and all those that cherish human rights to demand the release of her husband. I applaud her bravery and patriotism and join her cause. It is categorically unacceptable that men and women who demand freedom from tyranny are locked in the dungeons of monsters. The willful ignorance of Cuba's suffering under the Castro regime by much of the world's press, and most of the international community, amounts to aiding and abetting the Cuban dictatorship. Let us never forget and always support, those who are struggling to liberate their people from the grip of tyranny.

Mr. Speaker, we must cry out for the release of all those who languish in dungeons because they believe in human rights and freedom. My Colleagues, we must demand the immediate and unconditional release of Ricardo Gonzalez Alfonso and every prisoner of conscience locked in Castro's toalitarian gulag.

## TRIBUTE TO MR. VEE-JAY BRANN

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. COSTA. Mr. Speaker, I rise today to congratulate Mr. Vee-Jay Brann of Hanford, California, on the occasion of his retirement as the Kings County Director of Finance.

With over 30 years of dedicated service to Kings County, Mr. Brann has demonstrated quality leadership alongside committed service to the residents of his community and the people of California.

Named after the day on which he was born, VJ Day, Vee-Jay grew up in the small Wisconsin town of Algoma. Upon graduation from Wisconsin State University Oshkosh with a bachelor's degree in Business Administration in 1968, Mr. Brann entered the United States Air Force.

The great lure of the San Joaquin Valley drew Mr. Brann and he settled in Hanford. Mr. Brann continued his career as a Job Training Specialist until he became the Assistant Treasurer/Tax Collector for Kings County. Working diligently to create a welcoming atmosphere for his superior, he as appointed to fill the post of Treasurer/Tax Collector upon her retirement in 1985. That same year, Mr. Brann was pleasantly surprised with the birth of his son David. In May 2004, Mr. Brann resigned his position as Treasurer/Tax Collector to become Kings County's first Director of Finance.

Mr. Brann has served on many professional and social committees and boards. However he is most proud of serving as president of the California Association of Treasurer/Tax Collectors and being the president of the Hanford Rotary Club.

With all of his accomplishments, Mr. Brann's greatest pride continues to be his loving wife and son, his loyal and dedicated staff and his many friends and acquaintances.

While Mr. Brann looks forward to traveling, reading or trying his hand at gourmet cooking, the residents of Hanford will always remember the charismatic Vee-Jay Brann who served the community to the best of his ability.

## HONORING DUNBAR HIGH SCHOOL, WASHINGTON, DC, AND THE DUNBAR HIGH SCHOOL CLASS OF 1955

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. NORTON. Mr. Speaker, I rise to ask the House to honor Dunbar High School, a legendary high school whose importance in American history is well known. I had the good fortune to graduate from Dunbar High School 50 years ago and my class has asked that I bring Dunbar's proud history to the attention of the House on the occasion of the 50th anniversary of the Class of 1955.

Dunbar High School was America's first public high school for African Americans and rose to prominence in the era of segregation and remained segregated until 1954, when the District of Columbia was one of the six Brown v. Board of Education jurisdictions that successfully challenged segregated schools in the United States. Dunbar's excellence was so recognized and well known nationally that the best colleges and universities annually visited Dunbar to recruit students. An unusually large number of this country's most distinguished African Americans graduated from Dunbar. Among them are Edward Brooke, the first black Senator, Robert C. Weaver, the first black Cabinet member, Benjamin O. Davis, the first black general, Wesley Brown, the first black graduate of the Naval Academy, Charles R. Drew, the discoverer of blood plasma and Mary Jane Patterson, the first African American to achieve a college degree.

The 50th anniversary of the class of 1955 is another occasion for pride in our class and in our alma mater. Pride and gratitude as graduates of Dunbar High School, which prepared us so well for life and career. Pride in graduating from the first public high school in the United States for African Americans. Pride in Dunbar's storied history of educating so many African Americans who have made notable contributions to society. Pride that our alma mater encourages today's students to strive for the same excellence Dunbar encouraged in our class. And pride that we can celebrate magnificent, irreplaceable, and lasting memories of the fun and fellowship we shared together.

For all these reasons and more, I take special pleasure in congratulating our class, Dunbar High School Class of 1955, on our 50th anniversary. I ask the House to join me in congratulating the Class of 1955 and in recognizing the historic achievements on Dunbar High School itself.

## ON RECENT COMMENTS OF THE IRANIAN PRESIDENT, MAHMOUD AHMADINEJAD

### HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. LEACH. Mr. Speaker, every society has a historian who suggests that failure to study history is an invitation to repeat its mistakes. With his recent utterances, the newly elected president of Iran, Mahmoud Ahmadinejad, may be presenting the world with a more dangerous conundrum. He has apparently looked at history and denied it, which requires each of us to come to grips with preposterousness as an international reality. To refuse to study history may invite repetition; but to deny it, particularly when it involves the greatest crime in human history, is an assault on civilized values and portends an attack on civilization itself.

Last week, President Ahmadinejad suggested that the murder of six million European Jews by the Nazis did not occur and called for Israel to be ''wiped off the map.'' This week, after time to reconsider, he made it perfectly clear that he did not flippantly, accidentally or remorsefully express a misunderstanding. He again publicly denied the Holocaust, calling it a ''myth'' designed to be ''above God, religion and the prophets.''

Condemning such vitriol is important, but insufficient. Anti-semitism demands rebuttal; but the stakes here are not just one man's prejudice. At issue is the legitimacy and viability of the Israeli state. The United States in this circumstance has no moral option except to make unequivocally clear that Israel's survival is a bedrock American commitment.

There can and should be a role and place for a Palestinian state in the Middle East. But there never should be a question about the legitimacy of Israel. Peaceful coexistence is impossible if irrational aspirations such as those flaunted by President Ahmadinejad are perceived as realistic options.

It is false and counter-productive to think that Jewish-Muslim history begins after the Holocaust or that the rationale for a Jewish state comes exclusively from the Shoah. While the holocaust stamps a moral imprimatur on modern Israel, the cause of Israel's statehood predates the world's most capricious act of inhumanity.

The conflict that has emerged around the establishment of an Israeli state involves a multicentury exodus of a people from their homeland. But while the Bible is punctuated with wars and traumas, it is impressive how doing most of the last several millennia, Jews and Muslims have faced less hostility than Jews living in predominantly Christian countries.

Since biblical times, Jewish communities have thrived without interruption in Arab lands, in Persia and in historical Palestine. When Islam arrived in the Middle East in 633 A.D., intermarriage and even conversion were not uncommon. In fact, throughout the Middle East Jews experienced less Persecution and discrimination than they did in Europe. In Palestine, for instance, Muslims repeatedly protected their Jewish neighbors from European crusaders; in one instance at least, Jews fought alongside Muslims to prevent crusaders from landing in Haifa; and Saladin, after reconquering Jerusalem from the crusaders, invited Jews back into the city.

The Jews in Spain under Moorish rule flourished and experienced a renaissance mirroring that of the great Islamic civilization and culture at the time. As Christianity spread from the north of Spain, Jews were again protected by Muslim rulers until the fall of Granada—the last Moorish kingdom to pass into Christian hands—when both Jews and Muslims were expelled at the end of the 15th century. Most of the Jews from the Iberian peninsula settled in North Africa and the lands under Ottoman rule and continued their largely peaceful coexistence with Muslims in those countries.

What should he taken from this history is not that there is no case for an Israeli state in the Holy Land, but that individuals of the Jewish and Muslim faiths have a long record of successfully living together respecting each other's beliefs and culture. Yes, President Ahmadinejad, there is a Western responsibility to help and defend Israel. But there is an Eastern imperative to enhance the prospect of a more dignified life for all people in the region.

What should also be taken from the history of the last two millennia is that the Jewish people generally found themselves in a position of vulnerability precisely because they lacked a state of their own. Relations within the Muslim world were usually better than within most parts of the Christian world, but dependency and the potential of violence characterized inter-faith power relationships. Security was always in doubt.

In this historical context, the case for a Jewish state is profound. The only thing that comes from statements like those of President Ahmadinejad is less respect for Iranian leadership, more distrust between peoples, and abundant concerns that violence will accelerate.

History is an accumulated product to which each generation adds. If any generation allows acts of hatred to become the dominant theme of interpersonal relations, it is harder for the next to break out of an angry memory cycle. Thus the challenge in the Middle East today is to give harmony a chance, recognizing that current Jewish-Muslim tension is an aberration. Peace is the historical norm.

Because the past is often more controversial and volatile than current events, it is essential that we study history both from our own perspective and that of others. Denial is not simply obtuse; it is hate inspiring. Iran and the world, deserve better.

## H. RES. 597, RECOGNIZING AND CONGRATULATING DON HO ON HIS CAREER IN MUSIC

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. ABERCROMBIE. Mr. Speaker,

Whereas Don Ho is one of Hawaii's and the world's best known and most beloved musical performers;

Whereas Don Ho has entertained and shared Hawaii's Aloha Spirit with millions of visitors to the State and others around the world;

Whereas, after being discharged from the United States Air Force, Don Ho received his start in show business at Honey's cocktail lounge in Kaneohe, Hawaii;

Whereas in 1962, Don Ho began performing at Duke's in Waikiki, which became his home venue;

Whereas Don Ho has for years been backed by the five Aliis playing piano, drums, guitars, xylophone, and other instruments;

Whereas Don Ho's fame and popularity has earned him triumphant engagements at the Cocoanut Grove in Hollywood, the Sands in Las Vegas, Harrah's at Lake Tahoe, the Palmer House in Chicago, the Americana Hotel's Royal Box in New York;

Whereas, Don Ho has made guest television guest appearances with Johnny Carson, Joey Bishop and Art Linkletter

Be it Resolved that the House of Representatives:

(1) Congratulates Don Ho on his splendid career;

(2) Recognizes Don Ho for his efforts to share Hawaii's Aloha Spirit with his audiences and others around the world; and

(3) Conveys its best wishes for continuing success in his musical career.

Mr. Speaker, I rise today to recognize and honor my old friend for his impressive musical career and his iconic status as the undisputed king of Waikiki entertainers.

For over 40 years Don Ho has entertained audiences in Waikiki, sharing his Aloha Spirit by singing "Tiny Bubbles" as well as his other favorite songs. He casts a spell on audiences through his blend of trademark humor, charm and vocal talents. He continues to mesmerize audiences today.

Don Ho's magical persona captures audiences' enthusiasm with each performance through laughter and song. He is charismatic and personable, and he converses with everyone like there's no one else in the room. He is a beloved son of Hawaii, and I look forward to his next performance at the Waikiki Beachcomber. Much love and aloha to Don and his family.

## A TRIBUTE TO JOHN KELLY

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to John Kelly, a constituent of mine from Burlingame, California, who has been working to make our community a better place since the 1970's. Mr. Kelly has recently been awarded the Thomas Jefferson Award for his work as the former executive director of Samaritan House and as a volunteer at San Quentin State Prison.

Mr. Kelly has lived and worked around the Bay Area for most of his life. He began his community involvement as a Catholic priest, but left to become a teacher at Serra and Menlo Atherton high schools for 18 years. In 1985, he was hired by the county of San Mateo to merge Samaritan House, then a referral service in San Mateo for low income residents, with a nonprofit meal program.

Mr. Speaker, under John's stewardship, Samaritan House expanded to serve throughout San Mateo County, with a 90-bed shelter, a medical clinic, and provides food, clothing and counseling. Mainly through donations, Samaritan House provides assistance to approximately 12,000 residents.

In 1991, Mr. Kelly began a program for inmates at San Quentin State Prison called Kairos, a three-day workshop with spiritual talks, singing and discussions. He visits the prison weekly, attending mass and leading spiritual discussions with the hope of trying to change even the hardest of criminals. He has done just that with many prisoners, some who have gotten out of prison have gone to school in an effort to make John proud.

Mr. Speaker, John Kelly is one of those unique people who work tirelessly to make their community's better. I wish there were more John Kelly's in the world, and I am just so pleased that he is one of my neighbors. I once again ask my colleagues to join me in paying tribute to this extraordinary individual.

## IN HONOR OF THE LIFE OF SENATOR WILLIAM PROXMIRE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Senator William Proxmire. For over three decades, Senator

Proxmire served the people of Wisconsin with a tenacious devotion to the principles of civic responsibility and ethical leadership. The effects of his determination to uphold these values reach beyond the Badger State and the halls of the Senate, as his legacy of fighting for integrity and accountability in governance has benefited all people of the United States.

Public service shaped Senator Proxmire's life at an early age. After graduating from Yale University in 1938, he served our country in World War II as an officer in the Army Counterintelligence Corps. His desire to continue fighting for the American people brought him to Wisconsin, where he served in the state Assembly from 1950–1956. In 1958 he won his first victory for the United States Senate where he went on to serve for over 30 years.

Senator Proxmire was most well known for his Golden Fleece awards, which he used to single out ''wasteful, ridiculous or ironic use of the taxpayers'' money. '' Senator Proxmire brought many important issues to the people's attention and because of these awards he was able to halt numerous science and academic projects that were of no real value. He will forever be remembered for his contributions to this end and for making wasteful government spending a real issue.

Senator Proxmire's 32 years in the Senate were distinguished by innumerable accomplishments. He was the driving force behind the 1968 ''Truth in Lending'' act, critically improving the transparency and fairness of loans. He fought racial discrimination in real estate. As chairman of the Banking, Housing, and Urban Affairs Committee, he authored the 1980 Banking Deregulation Act. However, his most significant contribution was his tireless determination for the ratification of an international treaty outlawing genocide. Nearly every day for 19 years, Senator Proxmire spoke of the importance of the treaty from the Senate floor until it was finally adopted in 1986.

## TRIBUTE TO MR. WILLIAM NEWTON HEAPS

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. ADERHOLT. Mr. Speaker, today I would like to pay tribute to Mr. William Newton Heaps and to recognize his many accomplishments. He is truly a man who embodies the American principles of hard work, dedication to one's family and service to one's community. William Heaps was born August 20, 1930 to Johnnie and Louise Vandiver Heaps and raised on a farm in Franklin County in Alabama's Fourth Congressional District. While residing in Russellville, Alabama, William Heaps was manager of the Farmers' Co-Op for numerous years. Later he moved to Clanton, Alabama and there he was sales representative for Fuller Supply Co. of Birmingham for 29 years until his retirement in March of 2000. As an adult he attended singing schools in addition to being privately taught by F.R. Morgan, a student of Vaughan Normal School of Lawrenceburg, Tennessee. ''My Title to Those Mansions'' was the first song written by William Heaps and it was published in 1966 by Vaughan Music Company. This was the first of over 100 songs that he has written. As a member of the First Methodist Church of Clanton, William Heaps has served for several years on the administrative board. He has also served as Chairman of the Chilton County Gospel Singing Convention. He was a representative for the Vaughan and the Tennessee Music Companies for a number of years. He has served on the Supreme Cabinet, as Chaplin, as Vice-President and as President of the Convention. He currently serves as a representative for the Gospel Heritage Music Company. He has been a great supporter of and actively engaged in the Alabama State Gospel Singing Convention for many years. As he continues to write music, he resides in Clanton with is wife, Bernice. They have two twin daughters, Shelia Mims and Shirley Henley, and a son Tommy Heaps, who is now a Methodist Minister. They also have one granddaughter, Laura Heaps, and two grandsons, Will Heaps and Scott Mims. William Heaps is a true ''Christian Gentleman'' who is compassionate and respectful toward others. He is a great ''encourager'' with a positive outlook and sound advice. He is an inspiring role model for all of us and I join his friends and colleagues in recognizing one of Alabama's great composers of gospel songs.

## REMEMBERING JUNE GILMER

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. HALL. Mr. Speaker, I rise to pay tribute to a remarkable Texan, June Womack Gilmer, who passed away this year after a valiant battle with Alzheimer's. A descendant of one of Texas's pioneering families, the Lydays, she could trace her family ancestry back to 17th century Williamsburg, Virginia, and 13th century Runnymede, England.

June was born in Honey Grove and raised in the small town of Wolfe City, in the Fourth Congressional District. She married her childhood sweetheart, Ray Gilmer, and they soon settled in Garland, Texas, where June raised her family and pursued numerous civic endeavors. She was president of the PTA, Garden Club, and wives club of the Garland Junior Chamber of Commerce. She was a regent and registrar of the Colonel James Mason Chapter of the Daughters of the American Revolution, an officer of the John Wheeler Bunton Chapter of the Daughters of the Republic of Texas, and the Magna Carta Dames.

A beautiful and accomplished woman, June was a runner-up in the Mrs. Texas contest in the 1950s. She studied interior design in college and for many years worked as a decorator and volunteered her talents for many worthy causes. June and my wife, Mary Ellen, were very close friends. Our families shared food and cars as Ray Gilmer attended the SMU School of Engineering and I was attending the SMU School of Law. Our children played together and we felt a deep and lifelong kinship to the Gilmers.

June is survived by her adored and adoring husband of 60 years, Ray Gilmer, daughter Jamie Williams and son-in-law Dr. Craig Williams, daughter Anne Snow and husband James Snow, six grandchildren, and other family members and life-long friends. Their loss is shared by all those who knew June Womack Gilmer, and we join them in mourning the loss and celebrating the life of this wonderful woman. As we adjourn the United States House of Representatives today, let us do so in memory of and respect for June and the wonderful Gilmer family.

## IN HONOR AND RECOGNITION OF SENATOR EUGENE McCARTHY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of my good friend Senator Eugene McCarthy, former member of the United States Congress, presidential candidate, political activist and author.

Senator McCarthy is a well-known and respected anti-war activist. His voice rose above the crowd against the Vietnam War due to his power and influence in politics. In 1968, Mr. McCarthy garnered an unprecedented number of college students opposed to the Vietnam War to campaign for the Presidency against the incumbent President Lyndon B. Johnson. College students supported Mr. McCarthy because he believed that America should end its involvement in Vietnam. Students from around the country campaigned door to door promoting the slogan ''get clean for Gene,'' referring to the students shaving off their beards and cutting their long hair. While his views sparked many to campaign for him, he still had a disappointing defeat in the Democratic primary. Although he lost this race, he won a much bigger one. He stood up for what he believed in and would not back down, even in the face of adversity.

Senator McCarthy left politics in 1971 after a distinguished career as United States Congressman and Senator from Minnesota. He spent time writing his memoirs and other books and poems on politics. Senator McCarthy remained active in politics throughout the rest of his life, including running for different offices and supporting other campaigns. Keeping involved in politics, Senator McCarthy stated his opposition for campaign finance laws argued in the Buckley v. Valeo case. In 1980, he wrote the introduction to the campaign book of Libertarian Presidential candidate Ed Clark. Senator McCarthy continued participation in progressive politics with the Consumer party in Pennsylvania and the Minnesota Progressive party. He returned to the Democratic Party in 1992 as a Presidential candidate in the New Hampshire primary. More recently he was a strong and influential supporter of Ralph Nader's 2000 Presidential campaign. After his political career ended, Senator McCarthy became a prolific writer and poet. He authored 30 books and multiple poems about the decline of American politics.

Senator Eugene McCarthy passed away on December 10, 2005, at the age of 89. He will be remembered as an influential and respected politician. More importantly, his contributions to the anti-war movement and influence on college students' political activism will live on in future campaigns and protests. His service as a Representative of Minnesota in Congress will not soon be forgotten.

## HONORING THE 50TH ANNIVERSARY OF THE HONORABLE JOHN D. DINGELL'S SERVICE IN THE HOUSE OF REPRESENTATIVES

SPEECH OF

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2005*

Mr. ADERHOLT. Mr. Speaker, I would like to congratulate my colleague, JOHN D. DINGELL, of Michigan, on his 50 years of service in the United States House of Representatives this week. He is rightfully called ''the Dean of the House,'' as the longest currently serving Member of the House. Only two Members of the House have ever served longer, and Congressman DINGELL's congressional career began at age 29, when he won election to succeed his father. JOHN DINGELL is known as a Member who is passionate about the welfare of the constituents he represents, and more broadly, all the residents of the United States. He shares his father's great passion for health care for all persons, and was key to the passage of many health care bills, including the Children's Health Insurance Program, and the Mammography Quality Standards Act. His work on health extends naturally to the environment as well, both in terms of holding polluters accountable for cleanup, and in working to preserve America's outdoor treasures for future generations. Michigan, of course, borders Canada, and Congressman DINGELL has done outstanding work both in resolving pollution issues with Canada and in creating North America's first international wildlife refuge. As ranking member of the House Committee on Energy and Commerce, and former chairman, JOHN DINGELL is known for his extensive knowledge and wisdom, and commands deep respect from both sides of the aisle. I am sure there have been many temptations over the years to leave congressional service for a more lucrative career, but it is a testimony to his dedication and integrity that he has reached this milestone in his career. I extend to him, and to his wife Deborah, and the entire family, my sincere congratulations.

## INFORMATION ON THE NATIONAL CENTER FOR SUSTAINABLE DEVELOPMENT

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. HALL. Mr. Speaker, I rise today to inform the House and to acknowledge the innovative work of the National Center for Sustainable Development (NCSD) a national 501c3 nonprofit corporation headquartered here in Washington, DC, and doing good work in my home state of Texas through its Dallas and Austin offices to restore urban and suburban contaminated real estate to new productive use. The Center is now undertaking potentially significant initiatives involving both energy production and air quality in local communities in the recycling of waste products to biodiesel. As Texas is the historic home of innovation and creativity in the use of natural and man made resources, my purpose is to encourage the pilot initiative being undertaken by the Center in the city of Texarkana focusing on the recycling of commercial and industrial food waste products currently a significant threat to the proper maintenance and efficiency of municipal waste water treatment facilities.

The initiative which I seek recognition for will produce biodiesel from a waste stream currently which is a constraint on the development of services and small business serving the community of Texarkana and placing a burden on the infrastructure that assures proper and environmentally appropriate disposal of grease and waste oils. The undertaking of such a pilot program in Texarkana, Texas is not by chance. The operations of the pilot will be located in an industrial park next to the Red River Army Depot, the main focus of which is the refurbishment and maintenance of the Bradley Fighting Vehicle and the Humvees currently supporting our mission in Iraq. A portion of the biodiesel rendered from this initiative will be made available to RRAD for their use in testing its properties for both quality as a fuel and its properties as a cleaner burning replacement for conventional petroleum based diesel fuel.

As chairman of the House Subcommittee on Energy and Air Quality I recognize that many are pursuing the goals of increased efficiency and air quality that biodiesel holds for helping to satisfy the domestic need for diesel fuel, now in short supply, and that many methods are being evaluated, but my hope is that NCSD can help create and encourage energy production from existing resources now perceived as obstacles to sustainable growth in my district and elsewhere.

By the House and Committee's acknowledgement of the initiative of the National Center for Sustainable Development I am asking for their report on the progress of the Texarkana facility at the milestone of their first six full months of operations. The subcommittee will be interested in the results of this initiative for both its applications for energy production and for improved air quality. I will close by reiterating my support for this worthy initiative and to follow their progress as an example for use by the subcommittee in its critical work.

## BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

SPEECH OF

### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union 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:

Mr. GRIJALVA. Mr. Chairman, I rise today in opposition to the misguided Border and Immigration Enforcement Act of 2005. H.R. 4437 is a misguided bill that will further complicate the immigration crisis.

We, as a country, have not seen a significant change in immigration policy in nearly two decades, even though all Americans agree that current immigration policy is outdated and malfunctioning. The majority of surveys throughout this Nation show that the American people are advocating for a comprehensive and realistic approach to immigration reform.

As Members of Congress we have the responsibility to modernize our laws, to ensure equity, and to learn from the successes and failures of our predecessors. H.R. 4437 fails to meet these standards on all levels.

The bill before us today is an insult to the American people who have requested action on the part of their lawmakers. The bill is neither a solution nor even an attempt to understand the immigration crisis. Rather, it is a collaboration of the most destructive proposals in Congress, put forth to promote a false impression that we are working to address the problem. What we are seeing here on the floor today is an unrealistic, unconstitutional bill based on fear.

As a Representative from Arizona, I have had first hand experience with the negative impacts created by ''security-only'' approaches to the border and immigration, such as is promoted by H.R. 4437. Arizona, my District especially, has been victim to this inadequate approach that ignores the real needs in our communities. For example, this year my District witnessed 262 deaths on its border, yet H.R. 4437 would do nothing to help alleviate this human tragedy.

Though Americans continue to ask that Congress create orderly, legal venues for new immigrants and for safe and legal ways in which immigrants already here can declare their presence, H.R. 4437 does not even come close to fulfilling these requests. In fact, it promotes a shadow culture in which immigrants need and want to hide, which then puts our country at a greater security risk.

With one hasty line, this bill makes all immigrants criminals. It turns an immigration-law violation into an aggravated felony. Thus, legal permanent residents, who initially may have had an unlawful entry but were able to pursue a legal venue thereafter, would be categorized as felons and prevented from becoming U.S. citizens as the current law allows.

H.R. 4437 also endangers checks and balances and progress that our Nation has made towards equality. With its expansion of expedited removal programs, H.R. 4437 removes important checks that currently protect against erroneous arrests and deportations. In the realm of civil rights, immigrants that are victim to domestic violence would be discouraged from seeking protection in fear of being charged with an aggravated felony. Furthermore, immigrants dealing with Federal agencies or the judicial system would no longer have the opportunity to appeal, thereby weakening even more checks and balances in our government.

I am ashamed of the Republican leadership for bringing this bill to the floor, for ignoring the American people, and for supporting a bill that will expand the immigration crisis. Worse than all the harm that this bill would cause is the fact that it fails to include any of the immigration reforms that Americans have asked for. It includes penalties for employers, but no provisions allowing them to attain needed employees. It criminalizes immigrants, but provides no solutions for a legal venue for entry.

As lawmakers, we can do better. We can bring to the floor a comprehensive and realistic approach to immigration that addresses

border security, changes to current immigration law—including earned legalization—and upholds labor rights for all U.S. employees, be they citizens or foreign born. H.R. 4437 is not this bill. It ignores the need to address societal, economic and national security shortfalls and I encourage my colleagues to denounce this insulting response to the American people and vote ''no'' on H.R. 4437.

## CONDEMNING RECENT STATEMENTS OF IRANIAN PRESIDENT MAHMOUD AHMADINEJAD

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. LANGEVIN. Mr. Speaker, I rise today to unequivocally condemn Iranian President Mahmoud Ahmadinejad's recent declaration that the Holocaust was a myth. Such outrageous comments dishonor the memory of the 6 million Jews and many others who perished under the Nazi regime. To suggest that such a tragedy was imagined as a justification to create the state of Israel, as President Ahmadinejad has done, demonstrates a disconnect from reality and complete ignorance of history. Numerous world leaders have already condemned his comments, and I encourage my colleagues and the entire international community to do the same.

Unfortunately, the denial of the Holocaust is only the most recent in a series of disturbing statements made by President Ahmadinejad. He has also declared that Israel should ''be wiped off the map,'' suggesting that its people should be relocated to Europe. Furthermore, despite efforts by our European allies to negotiate an agreement to end Iran's nuclear ambitions, Ahmadinejad has declined compromise, stubbornly insisting that Iran has a right to develop its own nuclear program.

Ahmadinejad's disgraceful statements and fervent opposition to engaging with other nations have even earned him condemnation from leaders within his own nation and run the risk of further alienating Iran from the world community. I ask my colleagues to condemn Ahmadinejad's statements about the Holocaust and Israel and demonstrate that there is no place for such intolerance in global political discourse.

## CINCINNATI'S FLYING PIG MARATHON NAMED A ''TOP TEN MOST ENJOYABLE MARATHON''

### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mrs. SCHMIDT. Mr. Speaker, I rise to recognize the Flying Pig Marathon which is based in my hometown of Cincinnati, Ohio. This week, Runner's World magazine picked the race as one of the top ten most enjoyable marathons in its January, 2006 issue.

Runner's World editors composed a list of 25 marathons known for creating a fun experience, and then allowed readers to vote for their favorites in an online poll. The Flying Pig Marathon was voted the third most enjoyable event. The symbol of a flying pig has deep roots in the history of Cincinnati, which was once known as ''Porkopolis'' because of the city's pork industry heritage.

As an avid marathon runner, I am thrilled to see our wonderful hometown race receive the national recognition that it deserves.

The annual Flying Pig Marathon began in May 1999, and was created by my friends Iris Simpson-Bush and Bob Coughlin. Their hard work and leadership has built this race into one of the nation's premiere events.

A 26.2 mile ''whole hog'' course ''flies'' through the southwestern part of the Second Congressional District, showcasing some of the most picturesque neighborhoods in Cincinnati. The race also features a 13.1 mile half-marathon, a timed 10K run, a noncompetitive 5K run, and a children's ''piglet'' event. Last year, there were over 13,000 participants overall, and an entire weekend of family oriented events.

Congratulations to all associated with the Cincinnati Flying Pig Marathon.

## HONORING REAR ADMIRAL JOHN A. ''AJ'' JACKSON

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. PUTNAM. Mr. Speaker, as we continue the fight against terrorism around the globe, we are constantly reminded of the sacrifice and service of our men and women in uniform. I rise today to honor a true American hero, a man who has dedicated his life to protecting our nation, Rear Admiral AJ Jackson from my hometown of Bartow, Florida.

A 1970 graduate of Florida State University, Rear Admiral Jackson entered the Aviation Officer Candidate School in May 1970, and was designated a Naval Aviator in February 1972 at NAS Kingsville, Texas. His active duty assignments included NS Rota, Spain, Attack Squadron Eighty One (VA–81) aboard the *USS Forrestal* (CV–59), and the staff of Commander, Light Attack Wing One, NAS Cecil Field, Florida.

Rear Admiral Jackson commanded Fleet Logistics Support Squadron Five Nine (VR–59), NR Carrier Group 0170, and NR Commander Seventh Fleet 111, and was selected for Flag rank in June 1998. In October 1998, he assumed duties as Deputy/Vice Commander, Maritime Defense Zone, U.S. Atlantic Fleet. One year later, he was assigned as Commander, Rear Area Command, U.S. Seventh Fleet, and in this role he also assumed duties as Commander, U.S, Naval Shore Based Forces Korea, during exercise or contingency operations in Korea.

In July 2001, Rear Admiral Jackson was assigned his present billet at U.S. Central Command as the Deputy Director (Reserve) for Plans and Policy (J5). From March 2002 until May 2004, he was assigned additional duties as Commander, Naval Reserve Readiness Command South. In this capacity he supervised the training and administration of over 10,000 Naval Reservists in 29 Naval Reserve Centers in the states of Arkansas, Louisiana, New Mexico, Oklahoma, Missouri, Iowa, Nebraska, Kansas, and Texas. Rear Admiral Jackson was promoted to Rear Admiral (Upper Half) on October 12, 2001.

His military decorations include the Legion of Merit, Meritorious Service Medal, Navy Commendation Medal, and other unit and campaign awards. In his civilian occupation, he is a Boeing 777 Captain with American Airlines based at DFW Airport, Texas.

After 35 years of dedicated service, Rear Admiral Jackson will be retiring to spend some well-deserved ''R and R'' with his wife Jana. On behalf of the residents of Florida's 12th District, I want to commend Rear Admiral Jackson's service to his country and wish him the very best for the future.

## BORDER PROTECTION ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

SPEECH OF

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union 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:

Mr. PAUL. Mr. Chairman, I rise with serious concerns over this legislation, which although it does address some illegal immigration problems is woefully weak on real substance. I fear that should this bill become law as is, six months or even a year down the road we will see no substantial improvement on the critical issue of deporting illegal aliens and protecting our borders.

Some measures in the bill sound good, but are in effect superfluous. Do we need new legislation requiring the Department of Homeland Security to achieve ''operational control of the borders''? Shouldn't the federal government already have ''operational control of the borders''?

Here is a road map for real immigration reform. First we need better enforcement of the laws we've got—which plainly call for illegal immigrants to be arrested and deported and for our borders to be secure. These things are already law, but the executive branch over the past decades has failed to enforce them. Congress can pass any law it wants, but unless federal agencies enforce those laws they are meaningless.

Second we need to eliminate the two main magnets attracting illegal immigrants to illegally enter the country, the welfare magnet and the citizenship magnet. Failure to address these in an immigration bill raises questions about achieving real results. That is why I introduced three amendments to this bill, in the hopes that we can finally do something about the problem of illegal immigration. I introduced an amendment to end so-called ''birth-right citizenship,'' whereby anyone born on U.S. soil is automatically an American citizen. I introduced an amendment to end the practice of providing U.S. Social Security payments to non-U.S. citizens. And finally I introduced an amendment to prohibit illegal aliens from receiving food stamps, student loans, or other federally-provided assistance. Unfortunately, none of my amendments were even allowed to reach the Floor for a vote.

There are some elements of this new bill to be applauded. Measures to require detention of and expedited removal of aliens, for example, are a good step. Also to be applauded is the requirement for an additional 250 inspectors at U.S. ports of entry each year from 2007 through 2010, although this is unfortunately subject to the availability of funds. But overall this bill is a weak substitute for real immigration and border reform. As the Federation for American Immigration Reform (FAIR) says, H.R. 4437 ''treats some of the symptoms, it does not, in fact, do enough to actually cure the illness.''

## TRIBUTE TO JOHN SPENCER

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. PASCRELL. Mr. Speaker, I rise today to pay tribute to John Spencer, who passed away yesterday at the age of 58. From his role on ''The Patty Duke Show'' in the 1960's, to his role on ''The West Wing'' today, he has touched the lives of millions of Americans.

Born December 20, 1946, John Spencer grew up in the great town of Totowa, New Jersey, in my congressional district. At the age of 16 he left home to pursue an acting career in New York. He quickly earned a prominent role on ''The Patty Duke Show,'' playing Henry Anderson. When the show moved to Los Angeles and ended Spencer's run, he returned to the great state of New Jersey, attending Fairleigh Dickinson University for two years. He then moved back to New York and began working as a stage actor.

Mr. Speaker, John Spencer was the son of a dumptruck driver, and brought that working class attitude to his life as an actor. There is no argument about his acting talent, but what set him apart were the countless hours he spent perfecting the lines, the delivery, the entire character.

His career ran the gamut. In the late 1980's he starred aside Harrison Ford in ''Presumed Innocent,'' which led producer David E. Kelley to cast him as Tommy Mullaney on ''L.A. Law.'' In the late 1990's he starred in ''The Rock,'' and ''The Negotiator,'' two very high profile successful films. In 1999, he was the first actor cast by Aaron Sorkin to star on ''The West Wing,'' as Leo McGarry; a role I have especially enjoyed watching him play. First as White House Chief of Staff and currently as the Democratic Vice-Presidential nominee, it has been refreshing to watch his character, particularly serving a Democrat in the White House. It would have been nice to have a Vice President from Passaic County.

His working class origins were always apparent. From ''Patty Duke'' all the way up to the present movies, he was always somebody down to earth, two boots on the ground. I think it had a lot to do with the parts he played.

Mr. Speaker, with John Spencer's death our nation has lost an acting treasure. From the stage, to television to the movies, his career brought joy to millions of Americans. He will be sorely missed.

## TRIBUTE TO MAYNARD ORME

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. BLUMENAUER. Mr. Speaker, after 19 years as CEO of Oregon Public Broadcasting and nearly 40 years in public broadcasting, my good friend Maynard Orme will be retiring later this month.

Under Maynard's leadership, OPB has grown and now employs 180 people, operates five television stations and four radio stations. OPB has transformed from a small to a large media entity, providing statewide service to both rural and urban Oregon. Every week 1.4 million people listen to and view OPB, making it one of the largest media outlets in the nation.

Earlier this year Maynard received the Lowell Medal from the Corporation for Public Broadcasting for his outstanding contributions to public television. His passion for public broadcasting is evident through his dedication on the Public Broadcasting Service board and Association for Public Television Station board. Under this hard financial time for public broadcasting, Maynard has also been able to pioneer a self-sustaining revenue model for OPB.

He is a treasure trove of institutional knowledge and although I wish him the best retirement, I hope to continue to seek his insights.

## THOMASVILLE BULLDOGS ARE PERFECT AGAIN

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. COBLE. Mr. Speaker, I am pleased to report that the tradition of football excellence continues at a high school in the Sixth District of North Carolina that is known throughout our State as a football powerhouse. For the second year in a row, and for the sixth time in school history, Thomasville High School has captured a North Carolina high school football championship. In addition, while the rest of the country wonders if the NFL's Colts can match the 1972 Dolphins perfect, unbeaten season, I am also pleased to note that Thomasville completed its second, perfect 16–0 football season. In fact, perfect, unbeaten seasons have only been accomplished twice since they began playing high school football in North Carolina in 1927. The other school to do it: Thomasville High School in 1995.

Thomasville captured its second straight State football championship on December 10, 2005, when the Bulldogs defeated Wallace-Rose Hill 21–20 at Wake Forest University's Groves Stadium. The one-point victory was a case of dèjá vu for Thomasville because last year the Bulldogs defeated Wallace-Rose Hill 15–14. ''These one-point wins are tough on your nerves,'' Thomasville coach Benjie Brown told the High Point Enterprise. ''I don't feel any different. Those kids last year earned it just as much as these kids did. I'm happy for both groups.''

We are pleased to recognize all the members of the Thomasville football team who contributed to this perfect championship season. Members of the squad included Najee Brown, Jeremy McKiver, Cory Tobin, Willie Green, Showron Stukes, Bradley Watkins, E.J. Abrams-Ward, Justin Moore, Chris Woods, Khiry Billie, Richard McLendon, Darrius Little, Scott Hines, Quan Warley, Alex Rodriquez, Shawndarian Sanders, Rashad Whitaker, Quan Sanders, Chris Webber, E.J. McCormick, Jaquan Mouzone, Brad Wilkes, Bud Ray, Terrance Pearson, Dujuan Ingram, Lawerence Jackson, Brandon Johnson, Mertez Wilson, Demagio Lawson, Brandon Moss, Jamall Steele, Lorenzo Cannon, Kendarius Cox, Jerrell Wilson, Antonio Royal, Courtney Henry, Ari Foust, Xavier Wallace, Quentin Long, Preston Atwood, Robert Benjamin, Tommy Green, Cornelius Davis, Ji Soo Noh, Trey Ray, Quinton Lindsey, Evander Davis, Dustin Gloor, Willie Cannon, and Michael Byrd.

The players would be the first to tell you that they wouldn't have been able to achieve all that they did without the strong support of the coaching and support staffs. Starting with head coach Benjie Brown, the Bulldogs were ably coached by Stan Baranowski, Allen Brown, Roger Bryant, Sam Captain, Phillip Johnson, Danny Medlin, Matt Pugh, Brandon Staton, and Nick Sweitzer. The community coaches who assisted included Vince Brown, Ed Courtney, Kemp Harvey, and Don Osborne. The middle school coach was Eric Rader. The other valuable members of the Bulldog championship squad included team doctors David Williams and Rob Williams, trainers Kenny Coker and Charles Crowell, statistician Barry Tucker, film crew members Travis Leanord, Wade Loflin, Casey Medlin, and Adam Oakley, gym maintenance staffer Bill Moore, and team managers Keyshawn Green, Ryan Hanner, Jason Hicks, Luke Williams, and Antwon Simon.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Thomasville Bulldogs for completing its second consecutive State football championship and doing it without a loss all year. Congratulations to principal Dirk Gurley, athletic director Woody Huneycutt, the teachers, staff, students, parents, and fans of Thomasville High School for bringing football perfection to our district.

## STATEMENT HONORING NATELEE BRINLEE

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize an extraordinary young woman whose bravery and quick thinking saved her family from a devastating fire. Eight-year-old Natelee Brinlee is a hero in every sense of the word.

Natelee had been through the Irving Fire Department's Safety House where she learned how to implement life-saving measures during a fire emergency. When a fire started in her home, Natelee knew to call 911, and alertly woke up her uncle and brother. This heroism saved Natelee, her uncle and two brothers.

Natelee Brinlee showed maturity and bravery well beyond her 8 years. The recognition

she is receiving is imminently well-deserved, and I know this is merely the first step of many bright years ahead.

## BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

SPEECH OF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union 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:

Mr. UDALL of Colorado. Mr. Chairman, while there is much in this bill that concerns me, I will vote for it because its primary purpose is to make necessary improvements in securing our borders, which I think is needed as part—but only part—of immigration-reform legislation.

To be frank, however, if this bill represented our last word on immigration reform, I would vote against it. By focusing exclusively on the question of border security and immigration enforcement, the House Republican leadership is ignoring the most difficult and challenging aspect of immigration reform, namely the question of how to deal humanely and effectively with the estimated 8–11 million illegal immigrants currently living and working in this country.

Moreover, I am not in favor of making every man, woman and child who overstays a visa or resides in this country illegally a criminal. By making any violation of immigration rules a criminal rather than a civil offense we may only end up discouraging law enforcement from discovering real threats of terrorism or violent criminal conduct. Driving illegal immigrants deeper underground, even more than current law, which keeps them in the shadows, is a terrible tactic if our overarching goal is national security.

So, Mr. Chairman, there are some strong reasons for voting against this legislation. It offers no full solution to the problem of illegal immigration; it is unnecessarily punitive toward otherwise law-abiding individuals, and it unwisely commits this country to the construction of a costly border fence that many security experts believe will divert resources away from more important homeland security needs.

My readiness to support this bill was also reduced by the rhetoric of some who are most vocally in support of it. There is perhaps no more divisive issue in our country than immigration, and sadly, the tone and content of much of the debate in the House has only fueled the division. I discussed the tone and substance of this debate with a good friend and colleague from the Republican side of the aisle and found that we agreed that the House was missing an opportunity to unite the country and pass a sorely-needed comprehensive immigration reform bill.

Despite these concerns, I will vote in favor of this bill because we have to make necessary investments in border security and enforcement. The 9/11 Commission has recommended increased immigration enforcement personnel, stronger surveillance, tougher entry-and-exit procedures and the use of better technologies to enhance our border security. This bill addresses these concerns and I favor all of these provisions.

Finally, I am convinced that reassuring the American people that we have taken strong action to strengthen enforcement and secure our borders is a necessary predicate for the harder and more complicated task of addressing the problem of existing illegal and undocumented workers.

With stronger border security and enforcement established we can work with the Administration and our colleagues in the Senate to build a consensus for the harder task of clarifying the status of existing illegal immigrants, most of whom are hard-working and otherwise law-abiding people, in a humane and thoughtful way that will protect children, include guest-worker needs and establish a fairer process for legalized entry. If that effort succeeds—as I think it can and am convinced it must—the result not only will be better than the bill before us, it will be a measure that deserves to be sent to the President for signing into law.

## HONORING NORTH METCALFE ELEMENTARY SCHOOL 6TH GRADE ACADEMIC TEAM

### HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize the North Metcalfe Elementary School 6th Grade Academic Team for their participation and high achievement in the Kentucky Colonel academic competition on December 3, 2005. In this competition, students competed in written assessment categories of math, science, language arts, social studies and arts and humanities.

In these categories, team members placed first and second in math and second in language arts. Collectively, the team went home as first place Kentucky Colonels Quick Recall Champions and placed second in the overall competition, defeating six other teams. Together, they demonstrated great academic prowess, teamwork and sportsmanship before a regional audience, representing competitive values that make Kentucky proud.

I would like to commend Kristen Compton, Price Bell, Lindsey Coomer and Chandler Staggs for their accomplishment. I would also like to recognize their coaches, two fine educators, Angela Welsh and Rachel Dial. I am very proud to represent these students, teachers and their families.

I ask my colleagues in the U.S. House of Representatives to join me in congratulating the North Metcalfe Elementary School 6th Grade Academic Team for their achievement and wish them continued success in their promising future years.

## IN HONOR OF CORPORAL ANTHONY THOMAS MCELVEEN

### HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. NORWOOD. Mr. Speaker, I rise today to pay tribute to a courageous young man who died while serving our country in the war in Iraq. Corporal Anthony Thomas McElveen, Company F, 2nd Battalion, 7th Marines, 1st Marine Division, was killed by enemy action while conducting combat operations on December 1 in Fallujah, Iraq.

On behalf of the people of the 9th Congressional District of Georgia, I wish to extend condolences to Corporal McElveen's family and friends, and especially to his widow Carrie who resides in my district.

I also extend the thanks of our state and nation to a brave Marine and his family for their sacrifice in keeping the fight for our freedom on foreign soil. Corporal McElveen's courage, dedication to duty, and willingness to pay the ultimate price to preserve his country will never be forgotten.

Semper Fidelis.

## HONORING MR. TERRY R. ADAMS FROM ASHLAND, OREGON

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to highlight and commend the service of Mr. Terry R. Adams, a resident of Oregon's Second Congressional District, for his service to his community and the nation as a member of the National Association of Professional Insurance Agents. Mr. Adams recently completed his term as the president of the National Association of Professional Insurance Agents and had previously served in many positions of responsibility in the Association for more than 18 years. Mr. Adams has also served the insurance industry in many positions at the state level, including as president of the Oregon/Idaho state affiliate.

Mr. Adams has been recognized by his peers for his service in the industry, having twice been honored as the Professional Agent of the Year by the Professional Insurance Agents of Oregon/Idaho, first in 1996 and again in 2001. Terry is a principal of Reinholdt & O'Harra Insurance in Ashland, Oregon, where he has spent his professional career advising consumers about how to obtain the best insurance coverage for their needs.

Mr. Adams' dedication to the highest standards of professionalism as a professional insurance agent has earned him the respect of friends, colleagues and the insurance industry as a whole.

Mr. Speaker, I appreciate the opportunity to rise today to share with my colleagues the good work that Mr. Adams has done throughout his career as a member of the insurance community, and again congratulate him on the completion of his term as the president of the National Association of Professional Insurance Agents.

## STEVE BELICHICK (1919–2005): AN AUTHENTIC COACH AND FATHER

### HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. MEEHAN. Mr. Speaker, I rise to honor Steve Belichick (1919–2005): an Authentic Coach and Father.

There have been many great images from the New England Patriots dynasty. Tom Brady embracing his teammates after yet another fourth-quarter touchdown. Adam Vinatieri raising his hands after yet another game-winning kick. The Krafts hugging one another after yet another Super Bowl victory.

But the image that might stand out the most is the Gatorade-dousing of Bill and Steve Belichick moments before the Patriots would defeat the Philadelphia Eagles in Super Bowl XXXIX. For many New Englanders, it was the first time they had seen Steve Belichick—the man who every New Englander would like to thank for fathering and mentoring the best coach in football.

And like in his 33-year career as an assistant coach at the U.S. Naval Academy, Steve Belichick would need someone else to draw our attention to him, even at a moment of extraordinary personal success. He was his son's role model, and his son was on the verge of coaching the Patriots to an unprecedented third Super Bowl victory in 4 years. It was a moment that any father would savor, and likely in a way that others would detect.

But Steve Belichick never sought public attention recognition of his work, be it his innovative game-plans, exceptional scouting reports, or the invaluable lessons he taught his accomplished son. Instead, he craved the background, the behind-the-scenes world unseen to fans and media, and the world where he would consistently win the high praise of those ''in the know.'' And like any truly substantive professional, Steve Belichick would take enormous personal satisfaction in obtaining the respect of his peers—the very respect that would often elude more celebrated coaches.

Doubtless for that reason, Steve Belichick had remained out of our sight until the camera caught others showering him and son in victory. It is much the same reason why Bill Belichick often deflects praise and attention. It is simply not the Belichick way of doing things.

When Steve Belichick passed away on November 19, 2005 at the age of 86, it was fitting that we remember him as reluctantly tasting success. And it was fitting that he be with his son.

It can be said that a father always dreams of being less accomplished than his own child, because there is no greater accomplishment for any father.

It is a lesson that Steve Belichick has taught us well.

## HONORING JENNIFER INMAN

### HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize Jennifer (Stelmach) Inman, an exemplary community leader and citizen from my district, who was recently named Alumnus of the Year at Western Kentucky University.

A 1994 graduate, Jennifer was active in Alpha Gamma Delta, Spirit, and numerous other campus organizations while earning her BS in Agri-Business. Jennifer returned to her hometown of Owensboro shortly after graduation, where she has remained active in WKU alumni relations. She has played an integral role in revitalizing the Owensboro alumni chapter, first as Vice President and now as President. She is currently employed as a marketing consultant and commodities broker with Hayden-Hunt Agri-Marketing.

In addition to her career and work on behalf of WKU alumni, Jennifer Inman is a very active member of the Owensboro community serving as the Vice Chair of the WKU-Owensboro Advisory Council, President of the Daviess County Extension Council, Secretary of the 4–H council, Vice President of the Kentucky Women in Agriculture, and Chair of the Chamber of Commerce Agri-Business Committee. Jennifer is also a member of the Junior League of Owensboro, YMCA Board of Directors, Owensboro Daviess County Tourism Commission and the Mount St. Joseph Retreat Center Advisory Board.

Jennifer has previously been nominated for the Athenia Award, recognizing outstanding women leaders in the Owensboro community. She has also served on the Greater Owensboro Chamber of Commerce Board of Directors and as Co-Chairperson for the Chamber Young Professionals.

It is my great privilege to recognize Jennifer Inman today, before the entire U.S. House of Representatives, for her lifelong example of leadership and service. I ask my colleagues to join me in congratulating her for being named Western Kentucky University Alumnus of the Year. Her unique achievements and continued dedication to her community make her an outstanding American worthy of our collective honor and respect.

## CONGRATULATIONS TO UMS-WRIGHT PREPARATORY SCHOOL ON THEIR 2005 4A STATE FOOTBALL CHAMPIONSHIP

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor UMS-Wright Preparatory School on their 2005 4A Alabama State Football Championship.

In 1893, Dr. Julius T. Wright founded University Military School and Girls Preparatory School in Mobile, AL. In the fall of 1988, both schools merged and began the school year as one. UMS-Wright Preparatory School is a K–12 school with roughly 1250 students enrolled.

Terry Curtis, head football coach and athletic director, lead UMS-Wright to their third Class 4A State championship in the past 5 years. UMS-Wright's record throughout that time has been an incredible 68 wins and only 4 loses, which translates to a winning percentage of .944. In addition, Coach Curtis has been selected as a member of the 2005 Mobile Sports Hall of Fame. Like Coach Curtis, I am so proud of his players, and I know they worked hard for this great honor.

The UMS-Wright Bulldogs proved they are a team of champions in their victory on December 1, 2005, at Legion Field in Birmingham. They defeated Deshler 42–16 and made UMS-Wright the winners for the night and year.

Both teams had strong support from their families and fans. They traveled to Birmingham to support and cheer on their team. The fan support is a strong symbol of encouragement.

Mr. Speaker, I ask my colleagues to join me in congratulating UMS-Wright Preparatory School on their perfect season and State championship. This school deserves public recognition for this great honor.

I extend my congratulations to each member of the team and coaching staff:

UMS-WRIGHT ROSTER

Tom Leatherbury, Senior; Terrell Edwards, Junior; William Harvey, Sophomore; Bobby Jones, Senior; Louis Maisel, Senior; Park Parker, Senior; Chris Carpenter, Junior; Taylor Morrissette, Senior; Brandon Gibson, Junior; Joey Bacon, Senior.

Colin Sigler, Junior; Preston Dial, Senior; Hayes Harris, Senior; Michael Scott, Junior; Taylor White, Senior; Elliott Pennington, Sophomore; Austin Hilyer, Sophomore; Edward Williams, Senior; Miller Wright, Junior; Erling Riis, Junior.

Bill Davis, Sophomore; Drew Allen, Junior; Charles Jackson, Senior; Henry Shields, Junior; Ley Bell, Junior; Blake McMullen, Sophomore; Wyatt Ison, Junior; Rashod Bumpers, Senior; Joe Grady, Junior; Brent Pettie, Sophomore.

Heath McGrew, Sophomore; Tyler Baxter, Sophomore; Robert Williams, Sophomore; Charles Munderloh, Senior; Lee Peters, Sophomore; Conrad Blunck, Junior; Cooper Perdue, Senior; Chris Ramanauskas, Junior; Crain Rogers, Sophomore; Philip Ison, Senior; Chase Cutrell, Sophomore; Howard Walker, Senior.

George Oswalt, Junior; Nelson Argueta, Sophomore; Paul Bouler, Senior; J.J. Gotlieb, Junior; Kyle Rehm, Senior; Anthony Jelercic, Senior; Walker Plash, Senior; Steven Jones, Sophomore.

Raymond Faircloth, Junior; Brooks Hieronymus, Senior; McLeod Chunn, Sophomore; Richard Wilkins, Sophomore; Cameron Gunter, Sophomore; Greg Zieman, Senior; Kyle Ellis, Junior; and Morgan Kennedy, Sophomore.

COACHING STAFF

Head Coach, Terry Curtis; Assistant Coaches, Brett Boutwell, Rick Cleveland, Brandon Dean, Stacy Harrelson, Gerald Jones, Phil Lazenby, Eddie Roberts, Jerry Simons, Jim Sudeiha, and Don Urquhart.

## A TRIBUTE TO ALAN REICH

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. LANGEVIN. Mr. Speaker, I rise to reflect upon the public service of my friend, Alan Reich, who passed away on November 8, 2005.

In 1962, Mr. Reich was 32 years old, a former athlete and Army officer. That year, a swimming accident left him a quadriplegic. Despite this life-changing event and the challenges that quadriplegia brings, he returned to

his job as an executive at Polaroid Corporation where he worked for 11 years. Mr. Reich's return to work demonstrated to his colleagues, in the most basic way, that life with a disability can be productive and fulfilling. In the years following the accident, he went on to pursue his career goals and was appointed to the position of Deputy Assistant Secretary for Educational and Cultural Affairs at the State Department.

It is important to note that Mr. Reich's accident and his recovery took place decades before the Americans with Disabilities Act. At that time, people like Alan Reich, who overcame personal obstacles to move forward with their lives, sent an important message to the world that people with disabilities have gifts and talents to contribute. This message was the foundation of the movement to pass the ADA in 1990, and declare for the first time that disabled Americans have a right to fully participate in all aspects of our society.

Mr. Reich became involved in advocacy for people with disabilities, initially as a volunteer. He later went on to devote his professional life to the cause, serving as the President of the National Paraplegia Foundation—known today as the National Spinal Cord Injury Association—and founding the Paralysis Cure Research Foundation, the National Task Force on Disability and the National Organization on Disability. His vision and work lives on through these organizations, which he fostered and developed.

I arrived in Washington, DC, in 2001, as the first quadriplegic Member of the House of Representatives. My own service in this body would not have been possible without the commitment of leaders in the disability community, who fought to pass the ADA. Alan Reich was one of those people and he was among the first leaders in the disability community here to greet me. I am tremendously grateful for his personal determination and his dedication to creating opportunity for others with disabilities. His work made this country a better place for future generations of individuals with and without disabilities to succeed and thrive. His passing leaves me with personal sorrow, yet as we reflect on the life of this extraordinary individual, I am inspired and honored to have called him a friend.

I thank my colleagues for the opportunity to pay tribute to my friend, and I urge them to support H. Res. 592, a resolution celebrating the life, achievements and contributions of Alan Reich.

## A TRIBUTE TO JERRY BLAVAT

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor one of the pioneers of rock and roll, my dear friend Jerry Blavat. Born and raised in my district, Jerry was attracted to the music business because of his love for the music, not for fame or wealth. Jerry is truly one of a kind. He is as much a part of Philadelphia as cheesesteaks, soft pretzels and the Liberty Bell. A great artist in his own right, Jerry was a dancer on the original Bandstand television program, hosted by Bob Horn. He became a favorite with the viewers and rose to the head of the coveted ''Committee'', the group of teens responsible for aiding Horn in the direction of the show.

When he was just 16 years old, Jerry leapt into the music business by managing a national tour for Danny and the Juniors, pushing them into stardom. He got into radio in 1960 and soon was given the title ''The Geator With the Heator.'' He soon coupled his growing popularity on the air (which by 1963 resulted in regional syndication of his program on small stations throughout the Delaware Valley from Atlantic City to Allentown) with appearances off the air at dances, clubs and events. It was not unusual for Blavat to see 5,000 kids a week in person in the mid '60s, nor too much of a stretch to say he'd remember 3,000 of their names the following week. His appearances became so frequent that for a time he needed to use a helicopter just to make it on time from one gig to the next. Today the helicopter is gone, but the frantic schedule is still in place. Throughout the year, he can be found somewhere on virtually any night, and in the summer months he's in weekend residence at Memories At Margate, the New Jersey Shore's hottest night spot which he's owned and operated since 1972.

Jerry Blavat is a true innovator. For instance, he introduced several national dance crazes, such as ''The Mashed Potato,'' ''The Stomp,'' ''The Stroll'' and ''The Jerry Shake.''

Mr. Speaker, Jerry Blavat is well known for his artistry, his business talents and his showmanship. But, not enough people know of Jerry's human side. Jerry's work on behalf of the less fortunate. He is extremely generous with his time and his resources, and has earned our City's love and respect because of that fact.

Jerry Blavat keeps us young, keeps us together and most of all, he keeps us dancing. And so, I know that all my colleagues will join me in honoring the Boss with the Hot Sauce, Jerry Blavat.

## PERSONAL EXPLANATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. BARRETT of South Carolina. Mr. Speaker, on December 16, 2005, I was absent from several votes for personal reasons. Had I been present I would have voted: Rollcall vote No. 642 (Motion to close portions of the Defense Authorization Conference to the Press and Public when matters of National Security are under consideration): ''Aye''; Rollcall vote No. 643 (Rolled Vote on Skelton Motion to Instruct Conferees on H.R. 1815): ''No''; Rollcall vote No. 644 (Previous Question on Rule for H. Res. 612): ''Aye''; Rollcall vote No. 645 (Adoption of Rule for H. Res. 612): ''Aye''; Rollcall vote No. 646 (Adoption of Rule for H.R. 4437): ''Aye''; Rollcall vote No. 647 (Rolled Suspension Vote on H. Con. Res. 294): ''Aye''; Rollcall vote No. 648 (Final Passage of H. Res. 612): ''Aye''; Rollcall vote No. 649 (Rolled Suspension Vote on H. Res. 409): ''Aye''; Rollcall vote No. 650 (Rolled Suspension Vote on H. Res. 575): ''Aye''; Rollcall vote No. 651 (Rolled Suspension Vote on H. Res. 534): ''Aye''; Rollcall vote No. 652 (Spratt Motion to Instruct Conferees on H.R. 4241): ''No''; Rollcall vote No. 653 (Goodlatte/Herseth Amendment to H.R. 4437): ''Aye''; Rollcall vote No. 654 (Stearns Amendment to H.R. 4437): ''Aye''; Rollcall vote No. 655 (Sensenbrenner Amendment to H.R. 4437): ''No''; Rollcall vote No. 656 (Norwood Amendment to H.R. 4437): ''Aye''; Rollcall vote No. 657 (Westmoreland Amendment to H.R. 4437): ''Aye''; Rollcall vote No. 658 (Gonzalez Amendment to H.R. 4437): ''No''; Rollcall vote No. 659 (Sullivan Amendment to H.R. 4437): ''Aye''; Rollcall vote No. 660 (Motion to Recommit with Instructions): ''No''; Rollcall vote No. 661 (Final Passage of H.R. 4437): ''Aye''; and Rollcall vote No. 662 (Rolled Suspension Vote on H. Res. 598): ''Aye''.

## HONORING THE LIFE OF JENNIE MAE FREELAND KELLER

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. BURTON of Indiana. Mr. Speaker, I rise to pay tribute to a dynamic Hoosier who passed away yesterday December 16, 2005 at the grand age of 79 years old. I knew Jennie Mae Freeland Keller very well and she was truly a very special person. One of six children born into a poor and struggling family from southern Indiana, she was an art and music prodigy. At the age of 15 she moved from Connersville, Indiana to live with her older sister in Indianapolis so she could attend art school classes at Herron School of Art and also attend Shortridge High School—known for its superior music program. Jennie Mae was proud of having gotten straight A's all through school and later in life she would learn she was a Mensa. While at school she excelled with her chosen musical instrument—the cello—though she never read a note of music. It is perhaps fitting that she passed away while listening to the classical music she so loved in life, and with a video of America's most beautiful sights playing in the background.

Described by her children as the ''Laura Petrie'' of her neighborhood, Jennie Mae always merrily accepted duties, such as collecting for the March of Dimes, or the Cancer Society—all while trying to raise five children. Two of those kids, Elizabeth and Claudia, have long been valuable members of my staff, and my heart goes out to them and their siblings in their time of grief. Mr. Speaker, Jennie Mae Keller may not go down in the history books as someone who changed the world, but she changed the lives of everyone around her or came through her life. She will be sorely missed by all who knew and loved her.

I respectfully ask my colleagues to join me in sending their deepest sympathies and heartfelt prayers to Jennie Mae Keller's family, and I ask unanimous consent to place a copy of Jennie Mae's obituary in the CONGRESSIONAL RECORD.

Jennie Mae, Freeland Keller. Born January 30, 1926

An accomplished artist and musician. In 1943 at the age of 17 was awarded the title of Miss World Peace shortly after the end of World War II. A loving and devoted mother and wife. A tireless volunteer for political freedom. A never ending fighter for what was

right, and not just politically correct. Will be sadly missed by all that knew and loved her. May God Bless her.

## SUPPORTING THE GOALS AND IDEALS OF KOREAN AMERICAN DAY

SPEECH OF

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2005*

Ms. PELOSI. Mr. Speaker, it is with pride that I rise to join my colleagues in recognizing the 103rd anniversary of Korean American immigration to the United States, and honoring the contributions of the Korean American community to our country.

On January 13, 1903, the S.S. *Gaelic* docked in Hawaii, carrying with it the first wave of immigrants from Korea, and ushering in a new chapter in our nation's heritage. These pioneering individuals—56 men, 21 women, and 25 children—would blaze a trail for more than two million Korean American immigrants and their descendents who live throughout our nation today.

Following World War II and the Korean War, a second wave of thousands of Korean immigrants came to the United States. Like all immigrants, they sacrificed everything they knew to answer the calls of freedom and new opportunity, with the hopes of building brighter futures for themselves in America.

Over the course of one hundred years of immigration, Korean Americans have worked hard to achieve the American dream through their resolve, determination, and an abiding belief in the greatness of this country that we love. While well known and celebrated for its entrepreneurial spirit, the contributions made by the Korean American community to our society extends to all areas of the American fabric and have profoundly enriched our national heritage. Korean Americans have broken down language and social barriers, and fought back against the obstacles of racism and discrimination to succeed in and contribute to all aspects of American life—all.

As Representative of California's 8th Congressional District, it is my privilege to represent a diverse Asian American and Pacific Islander community, including a vibrant and active Korean American community.

In marking the 100 year anniversary of Korean American immigration, the Centennial Committee on Korean Immigration designated January 13 of each year as Korean American Day. By honoring this day, we celebrate the extraordinary contributions of this unique community to our country, and rededicate ourselves to making the American dream a reality for all.

This legislation has my strong support, and I urge my colleagues to join me in honoring this vibrant community.

## VICTORY IN IRAQ RESOLUTION

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 612, ''Expressing the Commitment of the House of Representatives to Achieving Victory in Iraq''. Because of the severe importance of this issue, I feel it is crucial that I explain my position on this issue. As we are all aware, on Friday, December 2, 2005, 10 United States Marines were killed in a bomb attack on their foot patrol outside Fallujah. The following day, 11 Iraqi soldiers died after insurgents ambushed a joint patrol of American and Iraqi forces just north of Baghdad. In my District of Houston, TX, several Disabled Veterans, family members of current and fallen soldiers, and friends joined in a ''call to action'' to let this Administration know that enough deaths have amassed in the Iraq war to warrant an immediate plan to redeploy our troops back to the U.S. We see daily examples that define this situation as a crisis that continues to increase. Americans deserve a serious exit strategy—'staying the course' has clearly failed.

I salute our brave women and men who are serving and who have served in our military, as they have been victorious. There is no separation among Americans on our belief that our troops deserve and should receive honor. However, as many defense specialists and other scholars have suggested, our troops continued presence in Iraq may constitute and be the basis for the increased violence. We must transfer authority and oversight to a sovereign Iraqi Government. They should then seek to gain the support of certain Arab nations. There is no success in the mounting bloodshed. The Washington Post reported on December 3, 2005 that sources suggest media groups in the United States might have paid Iraqi press to publish favorable propaganda about U.S. military operations there. With this and numerous other possible incidents that raise suspicion as to the credibility of certain American government officials, the troops are in a very tenuous position in a land foreign to them amid daily attacks by insurgent groups. Let us be proactive in helping to save lives and honor our troops by bringing them home safely.

Part of the plan that I suggest includes the following steps:

(1) acts of American diplomacy in furtherance of the creation of an international coalition of support,

(2) convening of a summit of Arab nations for the purpose of engaging leadership on the question of what steps can be taken to aid this region,

(3) cessation of the redeployment of American troops to multiple tours of duty to the region,

(4) allocation of resources and attention to the over 15,000 injured soldiers and the need for medical and educational services,

(5) establishment of a special memorial to honor those who have fallen in the Iraq engagement, and

(6) establishment and articulation of a comprehensive exit strategy that will result in the redeployment of the troops back to the U.S. and the restoration of sovereignty to the installed Iraqi government. Democrats should distinguish themselves by their alliance on this issue.

Many of the Democratic resolutions, specifically that introduced by Mr. MURTHA, deserve our support. They represent excellent vehicles to distinguish Democrats before the American people. We must do that!

I urge all of my colleagues to join me in furthering these initiatives, and I would like to thank our troops for their hard work and dedication in keeping us safe.

## PENSION PROTECTION ACT OF 2005

SPEECH OF

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mr. STUPAK. Mr. Speaker, yesterday, the House of Representatives passed the Pension Protection Act on a vote of 294–130. I voted in favor of this bill in order to move the legislative process forward because failure to approve pension reform legislation endangers the retirement security of hundreds of thousands of workers. Without changes our pension system, many employers will face even greater pressure to file for bankruptcy to terminate their workers' pension plans. Though I supported H.R. 2830, it is my hope that the final conference report will be a product more closely resembling the version that passed the Senate on a near unanimous vote.

It is my understanding that when the Conference Committee convenes, Education and Workforce Chairman BOEHNER will support including a Senate provision that provides some industries with needed time to address their unique financial circumstances. Without immediate passage of this bill, some defined benefit plans may be forced to default on its payments to retirees.

While not perfect, H.R. 2830, the Pension Protection Act, contains many important provisions that will strengthen our defined benefit system. For example, the Act provides relief to multi-employer pension plans by allowing more affordable and appropriate contributions to maintain their employees' pensions. This will greatly benefit workers in the skilled trades, such as plumbers, carpenters, and transport workers. I was disappointed that multi-employer pensions were excluded from the temporary pension relief that was signed into law last year, and I am glad that this bill provides long overdue relief to secure these workers' pensions.

Though House passage of H.R. 2830 is better than passage of no bill at all, this legislation must be improved during the conference between the House and Senate. I would like to see a bill that does more to protect older workers whose employers convert their defined benefit pension plans to cash-balance plans. Further, this bill provides that the Pension Benefit Guarantee Corporation guarantee some, but not all, pensions when a factory or plant shuts down. Stronger protections for older workers and insurance for all shut down pension benefits should be included in the final Conference Report.

All workers in every type of industry require immediate changes in our current pension laws if we are to ensure that future generations are able to participate in the defined benefit retirement plans that offer superior retirement security. Failure to pass this bill and move the legislative process forward endangers thousands of workers pensions. Though the Pension Protection Act is not a perfect bill, I am compelled to support this legislation so that our pension system can be changed to assist all employees.

## HONORING THE 50TH ANNIVERSARY OF THE HONORABLE JOHN D. DINGELL'S SERVICE IN THE HOUSE OF REPRESENTATIVES

SPEECH OF

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2005*

Mr. PRICE of North Carolina. Mr. Speaker, I am pleased to join colleagues in recognizing and honoring JOHN DINGELL as he celebrates his fiftieth anniversary as a member of the House of Representatives.

As a young political scientist teaching about the Congress and doing research on the committee system, I knew a good deal about JOHN DINGELL before I joined him in the House in 1987. I studied his role, along with his friend and colleague John Moss, in shaking up the Commerce Committee in the 1970s, decentralizing the then-Chairman's authority and greatly stepping up oversight of the executive. I came to the House hoping that I could someday become a Commerce member myself. By then, JOHN was chairman, and the Committee was the ''place to be'' for an activist member, known for its broad legislative reach and vigilant oversight.

As it happened, my region had its full quota of Commerce seats, and I successfully pursued Appropriations instead. But I have continued to admire JOHN's work, now as ranking member. He is totally dedicated to this institution as the keystone of American democracy, and he fully understands the importance of active, assertive committees to the institution's capacity for deliberation and sound lawmaking.

JOHN richly deserves the fulsome tributes we have heard from senior and junior colleagues, of every partisan and political stripe, upon this fiftieth anniversary of his winning the seat vacated by his father's death in 1955. Many have also mentioned Debbie Dingell, JOHN's wife and partner in service. Debbie has been an invaluable resource to the House Democratic Caucus in planning issues conferences and other activities, and I recently was privileged to serve with her on our national party's Commission on Presidential Nomination Timing and Scheduling.

Mr. Speaker, I am proud to join in tribute to JOHN and Debbie DINGELL—to thank them for their dedication and perseverance, for their effectiveness as advocates and public servants, and for what they have meant to each of us and to our country as champions of this institution.

## BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

SPEECH OF

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union 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:

Mr. RYAN of Wisconsin. Mr. Chairman, after long deliberation and discussion with the bill's author, I decided to vote ''aye'' on H.R. 4437. This bill is far from complete, and far from being ready to become law. Yet, it has become clear that Congress will deal with immigration reform through several stages in a long process during the next session of the 109th Congress. I supported H.R. 4437 to begin this process, so we can ultimately achieve comprehensive immigration reform.

Among the provisions I believe are instrumental toward achieving such reform are the reforms to secure our borders. Border security is no longer simply an issue of illegal immigration. It is an issue of national security, where we are vulnerable to terrorist infiltration. This proposal offers a comprehensive way to address this threat.

However, I have several concerns with this legislation that must be addressed in order to receive my support for a final, comprehensive solution to fixing our broken immigration system.

First and foremost, the provision in H.R. 4437 that makes undocumented alien status a federal felony is totally unacceptable. Prior to the bill's passing, I received a commitment from the author, Chairman SENSENBRENNER, that this provision will be removed. Second, the employer verification system proposed in this bill is unworkable and must be fixed. Third, a final bill should include the creation of a secure, legal channel by which foreign workers needed to keep the United States' economy growing may enter and leave the country. And, finally, we must bring into the open, in a reasonable and fair manner, the millions of immigrants who are living in our communities without any documentation. Failure to address all of these issues will simply prolong our broken immigration system.

Because Congress is so divided on how to achieve comprehensive reform, it has become clear to me that such reform will occur in stages over the course of the next year. I look forward to working with my colleagues in both political parties to make sure the final version of this legislative effort is one we can all be proud to support.

## BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

SPEECH OF

### HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4437) to amend the Immigration and National Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes:

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of H.R. 4437, The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. This is a good bill that takes some important steps to curb illegal immigration, secure our borders and make America safer.

The bill takes a broad range of actions to secure our Nation. These include imposing tougher penalties for those who smuggle illegal immigrants into the U.S. and for those who overstay their visas. Individuals involved in making and using fraudulent documents will face stiffer penalties. We also end the ''catch and release'' policy that allows apprehended illegal immigrants to slip away unnoticed and live illegally in the U.S. as they will no longer simply be released back into the community.

With regard to granting immigration benefits, i.e., citizenship, green cards, permanent residency, the bill ends the practice of granting such benefits to those for whom a background check has not been completed. Immigration benefits should not be handed out simply because a certain number of days have passed since the investigation was commenced. Perhaps the background check approval is being delayed because of the need to fully investigate a possible criminal or terrorism risks.

Current law denies immigration benefits to those who are classified as habitual drunkards, but not those affiliated with terrorist organizations. This bill fixes that problem by making sure that illegal immigrants who are deportable on terrorist grounds are deported without delay.

H.R. 4437 requires employers to verify that prospective employees are legally employable. The bill ensures that a system is in place for employers to verify the legal status of such job applicants and it provides penalties for employers who violate these laws. The bill also prohibits federal funds provided under the State Criminal Alien Assistance Program to any state or local government that maintains a ''sanctuary policy'' for illegal immigrants.

In order to ensure that we have a better understanding of just who is crossing illegally into the U.S. the bill requires the Department of Homeland Security, DHS, to report to Congress on the number of illegal aliens apprehended who are from non-contiguous countries, with a particular emphasis on ascertaining the number of individuals from countries known to harbor terrorists. DHS is also to provide the Congress with a timeline for fully equipping all land borders with the US–VISIT entry/exit system.

On a 260–159 vote, the House mandated the construction of security fencing, including lights and cameras, along the Southwest border in sectors with the highest number of illegal border crossings, drug smuggling, and immigrant deaths. Additionally, DHS will be required to conduct a study and report back to Congress on the use of physical barriers along the Northern border.

Mr. Chairman, H.R. 4437 moves us in the right direction of addressing the serious problem of illegal immigration making the United States more secure.

## BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

SPEECH OF

### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union 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:

Mr. DEFAZIO. Mr. Chairman, our Nation has long been a beacon for the dispossessed and downtrodden around the world who come to our shores for a shot at achieving financial security, personal security, and to fulfill their human potential, the very essence of the American dream. Our Nation was built on the sweat and ingenuity of immigrants. My father's side emigrated from Italy, and my mother's side came from Ireland. We should be proud of this heritage.

However, a nation that does not have control over its own borders is a nation that cannot claim to be sovereign. We need to know who is coming into our country, and we need to be able to keep out those who are not authorized to enter. The status quo, with 500,000 or more individuals entering the U.S. illegally every year, including untold numbers from countries of concern, meaning countries in which radical Islamic terrorists are prevalent, is not acceptable.

Prior efforts by Congress to control and rationalize immigration, including the reforms enacted in 1986 and 1996, have failed. One of the primary reasons these reforms have failed to stop the flow of undocumented workers and the exploitation of immigrant labor is the lack of meaningful employer sanctions. I believe the crux of the legislation under consideration today, in addition to enhanced border security provisions, such as more agents, improved technology, and cracking down on document fraud, is that for the first time Congress is imposing tough employer sanctions, which will decrease the incentive to exploit immigrant labor. H.R. 4437 would double the fines for employers who hire undocumented workers to a minimum of $5,000 for a first offense and up to $40,000 for subsequent offenses. H.R. 4437 would also require employers to verify an applicant's eligibility for lawful employment with immigration and Social Security officials.

These enhanced employer verification provisions are one of the reasons why the powerful business lobbies like the U.S. Chamber of Commerce, some of whose members regularly hire low-wage exploitable immigrant labor, are opposing the bill, but also one of the reasons why I support it.

Many business and immigrant rights organizations, along with some in organized labor, have raised the concern that H.R. 4437 does not include guest worker provisions.

I have serious reservations about the guest worker proposals that have been proposed by the President and in various bills in Congress. Very little has changed with respect to guest worker programs since I came to Congress. They continue to be a source of worker exploitation. When I was first elected, I fought a small group of government contractors in the forestry and reforestation industries who were abusing their workers. A recent series in the Sacramento Bee newspaper documented that abuse of immigrant labor continues to be widespread in guest worker forestry programs. The new guest worker proposals are unlikely to improve that situation.

Guest-worker programs have also historically been used to break unions. The meatpacking industry is a prime example. The meatpacking industry broke the unions by bringing in low-wage immigrant labor. Once the union was broken, the industry cut wages and benefits for the immigrant workers, sped up conveyer belts, and just generally made working conditions miserable. The rate of worker injuries and workplace accidents are extraordinarily high. It's taken the industry back to the days described in Upton Sinclair's book The Jungle.

I am wary of the impact on low-income Americans and low-wage legal immigrants from guest-worker proposals. Such proposals threaten to increase the low-wage labor pool in the U.S. by millions of workers, further eroding the pay rates and working conditions of tens of millions of Americans and legal immigrants. The nearly 20 percent of Americans without a high-school degree will be particularly hard hit. Under the leading guest-worker program in Congress, the number of unskilled workers authorized to enter every year would be 400,000. In addition, 290,000 higher skilled workers would be allowed in every year, nearly double the number in current law.

The Commission on Immigration Reform, created in 1995 by President Bill Clinton and headed by former Democratic Member of Congress Barbara Jordan, reported, ''Guest-worker programs have depressed wages'' and reduced employment opportunities for ''unskilled American workers, including recent immigrants,'' who can be easily ''displaced by newly entering guest workers.''

A study by Harvard University professor George Borjas shows wages for Americans dropped 9 percent for high school graduates and 5 percent for college graduates in the wake of the unprecedented migration of undocumented immigrants in the 1980s and 1990s. Other studies, including research by the National Research Council and the Economic Policy Institute, show immigrants under ''guest'' worker programs are paid 15–33 percent less than American citizens, driving down wages for all workers.

I am also concerned that the administrative burden created by guest-worker programs will disadvantage immigrants from around the world who are now waiting in line for their paperwork to be processed so they can enter the U.S. legally. Though they have complied with the law, filed all the required applications, provided all the needed documentation, and paid all the fees, it will be years before they have legal status. My staff and I devote countless hours every week to the plight of frustrated legal immigrant husbands, wives, mothers and fathers, and children trying to navigate the immigration maze. Families are separated for years and years going the legal route, and immigrants from the Philippines and Mexico often have to wait at least a decade to be approved with no chance to jump to the head of the line.

H.R. 4437 is not a perfect bill. Far from it. Immigrant rights organizations, labor unions and others have rightfully pointed out that the bill does not in any way address the 10–12 million undocumented workers already in the U.S., no matter how long they've been here or how much they've contributed to their local community or the economy. I am concerned that the alien smuggling provisions are written in an overly broad way that could penalize the everyday actions of social service organizations, churches, and others who may provide humanitarian aid and counsel to immigrants. Further, a dubious amendment was adopted during consideration on the floor that requires the construction of $2.2 billion worth of fences along a part of the southern border, which, as evidenced by the failure of similar fences in Spain and along the Hong Kong-China border, will do little or nothing to combat illegal immigration, but will certainly divert money from programs that could. Instead, this money could be spent to hire and equip 2,000 additional agents for 10 years and to improve technologies used to protect the border.

We need to move this complex and emotional debate on border security and immigration reform forward. Although H.R. 4437 is flawed, I am voting in favor of the bill because it contains a number of provisions that I support related to border security; because this is the only immigration legislation the Republican leadership will bring to the floor, meaning it is the only opportunity I will have to go on record in favor of enhancing border security; and because I expect that the Senate will address the major deficiencies in the bill. Immigration will be debated again in the House next year after the Senate has worked through its own version of immigration reform and border security legislation and a conference committee has met and resolved the differences between the two chambers bills. I will reserve judgment on whether to support the final bill until I see the details.

## PERSONAL EXPLANATION

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mr. LANTOS. Mr. Speaker, last evening the House voted on H. Res. 598, 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.

Through an error, I was recorded as voting ''nay'' on the adoption of that resolution. I should have been recorded as voting ''yea.'' I cosponsored this resolution when it was introduced and during the debate on H. Res. 598 I spoke strongly in favor of its adoption.

# *Daily Digest*

## HIGHLIGHTS

**House and Senate passed H.J. Res. 75, Continuing Resolution.**

**The House passed H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.**

**The House agreed to H.J. Res. 75, Making further continuing appropriations for the fiscal year 2006.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S13947–S13969***

**Measures Introduced:** One bill was introduced, as follows: S. 2141. **Page S13965**

**Measures Passed:**

***Continuing Resolution:*** Senate passed H.J. Res. 75, making further continuing appropriations for the fiscal year 2006, clearing the measure for the President. **Page S13965**

***Federal Deposit Insurance Act Improvement:*** Senate passed S. 2141, to make improvements to the Federal Deposit Insurance Act. **Pages S13966–68**

**Signing Authority—Agreement:** A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions. **Page S13965**

**Nominations Confirmed:** Senate confirmed the following nominations:

Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2010.

Catherine Lucille Hanaway, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Mary M. Rose, of North Carolina, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2011.

Stephanie Johnson Monroe, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education.

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

John O. Agwunobi, of Florida, to be an Assistant Secretary of Health and Human Services.

Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years.

William E. Kovacic, of Virginia, to be a Federal Trade Commissioner for a term of seven years from September 26, 2004.

Kathryn Higgins, of South Dakota, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2009.

Jeffrey D. Jarrett, of Pennsylvania, to be an Assistant Secretary of Energy (Fossil Energy).

Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development.

Dale W. Meyerrose, of Indiana, to be Chief Information Officer, Office of the Director of National Intelligence.

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

John O. Agwunobi, of Florida, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefore as provided by law and regulations.

J. Thomas Rosch, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2005.

David Steele Bohigian, of Missouri, to be an Assistant Secretary of Commerce.

Antonio Fratto, of Pennsylvania, to be an Assistant Secretary of the Treasury.

George W. Foresman, of Virginia, to be Under Secretary for Preparedness, Department of Homeland Security.

Marilyn Ware, of Pennsylvania, to be Ambassador to Finland.

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.

1 Coast Guard nomination in the rank of admiral.

Routine lists in the Coast Guard. (Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.)

**Pages S13965–66, S13969**

**Messages From the House:** **Page S13964**

**Executive Communications:** **Pages S13964–65**

**Additional Cosponsors:** **Page S13965**

**Additional Statements:** **Page S13963**

**Adjournment:** Senate convened at 4 p.m., and adjourned at 7:55 p.m., until 6 p.m., on Sunday, December 18, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S13968–69.)

## *Committee Meetings*

No committee meetings were held.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 17 public bills, H.R. 4618–4634; and 4 resolutions, H.J. Res. 75; H. Con. Res. 325; and H. Res. 633–634 were introduced. **Pages H12167–68**

**Additional Cosponsors:** **Page H12168**

**Reports Filed:** Reports were filed today as follows:

H.R. 3505, to provide regulatory relief and improve productivity for insured depository institutions, with an amendment (H. Rept. 109–356);

H. Res. 631, providing for consideration of motions to suspend the rules (H. Rept. 109–357);

H. Res. 632, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 109–358); and

H.R. 3505, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, with an amendment (H. Rept. 109–356, Pt. 1). **Pages H12146, H12166–67**

**Rule for consideration of suspensions:** The House agreed to H. Res. 623, providing for consideration of motions to suspend the rules, by a yea and nay vote of 213 yeas to 190 nays, Roll No. 663, after agreeing to the Session amendment by voice vote and the previous question. **Pages H12056–59**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***To improve proficiency testing of clinical laboratories:*** H.R. 4568, to improve proficiency testing of clinical laboratories; **Pages H12059–63**

***Stem Cell Therapeutic and Research Act of 2005:*** H.R. 2520, with a Senate amendment, 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, by a yea-and-nay vote of 413 yeas none voting "nay", Roll No. 664—clearing the measure for the President;

**Pages H12063–72, H12142–43**

***State High Risk Pool Funding Extension Act of 2005:*** H.R. 4519, to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools; **Pages H12072–75**

***Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009:*** H.R. 3402, with a Senate amendment, to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009—clearing the measure for the President; **Pages H12075–H12125**

***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:*** H.R. 4579, 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; **Pages H12125–28**

*Second Higher Education Extension Act of 2005:* H.R. 4525, amended, to temporarily extend the programs under the Higher Education Act of 1965;

**Pages H12128–29**

*National Aeronautics and Space Administration Authorization Act of 2005—Conference Report:* Conference report on S. 1281, amended, 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; **Pages H12129–35**

Agreed to H. Con. Res. 324, directing the Secretary of the Senate to make technical correction in the enrollment of the bill. **Page H12135**

*Terrorism Risk Insurance Revision Act of 2005:* S. 467, with a Senate amendment to the House amendment, to extend the applicability of the Terrorism Risk Insurance Act of 2002; and

**Pages H12135–41**

*Making further continuing appropriations for the fiscal year 2006:* H.J. Res. 75, amended, to make further continuing appropriations for the fiscal year 2006. **Pages H12141–42**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow.

**Page H12144**

**Board of Visitors to the United States Naval Academy—Appointment:** The Chair announced the Speaker's appointment of Representatives Hoyer and Cummings, both of Maryland, to the Board of Visitors to the United States Naval Academy.

**Page H12144**

**United States-China Review Commission:** Read a letter from the Minority Leader wherein she announced her reappointment of Ms. Carolyn Bartholomew of the District of Columbia and Mr. George Becker of Pittsburgh, to the United States-China Review Commission. **Page H12144**

**Senate Message:** Message received from the Senate today appears on pages H12053–54, and H12149.

**Senate Referrals:** S. 959 was referred to the Committee on Government Reform; S. 1312 was referred to the Committees on Resources and the Judiciary; and S. 1869, S. 1165, S. 1496, S. 1552, S. 1096, S. 1025, S. 648 and S. 435 were referred to the Committee on Resources. S. 2141, S. 863, S. 1310, S. 1892, S. 1578 and S. 310 were held at the desk.

**Page H12165**

**Quorum Calls—Votes:** Two yea and nay votes developed during the proceedings of today and appear on pages H12059 and H12143. There were no quorum calls.

**Adjournment:** The House met at 2 p.m. and adjourned at 10:55 p.m.

# *Committee Meetings*

## PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

*Committee on Rules:* Granted, by voice vote, a rule providing that it shall be in order at any time on the legislative day of Sunday, December 18, 2005, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes.

(2) A bill to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2006, and for other purposes.

(3) The resolution (H. Res. 545) expressing the sense of the House of Representatives on the arrest of Sanjar Umarov in Uzbekistan.

(4) The concurrent resolution (H. Con. Res. 284) expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt.

(5) The bill (H.R. 4501) to amend the Passport Act of June 4, 1920, to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

(6) The bill (S. 1988) to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

(7) The bill (H.R. 2329) to permit eligibility in certain circumstances for an officer or employee of a foreign government to receive a reward under the Department of State Rewards Program.

(8) A resolution honoring Helen Sewell on the occasion of her retirement from the House of Representatives and expressing the gratitude of the House for her many years of service.

No testimony was heard.

## WAIVING CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

*Committee on Rules:* Granted, by voice vote, a rule providing that the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of Sunday, December 18, 2005. No testimony was heard.

## COMMITTEE MEETINGS FOR SUNDAY, DECEMBER 18, 2005

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No committee meetings are scheduled.

*Next Meeting of the* **SENATE**

**6 p.m., Sunday, December 18**

**Senate Chamber**

**Program for Sunday:** Senate will be in a period of morning business. Also, Senate may consider any cleared legislative and executive matters, including conference reports when available.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**1 p.m., Sunday, December 18**

**House Chamber**

**Program for Sunday:** To be announced.

## Extensions of Remarks, as inserted in this issue

HOUSE


Abercrombie, Neil, Hawaii, E2593
Aderholt, Robert B., Ala., E2594, E2595
Barrett, J. Gresham, S.C., E2600
Bass, Charles F., N.H., E2567
Berkley, Shelley, Nev., E2565
Blumenauer, Earl, Ore., E2579, E2583, E2597
Bonner, Jo, Ala., E2599
Bordallo, Madeleine Z., Guam, E2590
Brady, Kevin, Tex., E2573
Brady, Robert A., Pa., E2569, E2600
Brown, Corrine, Fla., E2578, E2582
Brown-Waite, Ginny, Fla., E2577, E2580, E2581, E2583
Burgess, Michael C., Tex., E2568, E2569, E2576
Burton, Dan, Ind., E2600
Cardin, Benjamin L., Md., E2559
Case, Ed, Hawaii, E2590
Christensen, Donna M., The Virgin Islands, E2561
Coble, Howard, N.C., E2597
Cole, Tom, Okla., E2563
Costa, Jim, Calif., E2589, E2591, E2592
Cramer, Robert E. (Bud), Jr., Ala., E2574
Davis, Lincoln, Tenn., E2576, E2580, E2581
DeFazio, Peter A., Ore., E2602
Diaz-Balart, Lincoln, Fla., E2592
Dingell, John D., Mich., E2589
Doolittle, John T., Calif., E2581
Duncan, John J., Jr., Tenn., E2574
Emanuel, Rahm, Ill., E2562, E2563
English, Phil, Pa., E2588
Eshoo, Anna G., Calif., E2565
Etheridge, Bob, N.C., E2586
Fossella, Vito, N.Y., E2584
Gillmor, Paul E., Ohio, E2569
Gonzalez, Charles A., Tex., E2561
Gordon, Bart, Tenn., E2577, E2580, E2581, E2591
Granger, Kay, Tex., E2587
Grijalva, Raúl M., Ariz., E2595
Hall, Ralph M., Tex., E2594, E2595
Harman, Jane, Calif., E2572
Holt, Rush D., N.J., E2566
Hyde, Henry J., Ill., E2570
Istook, Ernest J., Jr., Okla., E2564
Jackson-Lee, Sheila, Tex., E2601
Johnson, Eddie Bernice, Tex., E2570, E2597
Kucinich, Dennis J., Ohio, E2575, E2593, E2594
Langevin, James R., R.I., E2596, E2599
Lantos, Tom, Calif., E2593, E2603
Larsen, Rick, Wash., E2563
Leach, James A., Iowa, E2592
Lee, Barbara, Calif., E2571
Levin, Sander M., Mich., E2575
Lewis, Jerry, Calif., E2573
Lewis, John, Ga., E2576
Lewis, Ron, Ky., E2598, E2599
LoBiondo, Frank A., N.J., E2573
Lofgren, Zoe, Calif., E2575
McCollum, Betty, Minn., E2562, E2562
McDermott, Jim, Wash., E2572
McGovern, James P., Mass., E2567
McHenry, Patrick T., N.C., E2572
McKeon, Howard P. ''Buck'', Calif., E2572
Maloney, Carolyn B., N.Y., E2584
Markey, Edward J., Mass., E2584
Meehan, Martin T., Mass., E2599
Norton, Eleanor Holmes, D.C., E2592
Norwood, Charlie, Ga., E2598
Owens, Major R., N.Y., E2584
Pallone, Frank, Jr., N.J., E2574
Pascrell, Bill, Jr., N.J., E2576, E2597
Paul, Ron, Tex., E2596
Pelosi, Nancy, Calif., E2601
Pickering, Charles W. ''Chip'', Miss., E2561, E2562, E2563, E2564, E2565, E2567
Porter, Jon C., Nev., E2566
Price, David E., N.C., E2585, E2602
Putnam, Adam H., Fla., E2559, E2568, E2596
Rahall, Nick J., II, W.Va., E2566
Rogers, Mike, Ala., E2574, E2577, E2580, E2581, E2581
Ros-Lehtinen, Ileana, Fla., E2563
Ruppersberger, C.A. Dutch, Md., E2590
Ryan, Paul, Wisc., E2602
Schakowsky, Janice D., Ill., E2561
Schiff, Adam B., Calif., E2570
Schmidt, Jean, Ohio, E2596
Sensenbrenner, F. James, Jr., Wisc., E2569
Shaw, E. Clay, Jr., Fla., E2587
Simmons, Rob, Conn., E2559, E2560
Skelton, Ike, Mo., E2572, E2579, E2583
Smith, Christopher H., N.J., E2587, E2590, E2591
Stupak, Bart, Mich., E2601
Tancredo, Thomas G., Colo., E2562
Towns, Edolphus, N.Y., E2570
Turner, Michael R., Ohio, E2568
Udall, Mark, Colo., E2598
Udall, Tom, N.M., E2579, E2583
Van Hollen, Chris, Md., E2584
Walden, Greg, Ore., E2598
Weldon, Dave, Fla., E2602
Weller, Jerry, Ill., E2586
Wexler, Robert, Fla., E2565, E2568
Wilson, Joe, S.C., E2564



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