The House met at 10 a.m.

The Reverend Steven T. Cherry, President, Wesley Enhanced Living at Heritage Towers, Doylestown, Pennsylvania, offered the following prayer:

God of the nations, You gave this new day, blessed it with springtime color, and we give You thanks.

Look today on Your people throughout this beloved Nation, a grand diversity from all corners of the land, and bind us together in the principles of liberty, respect, and service. Teach us to revere those advanced in age who feel the weight of years but live with depth of character that comes from long life. May we be so reverent in the face of the profound gift of life. We give pause to consider Your grace in our midst. You have given to them the strength, wisdom and deep thanks for all those who act out of dedication to sisters and brothers, wherever they serve. Give to all those who work in this place, O God, strength, wisdom and pause to consider Your grace in our midst. You have given to them the great traditions and tools of leadership forged from years of testing. May Your work prevail today.

We pray in the name of Jesus, the Christ. Amen.

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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 1, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Mrs. CAPPs) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPPs 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 Mr. Curtis, one of its clerks, announced that the Senate has passed without amendment Joint Resolutions of the House of the following titles:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spengler as a citizen regent of the Board of Regents of the Smithsonian Institution.

WELCOMING REVEREND STEVEN T. CHERRY

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

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, it is my honor to welcome Reverend Steven Cherry to the House Chamber this morning as our guest chaplain. It is my further honor to welcome the residents of Heritage Towers, a retirement community located in Doylestown, Pennsylvania, where Reverend Cherry serves as Executive Director. They are in the House Chamber as I speak to lend their support to the Reverend as well as to see our body in action. Welcome to the Nation’s capital.

I have had many opportunities to visit Heritage Towers and meet with the 350 residents who call the community home. I also have had the chance to speak with Reverend Cherry about the mission of Heritage Towers and how it is not just a retirement community but a place where seniors can enhance not only their minds and bodies but their spirit as well.

Reverend Cherry is tasked with the challenge of maintaining the high quality of the services Heritage Towers offers. He is well-equipped to meet that challenge. Reverend Cherry has served as the finance chairman for the Berwyn United Methodist Church and as a board member of the Central Bucks YMCA. In his ecclesiastical role, Reverend Cherry has served as the pastor of many churches, including the Iona Methodist Church in Lebanon.

Mr. Speaker, Reverend Cherry has shown his dedication to service and community action throughout his career. Heritage Towers is lucky to have him as Executive Director, and the House is honored to have him with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE). The Chair will entertain up to 10 one-minutes from each side.

LONE STAR VOICE: MICHAEL ESTEP, SR.

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

Mr. POE. Mr. Speaker, working Americans continue to voice concern about the unlawful entry into the United States. Michael Estep, Sr., from Spring, Texas writes to me:

“I am writing to express my most sincere concern for our Nation and the State with regard to the current immigration issues. Having served in both public law enforcement and the private sector for the past 30 years, in all these years I have not seen one good side of illegal immigration, just varying degrees of bad. The strain on local and State medical services, higher insurance costs due to uninsured and unlicensed motorists, the criminal justice system where 29 percent of the American prison population are illegal aliens, are all paid by the citizens.

“What is happening to the land the greatest generation fought to protect? Is the uncontrolled assimilation into...
the melting pot of America destroying the values and resources which made us strong? Is this unchecked invasion crippling our ability to tell the difference between right and wrong, leading us to choose the politically correct solution rather than the right answer?

"I ask your support of immigration reform in the strongest terms. Too many citizens and illegals alike choose which laws are to be obeyed while seeking protection from the law through protests and civil disobedience." 

"That's just the way it is.

REPUBLICAN FISCAL IRRESPONSIBILITY, HOUSE REPUBLICANS REFUSE TO CHANGE COURSE

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

Mr. CLEAVER. Mr. Speaker, the other side will once again try to spin their 2007 budget as fiscally responsible. The American people know better. For 5 years now, Republicans have controlled both the Congress and the White House, and for 5 years our budget deficit has been spiraling out of control. Two years ago, former House majority leader Dick Armey told the Wall Street Journal, and I am quoting, "I am sitting here and I am upset about the deficit, and I am upset about spending. There is no way I can pin that on the Democrats. Republicans own the town."

That is a former Republican leader talking about their fiscal irresponsibilities.

For 5 years now those who own the town created the fourth largest budget deficit in American history. According to the Congressional Budget Office, the 2000 budget those who own the town plan to bring to the floor this week is the fourth most fiscally irresponsible budget in history, creating an additional $348 billion debt, and yet those who own the town try to claim their fiscal responsibility.

Members of their own party don't even believe that anymore.

HONORING GORDON PARKS

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

Mr. RYUN of Kansas. Mr. Speaker, I rise today to honor the life of a great American, my constituent Gordon Parks.

Mr. Parks was born in Fort Scott, Kansas, the youngest of 15 children. Mr. Parks' accomplishments from this simple beginning are far too many to name in the limited time allotted to me, but allow me to list some of his more significant contributions.

Mr. Parks was the first African American to write, produce and direct a motion picture. He was an award-winning photographer for Life magazine and helped found Essence, the first magazine targeted to African American women.

Mr. Parks won an Emmy in 1968 for the documentary, Diary of a Harlem Family. He received the National Medal of Arts from President Reagan in 1988, and was inducted into the International Photography Hall of Fame in 1996.

Mr. Speaker, Gordon Parks passed away on March 6, 2006, leaving behind an expansive legacy. I come to the floor today to honor his life and to thank him for significant breakthroughs that occurred because of his life.

DEMOCRATIC BUDGET IS FINCALLY RESPONSIBLE AND PROTECTS WORKING FAMILIES

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

Ms. SOLIS. Mr. Speaker, today I rise to speak out against the House Republicans' plan for an irresponsible budget that they are going to be presenting.

While the House Republican budget never reaches balance, the Democrats' alternative is balanced by 2012. We simply must restore fiscal sanity here in Washington and the fact is the Republican budget doesn't even get there.

The House Democratic alternative will not only provide a blueprint to get us back to balanced budgets, but it will restore critical domestic funding for programs that are so important for working class families.

The Democratic budget provides the needs for working families who have been hit hard by Washington Republicans over the last 5 years. As they continue to face increasing gasoline prices, home heating bills, an increase in health care costs, and high tuition bills, we can't even send our children to college. Our budget provides critical funding for homeland security, education, health, veterans' benefits, and environmental programs that are all left out of the Republican budget.

It is time that this House start working on behalf of the working families in our country.

PLANNED PARENTHOOD MARKETING GIMMICKS

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

Mr. PITTS. Mr. Speaker, I rise today to congratulate University President, Father Bill Beauchamp, Head Coach Garrett Smith, and the entire university community as the Portland State University Women's Soccer Team to our Capitol and congratulate them for their undefeated season, winning the 2006 NCAA Champion Division 1 Title, their second championship in 4 years. Even the team's dedicated fans have set a new NCAA attendance record for any soccer season, men or women.

I want to congratulate University President, Father Bill Beauchamp, Head Coach Garrett Smith, and the entire university community as the Portland State University Women's Soccer Team to our Capitol and congratulate them for their championship.

It is important to celebrate "Up on the Bluff." The women's soccer team is a great example of excellence at the University of Portland. I welcome them to the Capitol and their White House ceremony later today.

RESPONSIBLE IMMIGRATION REFORM

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

Mr. GINGREY. Mr. Speaker, I rise today as a strong supporter of effective immigration reform and with a sense of urgency that Congress must act decisively to secure our borders and control illegal immigration.

Every day we put off sending the President border security legislation simply allows more opportunity for illegal immigrants to break our laws and cross our borders.

America must not continue to be a foster home for those who deliberately break the law. Rather, we must be a Nation that respects law and encourages safe and legal immigration.

The burden on the legal immigration system is increasing daily for American citizens as hospitals and schools are filled with illegal immigrants who cannot pay for...
their education or their medical expenses. Indeed, illegal immigration is not a victimless crime, and as long as our Nation continues to turn a blind eye, illegal immigrants have all the incentives in the world to risk their lives crossing our border security first and foremost, our opposition to amnesty, and support for a national guest worker program that treats those seeking jobs here as exactly that, guests not citizens.

**NATIONAL PUBLIC HEALTH WEEK**

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

Mrs. CAPPS. Mr. Speaker, I wish to remind my colleagues that this week, April 3-9 is National Public Health Week.

I want to thank the efforts of the American Public Health Association and its 200-plus partners who have organized events around the Nation that serve to raise everyone’s awareness of the need to improve public health.

This year, the theme of National Public Health Week is, “Designing Healthy Communities, Raising Healthy Kids.”

Mr. Speaker, less than 10 percent of our Nation’s children walk or ride their bicycles to school, and too many schools continue to invite fast-food vendors into their cafeterias.

In America today, the percentage of children and adolescents who are defined as overweight is more than double what it was in the early 1970s. My experience as a school nurse taught me that we need to make a concerted effort, all of us, to increase physical fitness activity among our children and to encourage all Americans to adopt a healthier diet that includes fruits and vegetables, but there is more.

If we are going to be successful in designing healthy communities and raising healthy kids, we must make sure this message is heard the entire year and not just for 1 week.

I urge my colleagues to support this and other efforts to promote children’s health.

**ILLEGAL IMMIGRATION**

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

Mrs. BLACKBURN. Mr. Speaker, illegal immigration, the process of choosing to enter this country illegally, of violating our laws, is clearly a priority of concern with the American people, and I don’t think the American people are asking too much when they call our offices and tell us to secure the border and bring a halt to the massive problem of illegal entry into this country.

Some in this debate are trying to characterize those of us who want to get serious about illegal entry as mean-spirited and anti-immigrant. It is ridiculous.

In a column a while back, Peggy Noonan asked the question, What does it mean when the first thing a person does when coming into the country is to break our laws? Mr. Speaker, that is a good question.

We absolutely cannot condone or incorporate into our society large numbers of people whose first act upon entering this country is to break a law.

We need to overhaul our border security. We need to overhaul the process by which people are legally admitted to this Nation.

**VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT**

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

Mr. HOLT. Mr. Speaker, a government such as ours, by the people, works only if the citizens believe it does. Yet, voting irregularities in polling places around the Nation have played an important role in eroding the trust of many Americans in Americans’ ability to govern ourselves.

Most or even all of the problems can be addressed, and we should do that. Today, hundreds of citizens are coming to Washington from around the country to urge that we enact H.R. 550, to give every voter a system of voting that allows voter-verified paper audit trails.

Everything of value should be auditable, no less so votes, and every voter should be confident that his or her vote is recorded and counted as intended.

Passage of the Voter Confidence and Increased Accessibility Act will be a big step toward restoring confidence in our government.

**IMMIGRATION REFORM**

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

Mrs. MILLER. Mr. Speaker, this week the Senate is continuing to debate immigration reform which, of course, is badly needed.

I would urge the Senate to look to the legislation that was passed by this House in December when crafting their legislation. America needs the House border immigration and border security bill to protect our borders.

The legislation that we passed ends the catch-and-release program, it gets tough on repeat offenders, it promotes cooperation amongst local law enforcement as well, and it installs requirements to ensure that those who are here illegally in our country do not take jobs from American citizens.

Some say that these illegals just take the jobs that Americans won’t do, but I received a letter just the other day from one of my constituents who urged me to push for tougher immigration because his daughter works as a drywall worker because of illegal foreign workers.

This is considered a very good job from where I come from, the type of job that has built our middle class. Some say we can get a deal on providing amnesty for some illegal aliens, and I would have a message for the distinguished Senators on the other side of this building: amnesty has no chance of passage in this House. Look to the House bill if you want to see real immigration reform.

**REPUBLICANS CREATE A RESPONSIBLE BUDGET FOR AMERICA**

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

Mr. WILSON. Mr. Speaker, Congress is currently evaluating America’s needs and trying to decide upon a budget that will responsibly provide for our Nation in 2007.

We should approach this process with the same wisdom and self-restraint used by American families when they decide upon their budget. While we must provide for our needs, we must eliminate unnecessary government programs and prepare for emergencies.

House Republicans are focused on strengthening our Nation’s most critical programs, reforming the government, and spending taxpayers’ dollars wisely. The Lexington County Chronicle is correct, that the money belongs to the people, not to the government.

I am particularly proud of Chairman J. C. Watts’s efforts to save $8.8 billion in spending and reduce the deficit by implementing commonsense reforms. Most importantly, we are taking immediate steps to ensure that the American economy continues to create jobs for American workers.

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

**REPUBLICAN BUDGET**

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

Mr. DeFAZIO. If we adopt the Republican budget late tonight or tomorrow, the Republicans will set a new record: 5 consecutive years of the largest deficits in our Nation’s history.

Two weeks ago, the Republicans in the Senate voted to raise the debt limit in the United States of America to $9 trillion. That is the fourth deficit in 5 years, and this President Bush have added 65 percent to the debt of the United States in 5 short years.
The President has accumulated more foreign debt than the 42 Presidents who preceded him, and this budget is business as usual: borrow money, borrow all of the Social Security trust fund and spend it, in part, on tax breaks for the wealthy.

This budget assumes that we will continue to borrow money to fund yet more tax breaks for the wealthiest among us, despite the Internal Revenue data that came out yesterday showing that their tax breaks benefit those making $1 million a year, but only $500,000 a year. Should people who work for wages and salaries be forced to pay debt to give tax breaks to people who earn over $10 million a year? They say yes.

RESTORING FISCAL SANITY AND PAYGO

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

Mr. DAVIS of Tennessee. Mr. Speaker, House Republicans claim to be fiscally responsible; and if that is the case, I encourage them to join the Democrats in supporting a policy called pay-as-you-go.

Democrats strongly support the reinstatement of commonsense pay-as-you-go budget rules that would require any increase in mandatory spending and any decreases in revenue be offset elsewhere in the budget so that we don’t add to the deficit.

PAYGO rules were adopted on a bipartisan basis in 1990 and then reenacted again in 1997 before Republicans allowed such rules to expire in 2002. PAYGO budget rules are widely credited with producing record budget surpluses between 1998 and 2001.

President Bush and congressional Republicans previously supported PAYGO rules with regard to spending and taxes, but now oppose the application of such rules to taxes because they would be forced to offset their tax legislation. They seem willing to let the deficit spiral out of control as long as they continue to give and provide tax breaks to the very wealthy.

It is time that the Republicans start thinking about our Nation’s future. It is imperative we reject the budget so that we don’t add to the deficit.

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REPUBLICANS SELLING OUR COUNTRY AWAY TO FOREIGN NATIONS

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

Mr. MEEK of Florida. Mr. Speaker, it is an honor again to be here on the House floor to share with the American people what is actually going on here in the Capitol. I want to share with the American people that President Bush and the Republican majority in just 4 years have borrowed $1.05 trillion from foreign nations. That is selling our country to other nations because of the spending that is going on. That is more than 42 Presidents before this President and the Republican majority and 224 years. What does that mean to Americans?

What does that mean to our future? Japan holds $682.8 billion of our debt; China owns $249.8 billion of our debt; the U.K., $223.2 billion of our debt; Caribbean nations, $115.3 billion of our debt; and France, $111.7 billion of our debt; OPEC nations, $97.8 billion of our debt; Germany, $65.7 billion of our debt; Korea, $66.5 billion of our debt; and Canada, $53.8 billion of our debt.

Republicans are going to sell this country away to other countries, and I think it is important that we take on fiscal responsibility.

REPUBLICAN BUDGET A GIFT TO SPECIAL INTERESTS AND A SLAP IN THE FACE TO THE AMERICAN PEOPLE

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

Mr. PALLONE. Mr. Speaker, House Republicans are expected to bring a 2007 budget to the floor this week that they say demonstrates their priorities. Unfortunately, House Republicans once again essentially rubber-stamp the President’s budget, refusing to stand up for fiscal discipline and refusing to truly address the needs of everyday Americans.

The Republican budget makes harmful cuts to critical services for working families and uses these cuts to partly pay for new tax cuts, primarily benefiting America’s millionaires.

This budget slashes education, training and social services funding; cuts veterans benefits and taxes military retirees; cuts homeland security, including port security; squeezes programs for low-wage workers and vulnerable families; slashes environmental protection and conservation funding; and cuts funding for public health programs and medical research.

The wealthiest Americans are doing just fine. They don’t need any more help from Washington Republicans. It is America’s middle class who have lost out over the last 5 years, and they are not getting help from the Republican budget. We should reject this mean-spirited budget.

COMMUNICATION FROM THE HON. JON C. PORTER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. KOLBE) laid before the House the following communication from the Honorable Jon C. Porter, Member of Congress:

PROVIDING FOR CONSIDERATION OF H. CON. RES. 376, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

Mr. PUTNAM, Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 766 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 766

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour of general debate equally divided and controlled by Representatives Saxton of New Jersey and Representative Maloney of New York or their designees. After general debate the Committee of the Whole shall rise without motion. No further consideration of the concurrent resolution shall be in order except pursuant to a subsequent order of the House.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the House for 1 minute and to revise and extend his remarks.

Mr. MEEK of Florida. Mr. Speaker, it is an honor again to be here on the House floor to share with the American people what is actually going on here in the Capitol. I want to share with the American people that President Bush and the Republican majority in just 4 years have borrowed $1.05 trillion from foreign nations. That is selling our country to other nations because of the spending that is going on. That is more than 42 Presidents before this President and the Republican majority and 224 years. What does that mean to Americans?

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Republicans are going to sell this country away to other countries, and I think it is important that we take on fiscal responsibility.

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

Mr. PALLONE. Mr. Speaker, House Republicans are expected to bring a 2007 budget to the floor this week that they say demonstrates their priorities. Unfortunately, House Republicans once again essentially rubber-stamp the President’s budget, refusing to stand up for fiscal discipline and refusing to truly address the needs of everyday Americans.

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The wealthiest Americans are doing just fine. They don’t need any more help from Washington Republicans. It is America’s middle class who have lost out over the last 5 years, and they are not getting help from the Republican budget. We should reject this mean-spirited budget.

COMMUNICATION FROM THE HON. JON C. PORTER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. KOLBE) laid before the House the following communication from the Honorable Jon C. Porter, Member of Congress:
As a member of both the Rules Committee and the Budget Committee, I am pleased to bring this resolution to the floor for consideration. This rule provides for 4 hours of general debate, with 3 hours equally divided and controlled by the chairmen and ranking member of the Budget Committee and 1 hour on the subject of economic goals and policies, again equally divided and controlled by Representative SAXTON of New Jersey and Representative MALONEY of New York or their designees.

The rule waives all points of order against consideration of the concurrent resolution, and it provides that after general debate the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except by subsequent order of the House.

This rule allows the House to begin consideration of the congressional budget. The budget is an important tool of the Congress, allowing us to establish our priorities for the coming year. I am proud that this budget responds to the Nation's complex challenges with the straightforward principles of strength, spending control, and a continued commitment to reform.

The budget resolution continues policies that have helped to reestablish a strong United States economy. We have included savings for working Americans. We have expanded the deduction for one in five Americans. We have increased spending for vital homeland security. We have continued the life-saving Medicare prescription drug benefit and established our priorities for the coming year. It is a budget that moves us forward.

In the area of mandatory spending, we provide a total of $1.5 trillion. In an effort to control the automatic effusion of dollars, the budget resolution calls for mandatory spending reforms from several committees. These savings, these mandatory spending savings, total $6.75 billion over the next five years.

This is an important distinction. This is one of the first times in the history of modern budgeting that there has been back-to-back reconciliation instructions in the House budget. Today our spending is essentially on autopilot. Fifty-five percent of Federal expenditures today are going into what is known in budget parlance as mandatory accounts. So all of the discretion that lies within this body and lies within the Senate is not even half of the Federal budget. And within 10 years, if these reconciliation instructions are not implemented, that are embedded in this budget for the second year in a row, then within 10 years it will consume two-thirds of the Federal budget, two-thirds of the Federal budget being on autopilot if we don't implement the reforms that this budget calls for.

Last year was the first year since 1997 that we had made the effort through the Budget Act to get our arms around mandatory spending through reconciliation instructions. This year we do that again. This is an important reform effort. Again, it is one of the few times in modern history where there has been back-to-back reconciliation instructions that allows us to reduce the size of the Federal deficit.

Mr. Speaker, I am pleased that this year the Budget Committee included an emergency reserve fund to help Congress plan for unforeseen costs that may arise in the future. We have set aside $50 billion toward an expected wartime supplemental, as well as $4.3 billion for unanticipated emergencies, such as natural disasters, and $2.3 billion for potential avian flu costs.

As a Congressman from the great State of Florida, I can tell you with a great deal of certainty that the last several years have been very active in the Atlantic hurricane season. We know, without being able to see into the future, we know that someday in the future there is likely to be a hurricane that will make landfall in the United States. Somewhere in the United States, there will almost certainly be devastating wildfires. Somewhere in the United States in the coming fiscal year there will almost certainly be an earthquake or devastating tornadoes.

Hopefully, we will not have a natural disaster that reaches the catastrophic level that Hurricane Katrina reached. But nevertheless, just like responsible businesses and responsible homeowners who set aside money in their savings accounts for when the hot water heater breaks, or when the transmission goes out, the Federal Government, a little bit slowly, but nevertheless has come around to the notion that we should plan for emergencies, particularly those types of very expensive natural disasters that do frequently strike our shores.

With increased spending control, tax relief, and these important budget reforms, this budget achieves a sizable dent in our deficits. Under these policies, the deficit will fall by more than half, from $321 billion, which is projected in fiscal year 2004, to $191 billion in fiscal year 2009, which is below the President's planned budget achievement.

I am proud of the work of the Budget Committee this year. I thank Chairman Nussle for pushing forward with fiscal discipline and bringing us this excellent budget for our consideration, and I urge Members to support the rule and the underlying bill.

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

Mr. McGOVERN. Mr. Speaker, I want to thank my good friend from Florida (Mr. Putnam) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. McGOVERN. Mr. Speaker, we have seen this movie before. Just like last year and the year before that and the year before that, the budget resolution put forward by the House Republican leadership today is an awful piece of legislation. There is no other way to describe it.

It is a budget that hurts American families. It is a budget that continues to create a government without a conscience. It is a budget that punishes the poor and the middle class and rewards the wealthy and special interests. It is a budget that explodes our Nation's deficit and passes mountains of debt onto our children and grandchildren. It is a budget that deliberately misleads the American people about the cost of our ongoing wars in Iraq and Afghanistan. In short, Mr. Speaker, this is a budget that deserves to be defeated soundly by every Member of this House.

The details speak for themselves. This budget includes a deficit for 2006 of $372 billion and a deficit for 2007 of $348 billion. In fact, if this budget is approved, the five largest deficits in the history of the United States of America will have occurred in the past 5 consecutive years, all during the period when the White House, the Senate, and the White House were under Republican control. What in the world has happened to the party of fiscal discipline? They have become the party of runaway spending and reckless tax giveaways.

Even worse than this unchecked spending binge is the Republican leadership's deliberate misleading of the American people. We are at war, Mr. Speaker, and every day our brave soldiers patrol the most remote areas of the planet and the most dangerous neighborhoods in Iraq. Every day the American people learn of more roadside bombings, insurgent attacks, and
death in Iraq. Every day the Iraqis seem more and more unable to form a functioning government, and every day Iraq slips further and further into chaos and civil war. And every day our credibility around the world gets lower and lower. And every day our Nation sinks deeper and deeper into a violent quagmire.

But with all of this, Mr. Speaker, how do you explain only $50 billion in funding for the wars in Iraq and Afghanistan for fiscal year 2007, and after that no funding at all? Now, if the Republicans actually carry out what they are promising in this budget, the United States won’t be spending a penny in Iraq or Afghanistan after 2007. Maybe they have miraculously stumbled upon an exit strategy, which would be just fine with me. But last year, the United States spent over $100 billion on the wars in Iraq and Afghanistan, and all told we have spent $357 billion over the past 4 years on fighting these wars.

President Bush recently announced that the American troops will be in Iraq until at least 2009. The truth, of course, is that the Bush administration will be back before we know it asking for trillions of dollars more in so-called emergency funding to pay for their failed foreign policy. But then, Mr. Speaker, why should we expect the Republicans in Washington to start telling the truth about what they do, given that the far side of the aisle has been lied to, deceived, and misled from day one.

What will happen is that the Republican leadership will write a blank check without asking the tough questions, without demanding the straight answers, and without conducting the kind of oversight that is our responsibility as Members of Congress.

And while we are on the subject of war and its aftermath, Mr. Speaker, let us examine what this budget means to our veterans. Now, my Republican colleagues will pat themselves on the back and crow about how they have increased funding for veterans in fiscal year 2007, but once again the devil is in the details. The truth is that over the next 5 years, the Republicans actually cut the same funding by a total of $4 billion.

Do they think our current and future veterans are just going to fade away? Talk about cutting and running. At a time when America is creating hundreds, if not thousands of new veterans, and when thousands of those veterans are going to need significant health care support for the rest of their lives because of their service in Iraq and Afghanistan, it is shameful that the Republicans in Washington are blatantly ignoring our veterans. Sending our brave servicemen and women to war without providing for their care when they return is not an American value. Let me say to my colleagues on the other side of the aisle, if you are going to send our servicemen and women into war, you have an obligation to them, a moral obligation to them that when they return home as veterans that they will be cared for. To do otherwise is to disrespect their service. And that is what this budget does. How does any- one in this Chamber vote for this budget and then go back to their districts, look the people in the eye and say with a straight face that we have done our best for you? You can’t.

The list of misplaced priorities in this budget, Mr. Speaker, goes on and on. This budget slashes critical programs, including education, job training, environmental protection and conservation funding, public health programs, medical research, and social services. It fails our responsibility to protect America by allowing $8.2 billion over the past 4 years on fighting these wars.

And where is the money for port security? Didn’t my Republican friends say that they were concerned about our ports when joining with Democrats in opposing the President’s selling of our port security to the United Arab Emirates?

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

Mr. PUTNAM. Mr. Speaker, it is always fun to have these debates. We ought to at least start out with our facts straight, though. For the last 10 years, spending per veteran under Republican leadership has doubled. In the last 10 years, spending budget authority for veterans medical care nearly doubled going from $16.2 billion to $31 billion.

Facts are stubborn things, my friend. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank the gentleman from Florida, the elder statesman, Mr. PUTNAM. I as a Member of the House can say that to my good friend, Mr. PUTNAM.

Today I want to quote from the ranking member on the Budget Committee: ‘A budget is a statement of moral choices’. And this is certainly one of the wrong choices, cutting education, Medicare and Medicaid and barely funding the bold initiatives that the President set out in his State of the Union. Its greatest moral fault is that it leaves our children a legacy of debt and an even heavier burden to bear as the baby boomers begin to retire.’

That is from the gentleman from South Carolina (Mr. SPRATT), the ranking member on the House Budget Committee.

The fault in his quote there, Mr. Speaker, is that we are not cutting education. We are not cutting Medicare. We are not cutting Medicaid. These things are absolutely off base. What our budget does say to the American people, these are our moral choices so Congressman SPRATT should be commended for saying that a budget is a moral choice, and I agree with that. But what we do with this budget is say boldly that we will set out the fences around which government spending should be held within. That is a positive thing.

I ask my colleagues on the left wing of this body, the Democrats and the liberals here, to consider supporting this budget because what we are saying is our children should not be left with a legacy of debt. We need to control wasteful government spending.

What this rule provides for in this budget document is a restraint of spending. It does not hurt people. It takes out and gives the opportunity for the policy-making committees of this
breast cancer. As that group of survivors has emphasized, early detection is essential to surviving breast cancer.

Tragically, this budget underfunds critical medical research. As a result, dynamic institutions like the UC Davis Cancer Center will not have access to the same level of Federal resources as they did in last year’s budget.

What do you tell the children or the spouse of a woman who may have benefited from additional cancer research, but will not know because of this budget?

The fact is this budget chooses tax cuts for the very, very wealthiest instead of investing in medical research. This is a choice that Congress is making.

We need a budget that makes sense for America’s families. I think about my 2½-year-old granddaughter, Anna. It is Congress’ responsibility to invest the resources today so that Anna and her friends have the same opportunities that you and I have had. To accomplish this goal, we must devote long-term resources to health care, education, and scientific discovery. Yet with this budget, we are reducing our capability in these areas while continuing to run a budget deficit. So not only are we not investing in Anna and her friends, but we are passing our debt to them.

Congress cannot continue to run this government in the same selfish, short-sighted manner that we have over the past 5 years. Congress risks breaking America’s foundation of opportunity and prosperity and imperiling the quality of life for our children and our grandchildren.

When we talk about the quality of life, that means your grandchildren and those of you who may hope for grandchildren. They may not have access to world-class education. It means that the Annas of our country may not benefit from the world’s best health care system or be a part of the most innovative and productive economy. It means that citizens of the United States may look at foreign countries and see people who have better opportunities and better lives.

I urge my colleagues to oppose this budget and vote in favor of Mr. SPRATT’s alternative.

Mr. PUTNAM. Mr. Speaker, I think the gentlewoman raises an important point. For the last dozen years in funding the National Institutes of Health.

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

Mr. McGOVERN. Mr. Speaker, I have here a letter from the major Jewish community service providers in our country, and they ask all of us to oppose this Republican budget resolution because it will force, in their view, harmful cuts in education, health care, nutrition, housing and other services critical for children, families, seniors, and people with disabilities.

I ask my colleagues to listen to the plea of these faith-based groups.

DEAR REPRESENTATIVE: The Jewish community has long demonstrated a commitment to economic and social justice. We have been vigorous in advocating policies and programs to fight poverty and to help address the needs of disenfranchised vulnerable populations, including the elderly, working poor, disabled, youth, and refugees.

The budget process is one of the most important actions taken by our government each year and is an integral part of allocating resources for important human needs programs. While we recognize that deficit reduction is critical to the economic stability of our country, we believe it is essential that it be done in a fair and balanced manner. Over the past months we have spoken out against cuts that we believed would disproportionately hurt those in most need.

The budget plan of the House Budget Committee would make huge cuts to domestic discretionary programs. These cuts would be extremely harmful both to our social service agencies and to the recipients on public funding as well as the vulnerable populations we advocate on behalf of. Programs such as the Older Americans Act, the Social Services Block Grant, the Farmers Market Serviced Block Grant, and the Low Income Heating Energy Assistance Program are critical.
to the elderly, refugees, children, and persons with disabilities, and all would likely face severe cuts if this budget proposal is enacted.

We believe that budgets are documents which reflect the values and priorities of those who create them. With the increase in hunger in American households; housing costs; food; wages; and more than 45 million Americans lacking adequate health care coverage, funding for social services to assist these individuals is more critical than ever. This budget does not accurately reflect our values.

As you consider the Budget this week, we ask you to oppose this Resolution that will force cuts in education, health care, nutrition, housing, and other services that are critical for children, families, seniors, and people with disabilities.

Sincerely,

From Florida (Mr. PUTNAM) with recide what modifications to the budget today the Committee on Rules will de-

Now, in spite of this, this administration is proposing an even bigger aeronautics cut, $179 million, or 25 percent of the aeronautics budget they are trying to cut. I mean, if this was farming, it would be like throwing away your seed corn.

This shortfall is a direct result of the administration’s consistent and inexplicable failure to fulfill the very vision for space exploration that it launched. Now, in order to keep this vision alive, NASA is forced to take the money from other essential programs like aeronautics.

About a month ago our colleagues in the Senate passed a budget amendment with four Republican cosponsors that increased funding for aeronautics at fiscal year 2005 levels. I tried to introduce the same amendment with bipartisan support approved by the Rules Committee. We cannot afford to stand by and watch the erosion of research of aeronautics and the erosion of these NASA programs that are connected. If the Rules Committee produces a rule that lets Congress have the ability to focus on protecting NASA’s aeronautics research, then we ought to support the rule.

However, if the Rules Committee denies Congress the ability to debate the mistreatment of NASA, then I will ask that we vote “no.” And later, at the appropriate time, I will ask my colleagues to urge conferees to agree with the Senate’s position on the National Aeronautics and Space Administration. This is about our ability to grow America’s future, and vitally connected to that is the work of the National Aeronautics and Space Administration. And let’s not forget national aeronautics, aeronautics, aeronautics, research, research, research. Fund it.

Mr. PUTNAM. Mr. Speaker, my colleagues join me in complimenting your selection of neckwear this morning.

I yield 3 minutes to the gentleman from California (Mr. CAMPBELL), one of our newer members of the Budget Committee and a CPA.

Mr. CAMPBELL of California. Mr. Speaker, I have to say the course of this budget debate is somewhat perplexing. My friends on the other side of the aisle are consistently railing about the deficit and the evils of the deficit and how bad the deficit is and how big the deficit is, and I confess that I concur. I have problems with this deficit and that we ought to be reducing this deficit.

But it seems like their solution to reducing the deficit is to spend more money. My friends, this is like saying that the boat is sinking, and the way to fix the boat is to punch holes in the bottom of it.

Spending more money does not reduce the deficit. You don’t need to be a rocket scientist to know that. You only need second grade math to know that. Spending more money does not reduce the deficit. In the Budget Committee the vast majority of the amendments to the budget offered by the Democrat side were amendments that spent more money.

Now, to be fair, they do propose to close the deficit by raising taxes, and that is their argument and their proposal. But they claim that the tax rate cuts were tax rate cuts, that they were tax rate cuts, that happened in 2003 have increased the deficit. Except, since those tax rate cuts went into place, the income to the Federal Government, the revenue coming into the Federal Government has increased by an average of nearly 7 percent a year because tax rate cuts stimulate the economy, and tax rate cuts, these particular tax rate cuts, allowed capital to move to where it is best used and it resulted in more revenue. So you can’t say that tax rate cuts have worsened the deficit when the revenue has gone up by higher than historic averages since the rates were cut.

Now, this budget that is before us increases spending. That is another thing. You are hearing about all the cuts in this budget and, sure, some things go up and some things go down. But overall it increases spending by 3½ percent. I think that is a cut. An increase of 3½ percent is not a cut.

It spends $2.7 trillion. That ought to be enough to make things work around here, you would think. And it reduces the deficit because the revenue by this stimulated increase that we had go up by more than that 3½ percent.

So this budget does not cut spending. It increases it. It does not increase the deficit. It reduces it. And it does not raise taxes. It maintains the stimula-
tive tax policy that currently exists in our economy.

Mr. MCGOVERN. Mr. Speaker, I appreciate the gentleman from California’s comments. But I will tell you, my CPAs that failure in real life go to jail. And the fact of the matter is in this budget, the numbers are fudged.

$50 billion for Iraq for the next 5 years? Give me a break. You know 5 years, my friends, and you can’t even make one paycheck go 5 years. The bottom line is you are going to be coming back and back and back for more and more money.

Look, the gentleman raised the Democratic budget proposal. Well, let me just elaborate a little bit and suggest that he read it. The Democratic budget proposal would return the budget to balance. We reach balance by the
year 2012, and we also have smaller deficits than the Republican budget and accumulate less debt.

By contrast, the Republican budget never returns to balance and even refuses to show how big the deficit will be after 2011. Our proposal includes fiscal responsibility budget enforcement rules. The Democratic budget backs the two-sided pay-as-you-go budget enforcement rule that requires that the cost of any new mandatory spending or revenue legislation be fully offset.

They say families operate. They pay as they go. They can’t accumulate the debt that you have accumulated. There is no way that families could operate the way the Republican majority has operated here.

During the 1990s, the two-sided PAYGO rules played a critical role in turning record deficits into record surpluses. Do you remember those days?

The Democratic budget also requires a separate vote to increase the debt limit to be concerned about that, but no longer. Now we sneak the increase in the debt limit through without having to put Members on record, and it prohibits using fast track reconciliation procedures to make it even worse.

We invest in education, and we keep our commitment to veterans. I mean, to me one of the most egregious elements of the budget that the Republicans have proposed is that you turn your back on America’s veterans. We have sent them to war. There will be more veterans in the future, not less, and you did not put aside the adequate funding to make sure that these men and women who have served our country with great honor get the respect that they have earned and that they deserve.

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

Mr. PUTNAM. Mr. Speaker, I would remind the gentleman of two points. First, spending per veteran and spending for veterans’ medical care both have nearly doubled in the last 10 years. I remind the gentleman of that.

Second point, with regard to the procedure around here for changing the debt limit, it is known as the Gephardt rule. The process for adjusting the debt limit was put in place when your team was in charge. So the gentleman takes issue with a process that was invented by his team.

I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I want to say that this Democrat budget alternative is laudable in the extreme. We want to balance the budget in the backs of the taxpayers. They want every American citizen to pay more in taxes next year than they did this year, and they call that rolling back the Bush tax cuts. That is a tax increase, and they call it how they want to balance the budget.

On top of that, they don’t want to eliminate wasteful government programs. They don’t want to look at government programs that have long outlived their usefulness and effectiveness for people. They just want to keep spending, and they want more money for Washington, more money for Washington bureaucrats, more money for Washington. And when they do that, and they nod and wink and laugh to themselves that they are balancing the budget. Right.

What we have done, what this Republican Congress and President Bush’s tax cuts, through the stimulus to the economy, is we have let people keep more of what they earn. And by keeping more of what they earn, they spend, they employ people, the economy grows. And when the economy grows, Mr. Speaker, tax revenues increase with economic growth.

With tax increases it stifles economic growth, and in the end the Treasury doesn’t net out as much as it would with pro-growth tax policies.

Just say one thing to the gentleman. Tax receipts have gone up 15 percent. Yet the Democrats want more money for Washington bureaucratic programs. Then they scream and hem and haw that we are cutting. We are not cutting, Mr. Speaker. I regarded as a conservative, I believe we should cut. But I think this is a reasonable budget, a reasonable budget that funds much needed national defense and homeland security programs while freezing government spending in other areas. That is not a cut, Mr. Speaker.

Mr. McGOVERN. Mr. Speaker, I want to go back to the issue of veterans funding again. The gentleman from Florida keeps on bragging about how the Republicans have been so good to our veterans and have increased dramatically veterans funding over the last decade.

First of all, let me just say that I don’t know of a single Member of Congress who doesn’t support our service men and women and heard from veterans and people who work in VA facilities and other veterans health benefit facilities that somehow, boy, you have given us all we need. We don’t need any more. What you have handed us is enough to meet the demand. I mean, in fact, what you hear is the opposite. And I am going to just say one thing to the gentleman. Over the past 10 years, all this bragging he is doing about increasing the veterans budget, from 1996 to the year 2000, the number of unique patients increased by $2.4 million. And on a per capita basis, veterans health care funding increases average only 0.1 percent per year, a level well below inflation for medical care. So we are not meeting the current needs of our veterans, and in this budget there is no way we are going to meet the future needs of our veterans when we are creating more veterans because of the wars in Afghanistan and Iraq. War pensions for Iraq and Afghanistan are creating thousands of new veterans. That is an undeniable fact.

Thousands of these men and women have been severely injured, and most will need medical services and benefits for the rest of their lives. And even without the influx of this new generation of veterans, the fiscal year 2006 and fiscal year 2007 spending for the VA doesn’t even meet the basic care needs of our current numbers of veterans and military retirees. According to every major veterans organization in the country, we are still about $1 billion short each year. But the Republican budget before us actually decreases the discretionary funding for VA benefits and services each and every year over the next 5 years. So FY 2011, just 5 years away, is actually $4 billion less than FY 2006. That is their budget.

So I ask, is this how we honor our troops? Is this how we support them when they come home? I hope not. And I would urge my colleagues to vote ‘no’ on this.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman for his comments. Again, I would simply say that the spending he is bragging about for the last 10 years didn’t even keep up with inflation.

But putting that aside, let’s talk about the next 5 years. Let’s talk about your budget, the budget you have. I have got the numbers here. In fiscal year 2007, it goes up by $2.6 billion.
Then in fiscal year 2008, you go down by $100 billion. In fiscal year 2009, you go down by $1.4 billion. And in fiscal year 2010, you go down by $3.1 billion. And then in fiscal 2011, you go down by $4 billion.

And I would just remind the gent- leman, maybe he has not been reading the newspapers lately, but we are at war in Afghanistan and Iraq. Thou- sands of new veterans are going to come into this system. And your bud- get shortchanges not only them, it doesn’t address the needs of the current veterans. So from the veterans’ perspective, this budget is deeply flawed. I think it shows a disrespect for the service of those men and women whom we have sent over to fight for our country. We owe them more than this.

And I would urge my colleagues if you want to support veterans, this is not the way to do it. This is the place you take a stand. You say no to this budget. You say no to this, let them do what is right by our veterans. There is no way we should be shortchanging our veterans, and this budget does that.

Mr. Speaker, I would at this time like to submit into the Record a letter from the Interreligious Working Group on Domestic Human Needs, re- presenting the major Protestant and Catholic churches and faith organiza- tions. They state that “as communities of faith . . . we are called upon to hold ourselves and our communities ac- countable to the moral standard of our Biblical tradition. We speak together now to express our concern about our national priorities.” The letter is called a “Faith Reflection on the Fed- eral Budget,” and it opposes what is before us today.

INTERRELIGIOUS WORKING GROUP ON DOMESTIC HUMAN NEEDS

A FAITH REFLECTION ON THE FEDERAL BUDGET

As communities of faith, we are grounded in a shared tradition of justice and compassion, and we are called upon to hold our- selves and our communities accountable to the moral standard of our Biblical tradition. We speak together now to express our concern about our national priorities.

In the year that has passed since this re- flection was originally written, this concern has deepened as we have watched poverty, food insecurity, and the number of people without health insurance climb for the fourth year in a row. Across the country, church-sponsored organizations who care for our most vulnerable people are straining under increased demand for serv- ices due to cuts in federal funding for crit- ical safety net programs. Devastating hurri- canes have underscored real problems of rac- ism and inequality in our country and along the Gulf Coast, and scattered throughout the country, church survivors are struggling to provide for their families while waiting for the bold action that has yet to materialize from our national leaders.

The circumstances make it necessary to even more closely examine our government’s decisions, particularly those concerning the budget, through a moral lens. The federal budget remains a fundamental statement of who we are as a nation. The choices we make about how we generate revenues and spend our shared resources reveal our true alle- giance. As people of faith we must continue to ask: Do these choices uphold values that will strengthen our life together as a nation and as part of God’s community?

We offer this reflection as a starting point for such a dialogue and to make clear the values to which we hold ourselves and our nation as a whole.

Community and the common good

“But seek the welfare of the city where I have sent you . . . and pray to the Lord on its behalf, for in its welfare you will have your welfare” (Jeremiah 29:7, NRSV).

Our nation’s well-being is dependent on the well-being of all its members. In order to form a more perfect union, the preamble to the U.S. Constitution calls us to promote the general welfare. In faith lan- guage we would call that the “common good.” The budget should reflect a commitment to the common good by ensuring that the basic needs of all members of society are met. At this time, when Gulf Coast commu- nities are still struggling to recover from last year’s hurricanes, when nearly 46 mil- lion Americans are uninsured, 37 million live in poverty and one in five children lives in a household experiencing food insecurity, addi- tional cuts to critical human needs programs cannot be justified.

Investments in education, job training, work supports, health care, housing, food assistance and protection strengthen families and communities and promote opportunity for all. These should be budget priorities.

Budget decisions must be evaluated not just in the short term, but with respect to their long-term effects on our children’s health, the global community and on all of creation.

Concern for those who are poor and vulnerable

“Give the king your justice, O God. May he judge your people with righteous- ness, and your poor with justice .... May he defend the cause of the poor of the people and the rights of the needy, so that the weak may find safety, and your poor with justice ....” (Psalm 146:9, 13, NRSV)

As a nation we have a special responsi- bility to care for the most vulnerable mem- bers of society. All budget decisions and ad- ministrative procedures must be judged by their impact on those families, the elderly, people with disabilities and other vulnerable populations.

Whatever one’s position on the war in Iraq or the tax cuts are driving the deficit. Attempting to pay off the deficit by cutting programs that affect needy popu- lations, when these programs did not lead to the deficit, is unjust.

Economic justice

“Woe to those who make unjust laws, to those who issue oppressive decrees, to de- prive the poor of their rights and withhold justice from the oppressed of my people” (Isaiah 10:1–2, NIV).

God has created a world of sufficiency for all; the problem is not the lack of natural and economic resources, but how they are shared, distributed and made accessible within society and throughout the world.

Our government should be a tool to correct inequalities, not a means of institutional- izing them. The federal budget should share the burdens of taxation, according to one’s ability to pay, and distribute government re- sources fairly and offer opportunity for all.

Endorsing organizations

National: American Baptist Churches USA; American Friends Service Committee; Bread for the World; Call to Renewal; Central Con- ference—Brethren Witness/Washington Office; Church Women United; Conference of Major Super- ors of Men; The Episcopal Church; Evangel- ical Lutheran Church in America; Friends Committee on National Legislation; Insti- tute Justice Team—Sisters of Mercy of the Western Province USA; Jewish Council for Public Affairs.

Leadership Conference of Women Reli- gious; Maryknoll Office for Global Concerns; Metropolitan Council of Churches/Greater Wash- ington Office; National Advocacy Center of the Sisters of the Good Shepherd; National Council of Churches of Christ in the USA; National Catholic Social Justice Lobby; Pax Christi USA; Presbyterian Church (U.S.A.) Washington Office; Union for Reform Judaism; Union of the United As- sociation of Congregations; United Church of Christ Justice & Witness Ministries; The United Methodist Church—General Board of Church and Society; Women of Reformation Judaism.

State and Local: Arizona—Lutheran Advo- cacy Ministry in Arizona; California—Lu- theran Office of Public Policy—California; Central Pacific West Region with Union for Re- form Judaism; Sisters of the Good Shepherd, Seattle, WA; Florida—Union for Reform Judaism; South- east Florida. Illinois—Lutheran Network for Justice Advocacy; Lutheran Social Services of Illinois; Protestants for the Common Good, Minnesota—Institute for Welcoming Congregations; Lutheran Church—Missouri—Sisters of the Good Shepherd—St. Louis, MO.


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

Mr. PUTNAM. Mr. Speaker, perhaps in the gentleman’s stack of letters that we are entering into the RECORD, he could find the thank you notes from the veterans who thank us for finally, after decades of inactivity under the previous leadership, acting on concur- rent receipts giving veterans what they need; doubling funding for veterans in 10 years; a 4 percent increase next year over this.

We budget year to year, and the gent- leman knows it. Every year this major- ity has come through for our vet- erans. Every year we have been there, and we will continue to be there for America’s veterans.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. SESSIONS), my good friend from the Rules Committee and the Budget Committee.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman, my friend from Florida and the Rules Committee, Mr. PUTNAM, the chairman of our policy committee
Jim Nussle, the chairman of the Budget Committee, has led this House to an important conclusion, and that is what Mr. Putnam is here selling to the Members today, and that is we are not about politics in this budget. It is about structure. It is about saying how much money is available and then we are going to let other important committees, our appropriators, be able to understand where the present needs are, and then we are going to give them the authority to go and spend the money based on priorities.

This is the right way to run the railroad. Mr. Speaker. This is the right way to do things. But we must have the responsibility by passing a responsible bill, or this House will fall to the whims of every single person who wants their own special project to be passed. Spending will be out of control.

So I urge my colleagues to recognize and understand that the process that has been going through has been very important, and it has produced a winner. It has produced the ability that we have in a framework to put the needs and priorities into balance for this United States Congress.

Mr. Speaker, I am proud of what we have done. I am proud of what Mr. Putnam supports today. I urge my colleagues to support this rule and the budget.

Mr. McGovern. Mr. Speaker, let me just respond to the gentleman from Texas, my colleague on the Rules Committee. He says he is proud of this budget. Quite frankly, I am ashamed that this budget is coming out of this Congress with the cuts that are contained in this budget that I think are going to hurt working families and also be devastating for our veterans.

I want to point out to my colleagues on the other side that in 1995 the VA was $5.4 million people. That number is going to go up and up and up. And yet in this budget, we see over the next few years a $4 billion cut. That to me makes absolutely no sense. We know that the demand on the VA is going to become greater and greater, and yet we are deliberately short-changing veterans health and veterans benefits. We know what the future is going to hold, but we are fudging the numbers here. I think that that is not only irresponsible but, Mr. Speaker, it is dishonest.

The gentleman from Texas talked about planning. Well, boy, the planning that the Republicans have done here has just led to great success. We have the biggest deficits in the history of the United States of America. Boy, that is great planning. More of our debt is owned by foreign countries than at any other time in our history. I don’t know too many people who feel good about that.

Your planning has done such a great job that, quite frankly, it is pushing our country towards bankruptcy. And he talked about the insatiable appetite of people who want to spend money. Look, I am all for fiscal restraint. We want to pay as you go. We want to make sure that every new program that we talk about, every new revenue initiative that we talk about is paid for. That is what we do. That is what we do. That is not the case with Republicans. But when you talk about insatiable appetite, I can’t help but think of your energy bill, which provides these incredible tax breaks and subsidies to oil companies that have made more profits than they are right now, that are gouging American taxpayers at the pump, and you are giving them billions of dollars. Talk about insatiable appetite. Or the drug companies that can’t provide our senior citizens a decent cost for prescription drugs and you are sending more and more subsidies and tax breaks and liability protections to these industries that, quite frankly, need to respect our citizens more.

So that is the kind of insatiable appetite that has gotten us into this mess, and we have had enough of it. We need new priorities; and I hope that my colleagues, again, will turn down this budget.

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

Mr. Putnam. Mr. Speaker, I would remind my friend from Massachusetts in the conversation about insatiable appetites that nearly every amendment offered by the Democratic minority on the Budget Committee spent more money. There was no amendment offered by the Democratic minority that changed the Tax Code in any way. In previous years they had sought to raise taxes. They have learned that lesson, that it does not fly with small business men and women across the America, that it is not particularly popular, and it is terrible economic policy to raise taxes. So they dropped that. But nearly every amendment offered by the committee markup was to spend more money and to pay for it using the mythical potential of what is called the “tax gap,” which is the difference between taxes owed and taxes collected. That is money that may or may not appear based on an aggressive IRS. That was their pay-for to feed their insatiable appetite for more spending.

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

Mr. McGovern. Mr. Speaker, let me just point out to the gentleman, in case he has not read it, the Democratic proposal actually balances the budget by 2012, which is something that the Republican budget does not do. We have a problem with is giving tax breaks to Donald Trump at a time when you are shortchanging veterans. We think those are misplaced priorities.

At this point I would like to yield 2 minutes to the gentleman from Florida. Mr. Hastings, my colleague on the Rules Committee.

Mr. Hastings. Mr. Speaker, I thank my colleague from...
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Massachusetts on the Rules Committee for yielding.

I heard my colleague from Florida (Mr. PUTNAM) talk about it being terrible economic policy. I am curious, does that mean terrible economic policy to balance the budget?

I also heard you in your comments say that the Democrats' budget is mythical. Well, let me tell you what is not mythical. When you make bad deficits worse, that simply is not mythical. The Republican budget resolution has no plan to bring the budget back to balance and, in fact, makes the deficit $410 billion over 5 years, compared to current deficit estimates.

It calls for a mounting legacy of debt.

Since this administration took office, it has requested and the Congress has provided four increases in the statutory debt ceiling totaling $3 trillion. Under this budget as proposed by the Republicans, the statutory debt by the year 2011, footnote there, the baby boomers hit at 2009, the statutory debt will increase by another $2.3 trillion, for a total of $5.3 trillion. It will leave the statutory debt at a record level of $11.3 trillion. What part of that is mythical? What are we talking about is something that is going to destroy the economic base of this country.

This budget that the Democrats propose makes sure that this budget comes into balance. It does not cut, as does the Republican budget, funds for public health programs. It does not cut new money for transitional Medicaid assistance. The Republicans cut low-wage workers and vulnerable families. They cut nutrition assistance. They cut health care for the elderly. The Republicans cut low-wage workers and vulnerable families.

You assume that the $200 billion in uncollected taxes are going to be produced as a result of this war in Iraq and Afghanistan. I have been to Iraq, and I have seen the suffering and those serving our country. I have a disagreement with our policy, but they are doing an incredible job. And you on the majority are doing a disservice to these veterans by not providing the necessary funding not only to meet the needs of the veterans that currently exist, but you don’t even account for the veterans, the thousands of veterans, that will be produced as a result of this war. It is wrong, it is immoral for us to pass a budget that doesn’t respect our veterans.

Vote “no” on this budget. Vote “yea” for the Spratt substitute.

Mr. PUTNAM. Mr. Speaker, it has been a good debate. We have 4 more hours to go. We need to pass this rule. The gentleman has grabbed the veterans issue by the horns, and appropriately so. We will stand by our veterans funding. It is a 4 percent increase in an era when the rest of the budget is assumed to be reduced by a tenth of a point. This is a two-step process, and the gentleman knows it. The budget lays out the fences, the appropriations procurements. The bill is set to expire in 2005 and 2003 to expire. So capital gains taxes go up; dividend taxes go up; taxes on middle-income brackets go up; the 10 percent bracket disappears; AMT relief, no actuarial relief?

You allow those things to expire. The CBO assumes those things will expire. We assume they will stay in place because we believe that those are the drivers of the economic engine that is giving this country 4.8 percent unemployment, less than the average of the 1970s, the 1980s and the 1990s. It is what allows this government to collect 15 percent more revenues, more money from the taxpayers this year than last year, even though the tax rate is lower.

That is the difference. That is the myth. That is the problem with the competing budgets as ours stacks up against yours.

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

Mr. MCGOVERN. Mr. Speaker, let me just close by saying there are numerous reasons to oppose this budget. Education funding goes down, health care funding goes down, environmental protection money goes down, and I go on and on and on. But what particularly I find astounding is the way our veterans are being disrespected in this budget.

The gentleman mentioned before all these veterans groups that are thanking him for his work. The fact of the matter is, I am hearing the opposite from every major veterans organization in this country. I have a letter here from the Disabled Veterans of America asking us to end the cycle of the constant cutting of benefits, that people right now are waiting in lines. And we have more veterans that are going to be produced as a result of this war.
 Messrs. MCDERMOTT, RUPPERSBERGER, FORD and KENEN
RIDE of New York Island changed their vote from ‘aye’ to ‘nay’,
Mr. LEWIS of California and Mr. HALL changed their vote from ‘nay’ to ‘aye’.
So the previous question was ordered.
The result of the vote was announced as above recorded.
The SPEAKER pro tempore. The question is on the resolution.
The question was taken and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE
Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.
A recorded vote was ordered.
The SPEAKER pro tempore. This will be a 5-minute vote.
The vote was taken by electronic device, and there were—ayes 225, noes 196, not voting 11, as follows:

[Roll No. 92]
OCTOBER 26, 2006

Mr. LATHAM. Mr. Speaker, on rollcall No. 92. I was inadvertently detained. Had I been present, I would have voted "yes."

EXPRESSING SINCERE REGRET
ABOUT ENCOUNTER WITH CAPITOL HILL POLICE

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

Ms. MCKINNEY. Mr. Speaker, I come before this body to personally express again my sincere regret about the encounter with the Capitol Hill Police. I appreciate my colleagues who are standing with me, who love this institution and who love this country.

There should not have been any physical contact in this incident.

I have always supported law enforcement and will be voting for H. Res. 756 expressing my gratitude and appreciation for the professionalism and dedication of the men and women of the U.S. Capitol Police.

I am sorry that this misunderstanding happened at all, I regret its escalation, and I apologize.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 376, which the House is about to consider.

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

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Pursuant to House Resolution 766 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution. H. Con. Res. 376.

In the Committee of the Whole

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, with Mr. TERRY in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall not exceed 4 hours, with 3 hours confined to the congressional budget, equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New York (Mrs. MALONEY).

The gentleman from New Jersey (Mr. SAXTON) and the gentleman from New York (Mrs. MALONEY) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from New Jersey, Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

As you just indicated, the first hour of this budget debate has been set aside pursuant to the Humphrey-Hawkins section of the Budget Act. Under the rule, the Joint Economic Committee will have this hour evenly divided on two sides.

According to most neutral observers, including the Federal Reserve, and a consensus of private economists, the current economic expansion is quite healthy. Indeed, if anything, there seems to be a little concern in most quarters that the economy may be growing too fast, a concern that I do not share.

The U.S. economy grew 4 percent in 2004 and advanced at a rate of approximately 3.5 percent in 2005. The growth rate in the first quarter of 2006 is expected to be very robust, probably over 4 percent, consistent with the trend of strong growth seen since 2003.

The improvement in economic growth is reflected in other economic figures as well. Let me name a few.

Since August of 2003, business payrolls have increased by 5 million jobs. The unemployment rate has declined to 4.8 percent. Consumer spending continues to grow. Homeownership has hit record highs. Household net worth has also reached a record high. Productivity growth continues at a healthy pace. Long-run inflation pressures appear to be contained. Long-term interest rates, including mortgage rates, are still relatively low, although somewhat higher than what they had been previously. The resilience and flexibility of the economy have overcome a number of serious shocks, most recently the hurricanes of last year. Equipment and software investment have been strong over this period. However, with somewhat higher mortgage rates, the housing sector is slowing, although it is certainly not depressed. Indeed, it is likely that the Federal Reserve remains poised to keep inflation under control.

In a recent policy report to Congress, the Fed noted that the U.S. economy delivered a solid performance in 2005. Furthermore, the Fed observed that "the U.S. economy should continue to perform well in 2006 and 2007." The Fed, along with a number of private economists and government, expects that economic growth in 2006 will be about 3.5 percent, still very healthy growth. This economic growth will continue to expand employment and further reduce unemployment.

In summary, overall economic conditions remain positive. The U.S. economy has displayed remarkable flexibility and resilience in dealing with the many shocks, including terrorist attacks and weather effects.

The administration forecast for economic growth in 2006 is comparable with those of the blue chip consensus and the Federal Reserve. With growth expected to be about 3.5 percent in 2006, the current economic situation is solid and the outlook remains favorable.

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

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

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

Mrs. MALONEY. Mr. Chairman, I am pleased to speak in the time reserved by the Budget Act for discussion of economic goals and policies and traditionally led by members of the Joint Economic Committee.

If you listen to the President and his supporters on the other side of the aisle, you get a very upbeat assessment of the American economy; but if you listen to the American people, you get a very different assessment.

The President likes to talk about how fast the economy is growing and how successful his policies have been in stimulating an economic recovery from the 2001 recession. But the American are people are saying, what economic recovery, and when am I going to see the benefits from this President's economic policies in my take-home pay, in my pocket?

Mr. Chairman, we should listen to the American people and if we should adopt economic policies that promote the economic well-being of all Americans, not just those at the very top of the economic ladder. The President's fiscal year 2007 budget and the House budget resolution do not do that.

Instead, they continue economic policies that have produced a legacy of deficits and debt, that leaves us unprepared to deal with the budget challenges posed by the retirement of the baby boom generation and that weakens the future standard of living of our children and grandchildren.

Having set a series of records, only they are the wrong kind of records. They have raised the debt ceiling four times. It is now over
is a growing gap between the lines of companies rather than in the productivity and productivity growth. There is still evidence of hidden unemployment, and the benefits of economic policies in 2003, this Congress with when they were in the majority. The other party, frankly, couldn’t because we had a Republican Congress committed to fiscal austerity, we were able, through controlling spending, to allow the growth in the economy to overcome a budget deficit that the other party, frankly, couldn’t deal with when they were in the majority. By putting in place pro-growth economic policies in 2003, this Congress laid the groundwork for an economic recovery which has generated unprecedented revenues and, in generating those revenues, has steadily brought down the deficit and brought it within reach of control. Now, what the other side doesn’t tell you, and what they are really hot for, is that they want to see a tax increase. They want to see us forced to raise tax rates above those contemplated in our 2003 tax policy. Contrary to policy, as then Chairman Greenspan conceded, has been critical in growing the economy; growing the economy last year at a rate of 3.5 percent, the envy of the industrialized world; growing the economy in a way that allows us to find new revenues even as we create wealth and we create jobs.

Now, Mr. Chairman, I will be the first to concede that in congressional districts like mine in western Pennsylvania we have seen the downside. We have seen an economy that has lagged behind the national economy. We have seen the effects of unfair trade. We have seen job losses that haven’t been recovered, particularly in the manufacturing sector. But the solution is a growing economy.

And what this budget resolution promises is that we will be able to maintain the tax policies that have produced the growth even as we curb spending and show fiscal restraint. In the process we are in a position to set up this country to escape from the budget deficit, to lower national debt as a proportion of our economy, and, over time, position ourselves to hand to the next generation a prosperous America.

This budget resolution is critical to the long-term economic health of our country, and it is based on a philosophy of pursuing pro-growth policies that allow us to generate the revenue that we need. The other side, by pushing us towards policies that would raise taxes and ultimately take more revenues out of the economy, I think threatens that growth and threatens that recovery.

Ultimately, I believe, there is a clear contrast here, one in which I am very proud to stand on the side of growth and opportunity.

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

Mrs. MALONEY. Mr. Chairman, I yield such time as he may consume to the gentleman from northwestern Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. I want to thank the gentleman for yielding, and I think the time has come, particularly after the last speech, for a reality check here.

What we have seen since the 1990s is that the key to balancing the budget is economic growth and pro-growth tax policies. That is what our budget resolution stands for and what our budget resolution promises to preserve. In the 1990s, when we balanced the budget, and how did we balance the budget? because we had a Republican Congress committed to fiscal austerity, we were able, through controlling spending, to allow the growth in the economy to overcome a budget deficit that the other party, frankly, couldn’t deal with when they were in the majority.

By putting in place pro-growth economic policies in 2003, this Congress...
Mr. HINCHLEY. Mr. Chairman, I thank very much my colleague from the State of New York, our ranking Democrat on the Joint Economic Committee, for her leadership here and for yielding me this time.

This debate, in which we are engaged in this afternoon, is a critically important one for the future of the American economy. As my colleague Mrs. MALONEY pointed out just a few moments ago, we are currently facing the largest budget deficits in the history of our country. According to the budget resolution itself, this burgeoning budget deficit will grow by $372 billion just over the course of the next fiscal year. Many people regard that number as conservative.

Many people who are analyzing the economic circumstances that we are confronting as a result of the incompetent budget policies of the Republican Party here in the Congress estimate that this budget deficit can be substantially more than $400 billion. In any case, even if it is only $372 billion, that sets another record. Now, maybe they are proud of the record that they are setting, and that seems to be the case based upon what we have just heard.

In addition to the record budget deficit this year, we are also facing record debt. The national debt has now grown to more than $8 trillion, and the majority party here in the Congress very quietly, under cover, raised the debt ceiling to almost $9 trillion.

Mr. MALONEY, let me ask you. If you are a person making $1 million if you are making $10 million a year, that is what they have done. They have cut taxes for the very wealthiest people, and they are increasing the budget deficit that is going to have to be paid back by the vast majority of working people in this country, this generation and future generations.

This is the borrow-and-spend approach to governance that the Republican Party in this House has put forward and which they continue to advance in the context of this budget resolution.

What has been the effect of all this on the average American? What we have seen is that wages and salaries of the working people of our country have risen at their lowest rate since 1981. And I am talking about over the last 5 years. They have risen at their lowest rate since 1981. When you look at what has been happening in the last 2 years, you find that wages and salaries have actually gone down. People are seeing their wages and salaries, when you take into effect inflation, actually going down.

So if you are a wealthy person, the Republicans are taking very good care of you. If you were an American working for wages and salaries, you are finding your situation in desperate shape. So this budget resolution is another failure on the part of the majority party in America. They are creating deeper problems for us. They are putting us into deeper and deeper debt. Their approach to taxation has been for the rich and against the working class; and in an economy which is based upon demand, it is forcing that economy down, and we are seeing it broadly all across the American economy, losing manufacturing jobs at record rates. All of that is as a result of the economic policies that have been put forth by the majority party here in the House of Representatives.

So the point we are making right here now is once again we have a budget resolution on the floor of this House which is incompetent and irresponsible, which is going to mean higher taxation in the future for the average working families in our country while it cuts taxes for the wealthiest and most privileged and while it increases the national debt.

They talk about the economy growing. We have had an economy that has experienced a record depression, both monetary policy stimulation and fiscal policy stimulation, in the history of the country. The lowest interest rates have ever been seen in the United States of America. According to the budget resolution passed some tax cuts to encourage investment, in our country. As we look at what happened as we began to move through 2001 and 2002, these bars that drop below the line show there was negative investment. People were not investing in productive things; and as a result of that, the economy was not doing well.

The administration proposed a fix, and that fix was to do things here in the House of Representatives and in the Senate and through the administration that would encourage the American investor to reengage in investing in productive things. And so in 2003 the House of Representatives and the Senate collectively, together, passed some tax cuts to spur that investment. And those tax cuts, which were temporary in nature which we continue to talk about making permanent, had the desired effect.

If we look at this chart and look at when the negative investment ended and positive investment started, it happens to be after those tax cuts went into effect. As a result of reducing the percentage of taxes paid on dividend gains and capital gains, we see beginning in 2003 and through 2004 and through 2005 projected to continue by the Fed and by other blue chip economists and blue chip forecasts, we are expecting to see that growth continue through 2006 and 2007. As a matter of fact, we had 4 percent growth in 2004; 3.5 percent growth in 2005; and in the first quarter of 2006, we saw 4 percent growth continue. This is good news for not only the American investment but it is also good news for others in the workforce and in the economy.

Here is what happened to employees’ payrolls during that period of time. Once again we see some lines that drop below the positive mark. We see some of the narrow growth along at a rate that most economists at the time thought was an exuberant time when investments were being made for reasons other than perhaps good, solid rationale.

The third quarter of 2000, the economy began to get soft and in the last quarter of 2000 it did even worse. As we look at the reasons for that, there were a number of economists who concluded different things. One thing became clear, and that was investment was not being made and that something needed to be done.

This chart to my left is a chart which shows fixed private, nonresidential investment, in other words, investment in things that would be productive in our economy. As we look at what happened as we began to move through 2001 and 2002, these bars that drop below the line show there was negative investment. People were not investing in productive things; and as a result of that, the economy was not doing well.

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As we sought an answer and the administration proposed the tax cuts and the House and the Senate implemented the tax cuts, once again nonfarm payrolls and employees’ payrolls began to grow, as demonstrated by this chart.

First, domestic production, which is how most economists measure growth in the economy, continues to be very good. Beginning in 2003, as our tax cuts went into effect, dividend tax cuts, the taxes on dividends were lowered, capital gains were lowered. We see in 2003 and 2004 as we move across here, and as I said before in 2004, we had an average of 4 percent growth. In 2005, we had an average of 3.5 percent growth over the four quarters of last year.

The forecast for the first quarter of this year, which is in red, the first of the four lines, the actual forecast is 4.7 percent. I think that might be a little high. I think it might be closer to 4 percent. But that is healthy economic growth, and we continue to see the effects of the policies we have put into place. We expect that the growth may slow somewhat during the first, second, and third quarter, and as we said, but we believe we will average 3.5 percent this year.

I might add one thing that I think is important for us to remember, and that is that the tax cuts, together with other policies, have produced this growth, and we need to continue to support those policies as well. The Federal Reserve has been a huge part of this as well. While it is nice for the Congress to take credit with the implementation of the tax policy that we have implemented, the Federal Reserve also deserves a lot of the ordinary working Americans. It leaves us unprepared to deal with the future.

Mr. Chairman, the budget offered by the majority continues the failed economic policies of the Bush administration. The typical American family is still feeling the effects of the most protracted job slump in decades. Actually, it is the worst job slump since the 1930s. On top of that, wages and incomes have stagnated. We have a growing gap between the have’s and the have-nots. This is a tremendously troubling trend in our country.

But this budget does not address any of those problems. It contains unfair spending cuts that disproportionately harm middle-income families to help pay for tax cuts that go overwhelmingly to those who are already very well off. Where is the fairness in this budget?

And this budget continues to add to our legacy of deficits and debt and has turned us into a Nation of debtors relying on the rest of the world to finance our budget and our deficits.

This is a very troubling trend in our country. We have never had it before. It leaves us unprepared to deal with the challenge posed by the retirement of the baby boom generation and weakens the future standard of living of our children and our grandchildren. I urge a “no” vote on this budget.

Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member on the Budget Committee.

We thank him for his leadership on this and his leadership in so many areas.

Mr. SPRATT. Mr. Chairman, the administration has devoted a lot of energy to touting the successes of the economy, particularly with respect to the job statistics, as justification for the 2001 and 2003 tax cuts. But let’s look at the record.

When President Clinton took office in January 1993, there were 109.7 million jobs in the national economy in the work force. When he left office in January of 2001, there were 132.5 million jobs. That means that during the 8 years of the Clinton administration, there was a gain of 22.8 million jobs. These were the jobs created during the recovery that began October 1991. When the Clinton administration brought the budget to balance, making the bottom line of the budget every year better and better and better to the point where we had a surplus in 1998.

Now, compare that job gain, 22.8 billion to what has happened during the Bush administration. When President Bush took office in January 2001 there were 132.5 million jobs in the economy, according to the government. 2 months ago, the economy had a total of 134.6 million jobs. That is an increase of 2.1 million jobs, versus 22 million jobs created during the Clinton administration. No comparison. Stark contrast. It has happened.

What is even worse is the fact that the Bush administration has seen most of its job gains of more than 50 percent occur in the public sector, not in the private sector. The tax cuts that have led to the deficit did not generate the jobs that were proposed or projected in the private sector. Far from it. Growth has come in the public sector.

And this is worst of all. Job growth in the manufacturing sector under President Clinton grew by 315,000. Not impressive, but at least not a loss. Under President Bush, the manufacturing sector has lost 2.9 million jobs. 2.9 million jobs over the last 5 years, an average of 480,000 jobs a month.

Now, when we say that the economic gains that appear from this GDP growth and other things that look positive, stock market, the Dow Jones are all doing well and are healthy vital signs, we are glad to see them. But they are not translating into the lives of the ordinary working Americans. This is why the loss of manufacturing jobs, the best paying jobs in our economy, particularly for blue collar Americans, is this why it has happened, because this is why the family median income in real terms adjusted for inflation has gone down almost every month since 2001.

So beneath the glitter and generalizations are some stark facts that don’t really appear to support the claims the Bush administration has made. Namely, they have created just 2 million jobs, whereas the Clinton administration created 22.8 million jobs during his time in office. And they have presided over a devastation in the number of manufacturing jobs, a loss of 2.9 million manufacturing jobs in our economy.

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

One additional way to look at our economy and to see how it compares with what we may have seen around the rest of the globe is to simply look at the statistics as to how our U.S. economy has performed as compared to some others. For example, when we look at real GDP growth from the first quarter of 2001 through the fourth quarter of 2005, the U.S. economy expanded at an average annualized rate over all of those times, even though it was 1.7 percent in the earlier years, 1.2 percent, and the United States ranked first among its peer group in the world in real GDP growth.
In terms of investments of fixed assets, from 2001 to 2005, growth investments in fixed assets as a percentage of GDP growth rose in Canada and the United States but fell in the European Union and Japan. And so once again, the United States has a leader in terms of investment in fixed assets.

In terms of industrial production from 2001 to 2005, through 2005, the United States industrial production increased by 7.1 percent, a very, very healthy picture. And I might add that this industrial production increased because of investments, because of investing in productive things, investment brought about by the budgetary policy and the tax policy of the Congress of the United States and the administration.

Employment and unemployment. From January 2001 through December 2005, the United States ranked second in employment growth in both absolute and in percentage terms. In the United States, it grew by 20 million jobs, or 3.8 percent. Canada ranked first in percentage growth with 9.3 percent, while the European Union ranked 15, first in total increase of 5.7 million, which was actually 3.4 percent, far below the United States.

In December of 2005, the U.S. had an unemployment rate of 4.9 percent, the second lowest among its peer group. If we look at this chart next to me of unemployment rates, if you look at the unemployment rate in the European Union, it was 8.3 percent. If we look at the unemployment rate in Canada, it was 6.4 percent. And at the end of the year, same time frame, the unemployment rate in the United States was 4.8 percent.

Just interesting enough, there is a member of the U.K. Parliament in town today, and I saw him early this morning and he said, I envy you. I said thank you, and why is that? He said, when you look at a family in the United States, you have made an income for my family, 59 percent gets paid to the government. I envy us, too, because we have seen beyond the period of high taxes. We have seen beyond the period of producing an economic policy that in Europe provides today for an 8.3 percent unemployment rate or in Canada of a 6.4 percent unemployment rate. We are fortunate. But it is because of good policy. It is because of the policy of this administration and this Republican Congress that we have a 4.8 percent unemployment rate.

Labor productivity is up in our country as well, and that is one of the reasons for this great economic growth. From the first quarter of 2001 to the fourth quarter of 2005, labor productivity grew by 9.5 percent. That means that because of technology that we have invested in, smartly, and partly because of tax policy, we have made our workers more productive than at any time in our history and the most productive workforce in the world.

I said a word a few minutes ago about price stability. Price stability is what it is today, lack of inflation, inflation of 2 percent or under, because of Fed policy. Chairman Bernanke told me earlier this week that he intends to continue policies that have price stability as the number one goal as inflation targeting continues, to keep our rate of inflation low and to keep interest rates low accordingly. Smart economic policy.

And so as we walk through the things that have occurred, partly because of the Congress and partly because of the Fed, I want to see that things in our country are doing well, particularly when compared to others. On balance, the U.S. economy has outperformed its peer group and large developed economies in a number of key measures of economic well-being between 2001 and 2005, during the period that George W. Bush has been President.

Pro-growth tax policy and good monetary policy have contributed to the superior performance of the U.S. economy, and as my friend from the U.K. Parliament said today, yes, we are proud of this record.

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

Mrs. MALONEY. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS), a member of the Joint Economic Committee.

Mr. CUMMINGS. Mr. Chairman, I rise to join my Democratic colleagues on the Joint Economic Committee in condemning the Republican leadership fiscal year 2007 budget before us today.

Since President Bush took office our Nation has experienced the greatest average annual decline in household income during any administration since 1960. Not surprisingly, more Americans live in poverty and more lack health insurance now than when Mr. Bush took office.

The economic choices our Nation has made have fallen particularly hard on African Americans. According to the United States Census Bureau in 2004, households headed by African Americans had the lowest median income of any racial group. Poverty among African Americans reached nearly 25 percent, while nearly 20 percent of African Americans lacked health insurance.

The United States Department of Labor reports that the unemployment rate among African Americans has risen since President Bush took office, and stood at more than 9 percent in December 2005, which is more than twice the unemployment rate among white Americans.

Confronted with this situation, in which the potential of an entire generation of African Americans could be lost to rising poverty and joblessness, the House has presented us with a budget resolution that would cut $447 million from the amount needed just to maintain the current level of services and end up cutting already low wage workers and vulnerable families, such as housing assistance for people with disabilities and the elderly, food programs that help low income elderly and mothers and children, job training programs that help the unemployed, and child care assistance.

Confronted with this situation in which 13 million American children are living in poverty, in 1992, 10 million African American children, the House has presented us with a budget that will result in several hundred thousand low income working women and their children losing their health coverage through a failure to fill a funding shortfall in the States’ Children’s Health Insurance Program.

The House has presented a budget resolution that would add $348 billion in fiscal year 2007 to our ballooning deficit to extend tax cuts totaling $229 billion that will continue to go primarily to the wealthy. In fact, according to the Tax Policy Center, during the years 2007 through 2016, 29 percent of the tax cuts that have been enacted in individual income tax, the estate tax and the Alternative Minimum Tax since 2001, will go to the top 1 percent of earners while the bottom 60 percent of households will receive just 14 percent of tax cuts.

Mr. Chairman, the budget before us is simply unconscionable and the financial policies it continues are unsustainable.

I urge my colleagues to recognize our true priorities lay with our people and placing our country on a sound economic footing. I therefore urge my colleagues to join with me in rejecting this budget.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, more than any single piece of legislation we passed this year, the budget reflects our Nation’s core values. Unfortunately, this budget values deficits over balanced budgets and tax cuts over the health and education of the American people.

This budget cuts more than $10 billion from critical domestic programs over 10 years. By eliminating 42 educational programs, the budget fails our children and wastes our opportunity to invest in their future.

It hurts low-income students’ shot at the American dream by wiping out critical programs that help our students gear up, including the GEAR–UP program that prepares them for college.

It threatens our future economic competitiveness by eliminating vocational programs to help our students gain the skills in the global economy.

There is so much in this budget that is wrong this cannot actually represent the value of this Congress and the values of the American people because of what it does.
it does, it continues the tax cuts, and that is why it is not the American values.

Let us help our children, our veterans, and our elderly without giving tax cuts.

Mr. Chairman, more than any single piece of legislation we pass this year, the budget reflects our Nation’s core set of values.

Unfortunately, this budget values deficits over balanced budgets, and tax cuts over the health and education of the American people. This budget cuts more than $10 billion from critical domestic programs our constituents rely on every day.

By eliminating 42 education programs, the budget fails our children and wastes our opportunity to invest in their future. It hurts low-income students’ shot at the American Dream by wiping out the GEAR—UP program that prepares them for college. It threatens our future economic competitiveness by eliminating the vocational education programs that help our students gain the skills to compete in a global economy.

This budget breaks our commitment to military retirees by increasing—and in some cases tripling—their out-of-pocket health care fees. It abandons our quest for health care research and discovery by cutting the budgets of 18 out of 19 institutes within the National Institutes of Health and money for research into preventing illness and disease while also slashing programs that train health professionals to treat these diseases.

As a country at war, there is no doubt that we have to make sacrifices to successfully implement our war on terror and equip our troops. But the funding cut from domestic programs in this budget does not go for war costs. In fact, war costs aren’t even included after 2007.

The funding cuts also aren’t being used to balance the budget. With this budget, this country will post a deficit of $348 billion for 2007—one of the largest deficits in our Nation’s history.

Instead of funding war costs or paying down the deficit, the cuts in this budget are used for tax cuts, more than $4 billion in tax cuts for the wealthiest Americans when families are in need here at home, and troops are putting their lives on the line far from home.

Mr. Chairman, at best this budget is misguided. But the truth is, this budget is down right immoral, and I urge my colleagues to join me in opposition to it.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. McCOTTER).

Mr. MCCOTTER. Mr. Chairman, I come from a Midwest State, from Michigan, home of the auto industry. And while my district is relatively doing well, according to the unemployment figures that have been released, I can assure you that Michigan as a State is not doing well. There are several reasons for this, which the place here is not to debate. But the thing that I ask as a Member from Michigan is that we do not make it more difficult for the people of Michigan to right the ship and to begin our path to an economic renaissance.

Struggling pockets of poverty and struggling pockets in the manufacturing base in Michigan and the Midwest and other parts of this country can never be revitalize or returned to their prominence if we deviate from the economic path we are on today, because if the American economy goes back to a higher system of taxation, a system that then crushes entrepreneurial initiative and the individual genius of the American worker, States like Michigan will never recover.

We need to continue the economic expansion in this country. We need to continue to follow pro-growth policies, especially in the area of taxation. We do not give anything to anyone. We merely allow them to keep what they have earned so that they can then directly invest in the future of their children, of their community, and of the life of this country.

So, Mr. Chairman, I welcome this debate on the budget. I welcome the debate about the priorities. But I would encourage us to continue the path because of the several fundamental assumptions that the current policies that we, as the Republican majority, have adopted. I think they must continue because they precedent.

The first, and I reiterate, is that tax relief does not give anything to anyone. It allows people to keep the fruits of their hard work. That is not a gift. It is a recognition by government that people who generate wealth should be able to invest it for the betterment of themselves and their family and their community.

Secondly, history has proven to us that as the taxation rate continues to escalate, what happens then is money that is more productively invested into the life of the American community is then less productively spent when it is vicariously handled and invested, or spent, by the United States Government.

Thirdly, I would like to point out that when we talk about government, there are objections about Republican fiscal policies that government has to pay for third root assumption, I think, that our economic policies follow, which must be continued, is that government pays for nothing; working people pay for everything.

So I would encourage us to remember that we live in a sovereign democracy, a democratic Republic where your private property is your private property until the government gets it through the consent of you, the governed. Government does not have the money in a pool, collectively in trust, to be expended on behalf of you and your fellow citizens.

So let us not forget that, as we discuss taxation policy, because when we talk about tax cuts we deviate from the tax policies of pro-growth that we have today where people keep what they earn, we are beginning to forget fact that the United States Government does not create wealth, the United States Government does not pay, the United States Government is not the repository of property to be dispensed back to people.

The American people have private property rights, and they have the unalienable right to keep the fruits of their labor. Our policies reflect that, and I believe that the American economy, this entrepreneurial energy, has been unleashed because of these policies.

And I conclude by again reiterating my commitment and my hope that this collective Congress continue the path we are on so that States like mine can continue the path to recovery.

Mrs. MALONEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HINCHey).

Mr. HINCHey. Mr. Chairman, I thank my friend and colleague from New York for her leadership on this Joint Economic Committee.

As we have heard over the course of the period of this debate, we have had in the last 5 years huge amounts of economic stimulation. The amount of economic growth dropped off sharply when the Republican Party took control of both the executive and the legislative branches of government in 2001. With the cooperation of the Federal Reserve, huge amounts of money were injected into the economy, and they dropped the interest rates to zero. And this Congress engaged in a spending program which was enormous, huge amounts of spending coming out of the congressional resolutions, these budget resolutions and appropriations bills.

That kind of economic stimulation should have been very positive, but it was not. One of the reasons it was not is because it was done in a very irresponsible way. It was done by borrowing huge amounts of money, and that borrowing has created record amounts of debt for the American people, which they will have to pay back over the course of generations.

As we have heard, the national debt now exceeds $8 trillion, and the majority party has risen that level to almost $9 trillion. With that kind of economic stimulation, huge amounts of spending and very low interest rates, we would have had every reason to anticipate that unemployment would drop, that more and more people would be employed, that they would be employed progressively, that their wages would be increasing, and the economic circumstances for the American workers and for American families would have gone up, except that, as I pointed out, it was done so irresponsibly so that most of the benefits have gone to the wealthiest people in this country and little or no benefits have gone to the middle class.

So the effect has not been that we have cut unemployment and increased employment. We now have 1.2 million more people in America who are unemployed than there were 5 years ago.

Long-term unemployment is even worse: 1.4 million Americans are suffering long-term unemployment.
They have talked about job growth. Well, of course there has been some job growth. What has that job growth been? It has averaged about 38,000 jobs a month. Normally, even without that huge amount of stimulation, that huge amount of spending, normally, what we have is a job growth of the rate of 125,000 to 150,000 jobs a month. Job growth under their economic program has been down to 38,000. That is why we have more and more people unemployed, short term and long term. Manufacturing jobs, the essence of our economy, the most important aspect of our economy, manufacturing jobs, have gone down by 2.9 million jobs since they have taken over both the executive and legislative branches of government. Real wages for working people in this country have not gone up as you would expect with that kind of huge amount of spending, but real wages have fallen in the past 2 years. In fact, in the last 2 years, they have gone down by 1 percent after inflation for American families.

So the budget resolution that we are seeing today is consistent with the economic policies that the Republican Party has put forth over the last 5 years. It has been so devastating to the American economy, to American workers, and to American families. And that is the reason why this budget resolution must be defeated.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. HULSFHO). Mr. HULSFHO. Mr. Chairman, I appreciate that, and I appreciate the leadership of the gentleman from New Jersey.

Let me just say to the last speaker, nothing done for middle-income families? Consider that 5 million taxpayers have completely had their income tax liability removed. In fact, they pay no income tax liability to the Federal Government primarily after these pro-growth tax initiatives.

Mr. Chairman, I was listening to this debate, and I have to tell you, as someone who was an economist at the University of Missouri Columbia, I remember sitting in those, some would say, boring lectures. I was one of the few that actually enjoyed those lectures. But it used to be thought that if you had the unemployment rate in America certainly at 5 percent, it was considered very low. We have a 4.8 percent unemployment rate. As has been rightly pointed out, inflation has been kept in check. We have homeownership at an almost all-time high. Consider the fundamental underpinnings of our economy.

And my friend from South Carolina, whom I have great respect for, was listening to your discussion as well, and you acknowledged at least there has been some job creation; and you talked about the 8-year period of time under the previous administration, and we are at a 5-year point here as far as this administration. But consider what this President inherited. Certainly everyone can agree, when you put the partisanship aside, if you can, that the economy was slowing in the last 2 years of President Clinton’s administration. Then you consider actually what happened as far as the tech bubble. The things that rocked the confidence of the investor class, the shock that the economy took on September 11. Clearly, we had the horrific human tragedy but, of course, the economic tragedy and its response and the multiple catastrophic events that we attempted to do. When you consider we have weathered all of those storms, so to speak, and we have unemployment at 4.8 percent, inflation less than 3 percent, homeownership and all this other positive economic news, and the fundamentals are there, I recognize again that the loyal opposition must be loyally opposed and to your political peril that you would support it. But I would just simply say that in this intensely partisan political time, at least give credit where credit is due.

I thank the gentleman for yielding.

Mr. SAXTON. Mr. Chairman, just to conclude this debate, it was not a Republican idea originally to stimulate economic growth by use of the tax policy. It was John Kennedy’s idea. When Ronald Reagan was elected President, we Republicans came out and said what a wonderful idea. But it was John Kennedy, who, in his State of the Union speech after he was elected, said we cannot expect to continue to lead the economic world if we fail to keep the American pace at home. And he went on in his speech to detail the tax cut plan that he wanted to put in place. It was put in place and the economy grew. And Ronald Reagan did the same thing. A different plan, same concept. And I did the same thing, and George W. Bush has embarked upon the same thing.

Now, it has been suggested by the minority that somehow we can have tax cuts without any consequences of who pays taxes. This chart to my left shows who pays taxes. As a matter of fact, the top 1 percent of the taxpayers pay 34 percent of the taxes. The top 50 percent of the taxpayers pay 56 percent of the taxes. And that means that about 4 percent of the personal income taxes that are paid in this country are paid by the bottom 50 percent of the wage earners. As Mr. HULSFHO just pointed out, many of those folks have been taken off the tax rolls altogether.

It is now in order to conduct general debate on the congressional budget. The gentleman from Missouri (Mr. HULSFHO) and the gentleman from South Carolina (Mr. SPRAT) each will control 90 minutes.

The CHAIRMAN recognizes the gentleman from Missouri.

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

Mr. Chairman, today is a great day, a great day of opportunity for this House and really for the American people. I want to echo what was said during the previous debate, particularly by my good friend and colleague Mr. MCCOTTER from the State of Michigan.

I want to start by actually announcing a truism that certainly all of us, Republicans, Democrats, Independents, liberals and conservatives can agree with, at least I believe it to be a truism, and it would be simply summed up in two statements: First of all, wealth and prosperity and economic opportunity do not come from government programs or increased Federal spending. Isn’t that at least something we can begin to agree upon?

The second corollary that again I think is axiomatic that again surely all of us can agree with, is, secondly, the Federal Government cannot tax its way into prosperity.

So when you consider where we are, as we are to make these very difficult, tough budget choices, I believe that the budget that we have on the floor today should deserve bipartisan support. I don’t expect it, but it should.

This fiscal year 2007 budget continues and furthers our plan to strengthen our Nation’s most critical programs. It reforms the Federal Government. It spends the taxpayers’ dollars wisely.

Again, I am certain that as we over the next couple of weeks go to visit with our constituents, those folks that are actually paying the taxes, they simply want to be assured that they are getting a dollar’s worth of value out of every dollar that they send to the Nation’s Capital. This budget does that, and in fact it does it by focusing on a number of priorities.

We build upon our Nation’s greatest strengths. We continue our successful pro-growth policies to ensure that our economy, that has been doing well, job creation that has been increasing, remain strong and that we continue that vibrant economy.

We also accommodate the administration’s request to provide whatever is needed in the way of resources to support our troops, again something that I think both sides of the aisle will agree with. We have to continue to keep our Nation’s defense and security the strongest in the world, especially at this very critical time.

But we will also continue our efforts at controlling spending across the board, want to restrict the non-security discretionary spending programs. We want to build on our progress to reform and find savings in
some of these mandatory programs that are on autopilot, if you will.

In addition to furthering those reforms to improve our Federal Government programs, it is time again to begin to reform the budget process itself to better reflect and address how Federal Government dollars are actually spent.

When we had our interesting markup last week in the Budget Committee, and I must say I heard that night, again, the loyal opposition is likely to provide a somewhat schizophrenic argument. On the one hand they are going to decry the fact that this budget does nothing as far as the Federal deficit and adds to the Federal debt. In other words, they are saying that this budget, we spend too much. And probably then in the second sentence, they will say “and it doesn’t invest enough in certain programs.”

In the interim, our budget runs smaller deficits and racks up less debt.

Not by a huge amount, but by a significant difference. The Democratic resolution also holds nondefense discretionary spending to the level of current services over 5 years, showing that we can exercise spending control without devastating vital services and programs that people dearly depend upon.

The Republican resolution, as I said, never reaches balance and presents no plan or prospect of ever wiping out the deficit or reducing the debt.

The Republican budget resolution in fact would make the deficit worse by $410 billion over 5 years than would just a basic, current services, tread-water budget.

OMB projects a deficit for this year, 2006, of $423 billion. House Republicans project a smaller deficit of $372 billion, and they project this deficit to decline to $348 billion in 2007, showing a bit of a decline from $5.2 trillion. They have raised the debt ceiling by over $3 trillion between June of 2002 and March of 2006.

Under the Republican budget resolution, the statutory debt ceiling will increase by an additional $2.3 trillion by 2011. This means that debt ceiling increases from 2002 to 2011 will equal $6 trillion, and the statutory debt will stand at $11.3 trillion, more than doubled over the 10-year period 2002 to 2011, from $5.3 trillion. These projections still mean that on the watch of President George Bush the five largest deficits in our country’s history will occur. The five largest deficits in our country’s history will occur on the watch of the administration of President Bush.

To make room for the Bush administration’s budget, four times Republicans in the House and Senate have raised the debt ceiling of the United States by $3.015 trillion. They have raised the debt ceiling by over $3 trillion between June of 2002 and March of 2006. The Republican budget resolution, the statutory debt ceiling will increase by an additional $2.3 trillion by 2011. This means that debt ceiling increases from 2002 to 2011 will equal $6 trillion, and the statutory debt will stand at $11.3 trillion, more than doubled over the 10-year period 2002 to 2011, from $5.3 trillion. These projections still mean that on the watch of President George Bush the five largest deficits in our country’s history will occur. The five largest deficits in our country’s history will occur on the watch of the administration of President Bush.

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

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

Mr. Chairman, in describing the difference between Republicans and Democrats, between them and us, when it comes to the budget resolution for 2007, let me go straight to the bottom line: We have got a manifestly better bottom line.

The Democratic substitute returns the budget to balance in the year 2012. Building on our reputation for fiscal responsibility, we established in the 1990s during the Clinton administration, every year the bottom line of the budget got better and better and better until the year 1998 when we had a surplus and the year 2000 an unprecedented $410 billion surplus. That was the year before the budget was handed over to President Bush, and it has gone downhill ever since.

So what is the difference between us on the bottom line? The Democratic budget resolution returns the budget to balance by the year 2012.

In the interim, our budget runs smaller deficits and racks up less debt.
were in younger grades, they called it math. When you got older, they added some more syllables, they called it arithmetic. But the rules were the same. You can’t spend more than you have.

What happened here over the last few years is really remarkable. I grew up around this place because my dad was in Congress for 22 years. He worked closely with Mr. SPRATT and a lot of people who are here now. I was a child, or growing up. I don’t mean to date them at all, but I grew up around them and with them.

There was a time when the Republicans were perceived as the party that understood math and Democrats were the party that didn’t understand math. Then we elected a President from a little State called Arkansas and he picked a little Senator from my State named Gore, and they came to Washington, as Jim COOPER and I know well, and they forced a different kind of approach. Mr. SPRATT and I think this approach was simply balance the budget, get taxes down for most Americans, get investments going up and allow the private sector to do what it does best, which used to be the mantra of my friends to the right of me, literally and politically.

Wow, what a difference a few years makes once you get in power and you have all of that ability to spend money. Everything from pork spending, and I thank Mr. Cooper for his efforts on the committee for not embarrassing my friends on the right by forcing them to vote on that late in the evening about forcing us to include all of the pork projects, Mr. Chairman, before we voted on them and not allowing people to slide them into pieces of legislation late into the evening.

We have 16 agencies that you can’t audit, or several agencies within our government that are not auditable. We have yet to ask, and there was a time when the Republicans would ask these things.

Here we are in 2006 and things have changed. The term “flip-flop” was used a lot 2 years ago. The flip-flop is here. We now find the men and women on this side raising these points and not my friends on the other side.

I would remind my friends about their great fiscal management. Eight years before 2000, Mr. Chairman, the U.S. economy added almost 23 million new jobs. That is 237,000 a month. Since 2000, job growth has slowed to a total of only 2.3 million jobs, or 38,000 a month. The normal retort is, well, the economy changed and we are at war. We are, but we have made no adjustments here at the Federal level when it comes to the revenue side.

I will make one last point.

Mr. SPRATT: Mr. Chairman, the U.S. economy added almost 23 million new jobs. That is 237,000 a month. Since 2000, job growth has slowed to a total of only 2.3 million jobs, or 38,000 a month. The normal retort is, well, the economy changed and we are at war. We are, but we have made no adjustments here at the Federal level when it comes to the revenue side.

I will make one last point.

Since 2000, the number of Americans living in poverty has grown by 5.4 million people. When the last President was around, I remind you of the three things he did, he was a Democrat, Mr. NUSSELE: He abolished an entitlement program called welfare, he balanced a budget, and he created a surplus.

Now, as much as you may want to criticize him and us, math does not lie. And you all are faced with a predicament that we would hate to be in, and perhaps if I might make the case you are making I would throw it all back on us and try to create funny numbers and talk about debt as the size of the GDP.

You cannot deny this. Bill Clinton abolished that entitlement program, he created a surplus, he balanced a budget. And, unfortunately, under your leadership, all of those things frankly have been abolished.

Mr. COOPER. Mr. Chairman, in the time remaining, I am a Blue Dog, I am cochair of the Blue Dogs. Every Blue Dog has a sign outside his or her office that lists the debt, $8.3 trillion, and each American’s share of that debt.

It is very important that all Americans get involved. Some of the committees that this country has added to our backs.

Mr. SPRATT said earlier, $3 trillion of this have been added just in the last 4 or 5 years. It took America the first 204 years of its history to get $1 trillion in debt. Now we are doing it about every 18 months.

But don’t take my word for it. Don’t take the Blue Dogs’ word. Look at a book just written by one of the most conservative Republican economists in America. His book is called “Imposter: How George W. Bush Bankrupted America and Betrayed the Reagan Legacy.”

Yes, you might say, well, he is a disgruntled economist, although I would urge everybody who cares about our fiscal future to read this book.

Look at this one. This is from President George W. Bush’s Department of Treasury, and they are so proud of this document that it was delivered to this body on Christmas Eve without a press release. In this document, you discover that the deficit last year was not the $319 billion that these gentlemen will admit to, it was $760 billion, over twice as large, and the unfunded liability for America approaches $46 trillion. And this is not according to a Democrat or a disgruntled Republican, this is according to the Secretary of Treasury of the United States.

So it is a vitally important debate, Mr. Chairman. We need fiscal sanity to return in this liability. And now we have a large deficit. Of course, there have been 6 years that have occurred, and during those 6 years we had those things like an economic recession, like Hurricane Katrina, like 9/11, like a global war on terror, the need to deal with homeland security. And all of those priorities not only were cheerfully voted by both sides, but the national debt not only went up under all of those votes, but in fact the Democrats proposed even more spending to drive that debt even higher.

And probably the most humorous conversation was the one I just heard on welfare reform, how the President is the one who ushered in welfare reform, President Clinton? This is the same President Clinton who vetoed welfare reform twice, and in fact had to be dragged kicking and screaming to support the Republican-passed welfare reform, which was the first opportunity for us to reform entitlement spending and deal with some huge challenges that gave us the first surpluses in history.

So this budget is always going to be a challenge to write, but it is particularly going to be challenging if all we are going to hear on the other side is complaints and politics, and not any serious proposals to deal with it.

Is this budget going to please everyone? No. You have just heard quite a few complaints about how this budget is not going to please Democrats, and I can certainly understand why. But this budget takes into account the conversations that we have heard from our constituents back home in particular, and I believe this is the budget that is the right budget and the plan to keep our country moving forward with a strong growing economy, with a secure homeland, to provide endless opportunities both today and tomorrow for our kids and our families. It is guided by what we think are our most important priorities and it puts before us a set of principles: Strength, spending control, and reform. And let me just touch on these briefly.
First on strength. This budget will further build on our Nation’s greatest strengths, which include our Nation’s national defense and homeland security, and the robust growth of our Nation’s economy and job markets as a result of the plans and proposals that we have passed on this floor over the last 5 years.

Spending control. This budget will continue our efforts to control spending across the board by further restraining the nonsecurity discretionary spending on our budget that we saw from last year to reform government, achieve savings in mandatory entitlement programs.

In addition to those reforms, we also believe that it is time for us to reform the budget process and continue the work that has already been done. This budget will begin to reform the budget process by actually dealing with emergency spending.

And I will come back to all of these, but let me first touch on our strengths. The economy. As I just noted, our underlying strength comes from the Nation’s economy, and in the past 4 years, 5 years, it really has delivered. I mean, we have never seen this level of increased tax revenues come pouring into the Federal Treasury. In fact, last year we saw 15 percent more revenue growth to the Federal Government, and it is because our economy works.

When you are allowing people to keep more of their money, they are going to spend it on their own, it creates opportunities and jobs and business development, and as a result of that more people pay more taxes and that brings more revenue into the government.

In short, our economy has gone from recession just a few short years ago to a strong sustained period of growth, and to ensure that that growth and strength continues to be in an upward momentum our budget does not increase taxes.

Second is national security. This budget will also continue to provide whatever is needed to support our American troops and to ensure our Nation’s defense remains the strongest in the world. We do not have to fund those wars in Iraq and Afghanistan.

The President’s budget, not including war funding, has requested an increase of 7 percent to ensure that our men and women have the opportunity to support our troops in the field over the past few years to deal with the challenges that our Nation has needed in regard to security.

But that said, when we decided that our Nation’s security was our highest priority, it also meant that everything else needed work and that everything else must come after, although many of my colleagues will detail in this debate, we increased our security appropriations funding at a truly incredible rate over the past few years to deal with the challenges that our Nation has needed in regard to security.

And that is where you will find education, veterans, agriculture, the environment, et cetera. So you have security and nonsecurity. And as most of my colleagues will detail in this debate, we increased our security appropriations funding at a truly incredible rate over the past few years to deal with the challenges that our Nation has needed in regard to security.

That said, it is important to note that while our budget sets an overall number, it is the Appropriations Committee who determines how that money is allocated. Clearly there are high priority programs that receive and should receive increases. But in order to provide those increases, they have to have offsetting reductions and eliminations of other programs, and we know the Appropriations Committee can do this and will do this. Last year alone we eliminated near 110 specific programs in order to ensure that we fund those programs that are higher priorities.
Now, let’s get to where the real rubber is going to hit the road with this budget and where it needs to hit the road.

This is the funding that is truly out of control.

Our biggest challenge in Federal budgeting is the problem of mandatory, automatic, entitlement spending. That is now two-thirds of the budget, and two-thirds of the budget needs some attention. Well, we provide the attention while the Democrats, you can hear the crickets. They do not even look at it.

There is no reform in their budget for the mandatory programs. Just do not worry about two-thirds of the budget. We are only going to talk about one-third, they say.

We need to work on reforming these programs. They are important to the people back home. They are not always doing the job they need to do. We need to constantly reform and weed the garden to make sure that garden can continue to grow and make sure that we can eliminate the waste, fraud, and abuse in those programs.

Currently, our mandatory spending is growing at 5.5 percent a year. That is faster than our economy is growing. It is faster than inflation, and it is certainly faster than any of our means to be able to sustain it.

To put it another way, if our budget were balanced right now today, our entitlements would drive it right back into deficit; and so we have got to deal with these challenges which, of course, are highlighted probably most dramatically because there are 78 million baby boomers who are beginning to turn 60 this year, and medical costs are skyrocketing, and there is a steady decline in the number of workers for each retiree.

The problem only gets worse. So we have got to address this. We have got to acknowledge on both sides of the aisle that ignoring this problem, offering no solution on how to fix it, and fighting against those who are trying to help is not going to benefit any one person, is not going to benefit any group. Certainly it is not going to be able to give us the opportunity to be able to deal with these programs in the future.

Just throwing more money at programs, my goodness, you would think somebody would get real, get a more creative budget than this just to throw more money at things and assume that they are actually going to work. We need to reform these programs.

Last year, for the first time in nearly a decade, we took the first step to reform some of these largest programs. We saved $40 billion in the process. We allowed better delivery of these programs to the people they were intended for.

This year’s budget will continue to build on those savings by yet again reforming the mandatory programs and establishing that we should, on an annual basis, reform government, even if it is a small amount.

I know people around here say why are you bothering with $6.8 billion. Well, that may be small to some of you, but it is not small to the taxpayers. We have got to tackle the bills around here. This budget will continue to build on those savings by, again, reforming mandatory programs and establishing this annual process.

We talk about reform, which this budget is based on. To some extent, we are still learning lessons from Hurricane Katrina. We should continue to always learn the lessons; but one of them that became, I think, very clear is that if we do not control spending, if we do not get good control of spending, it becomes very difficult to manage unforeseen events that inevitably face us.

One certainly could have foreseen that we were going to have a hurricane. We have them every year. We have them every year that I have been in Congress; but no one, no one, could have foreseen the devastation that has occurred as a result of Hurricane Katrina. Certainly we have expected it to be built into anybody’s budget. We did not build it into ours. The President did not build it into his. Certainly the Democrats did not build it into theirs. In fact, this year they build no money into their budget for emergencies.

Now, wait a minute. I realize this may surprise you. It was in all the papers. We had a disaster last year. We had an emergency in the hurricanes. Not just a little one, but a big one. Why do we not at least plan for the little ones? Let us at least plan for the disasters that we know are coming.

Mr. FORD. We have the same amount of emergency spending that you have, Mr. Chairman.

Mr. NUSSLE. Mr. Chairman, I believe I have the time, and I have not yielded.

The CHAIRMAN. The gentleman from Iowa has not yielded.

PARLIAMENTARY INQUIRY

Mr. FORD. Parliamentary inquiry. Who signed the welfare reform bill that was passed last century?

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. NUSSLE. No, I do not. The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. NUSSLE. Mr. Chairman, I appreciate that.

So while we are continuing to learn the lessons, Congress needs to plan for it. Congress needs to plan for these emergencies, and our budget does that. This year, not only will we build in a reform of our mandatory programs and further restrain our nonsecurity discretionary spending, but we need to reform the budget process as well to reflect the actual spending that is currently spent outside of that normal budget process. We call it emergency spending, for many natural disasters where appropriate spending is certainly necessary.

In addition to emergency reforms contained in this budget, we will continue the process of reforming the budget and reforming the budget process and how we make spending decisions throughout this year. We need to take a look at that little bit later. We need to look at the sunsetting of programs that have outlasted their usefulness. We need to deal with line-item veto, and we will do this throughout the year.

Let me just end by saying this. I do not think I need to remind anybody about the massive challenges and changes that our Nation has endured these past few years or the myriad of challenges that lie ahead. We have had enormous challenges in writing the budget. I do not think we are any of them. I know it would be easy for somebody to just punt.

Well, we decided we were going to meet each one of those challenges and deal with them, and every single year we have had a plan for the year. The Democrats rushed to the floor with a plan and suggest that they finally now have an idea on how they are going to balance the budget. We will take a look at that later.

But we have had a plan every year, and our plan has worked, and we have been able to manage our deficits and our debt and our taxes and our economy and deal with so many important priorities in an appropriate way. We have kept our country going when many people, after some of these disasters, said our economy was going to collapse, that we were not going to be as powerful as we were in the past; but because of the leaders that we have provided, much of which started in these blueprints, we believe we have been able to keep our country growing and growing strong.

We have seen how the Nation’s most fundamental priorities have shifted dramatically, some by circumstance, some by choice, but they have shifted; and we have managed through the process as best as we could. For the past three decades, after recovering from the initial shock of 9/11, we have set a bold plan to shore up and strengthen our defense and homeland security, to get and keep our economy growing strong and creating jobs and controlling spending and continuing the process of reform and reducing the deficit, and the deficit has reduced.

We followed that plan, and adjusting it to last year, making a down payment on the hurricane spending. We have made real progress. But last year’s hurricane served as a stark reminder that controlling the budget does not just happen one day out of the year. It is a long-term, step-by-step commitment that takes time. It takes more than one person to do it. It takes particularly in extraordinary circumstances a plan, and that is what we present today, our plan for fiscal year 2007. We need to pass it. We need to stick to it. We need to enforce it. Certainly if there are challenges, we need to adjust to it, but we need a plan. We need
to work the plan. We need to enforce the plan, and we need to pass the plan today.

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

Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes.

I said earlier that this is an excellent opportunity to show the difference between Democrats and Republicans. This document does that; but with respect to national defense, function 050, there is no difference, because to the dollar we have provided the same amount as the Republican resolution. There is no difference.

On the other hand, with respect to education, there is an enormous difference because the Republican budget resolution cuts education by $45 billion over 5 years below what we call the level of current service, staying where we are. Last year, for the first time in 17 years, the President requested less for education in 2006 than was appropriated in 2005; and this year, he asked for an even larger reduction, $2.2 billion in 2007 than appropriated for 2006, and these cuts come on top of big cuts, crippling cuts in federally guaranteed student loans.

To discuss further the impact and consequences of these enormous cuts in education, which our resolution does not provide for—we fully restore education to current services, fully restore the cuts they would make—is Ron Kind of Wisconsin, a member of the Education Committee, and I yield him 6 minutes for that purpose.

Mr. KIND. Mr. Chairman, I want to thank my good friend from South Carolina for the leadership he has provided on the Budget Committee, and we do want to take a moment to talk about the priorities of our country, especially when it comes to the investment of the future of our country, and that is the education of our children.

Mr. Chairman, our country is going to face two of the greatest challenges in the history of our Nation in this century. One is securing our Nation against the global threat and the global capability of international terrorism, but, secondly, it is our ability to remain the most innovative and creative Nation in the world. That requires an investment in our children and the quality of education that they are exposed to.

It is something that we do in our budget alternative, and we do it by operating under pay-as-you-go rules that will restore us to balance again by 2012, but by maintaining that important investment in children's education.

Their budget punts, in fact, their numbers track the President's recommended budget, which calls for the elimination of 42 education programs in our country, including vocational education, gone; Perkins loans, gone; Safe Start Schools, eliminated; education technology and Even Start, eliminated, in what the President is calling for in the budget.

We can do a better job with our alternative, and we would encourage our colleagues to support it.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURA), a real champion of our children and to education in this country.

Ms. DELAURA. Mr. Chairman, this budget contains massive deficits for our children and unaffordable tax cuts for the wealthiest Americans at the expense of our families. Particularly damaging are the cuts to critical services in education, workforce development, health, veterans services, and environmental protection.

It fails to include an additional $7 billion so that in fact we can fund education and health and the other services in the same way that the Senate, by a vote of 73-27, voted a few weeks ago, funding for the Community Services Block Grant, Low-Income Heating Assistance, National Institutes of Health and Pell Grants, programs that touch virtually every community health center, hospital, school district, and employment center in the Nation.

Last week, I proposed an amendment that would restore this $7 billion when the Budget Committee met. It was rejected by this Republican majority on a party-line vote, and what we are left with are cuts that would cut cancer research by $50 million.

We tell our kids today, you need to have a post-secondary degree; you no longer have the luxury of just having a high school diploma because we exist in a global economy. What they will do is to eliminate more than 40 education programs, all Federal vocational and technical education programs. They freeze the Pell Grant.

Education has been about opportunity. They will deny the opportunity of our youngsters to be able to get a college education.

That is why this budget does. These are Republican priorities. They are not the American priorities. It is a misguided and it is an immoral budget, and we ought to support the Spratt substitute.

Mr. KIND. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), a real leader on development issues, the gentlewoman from Connecticut, the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise to reject the borrow and spend policies included in the Republican budget, a budget that fails to balance the Federal checkbook, ignores our obligations to Americans, and heaps debt on our children and grandchildren at the rate of $1 million a minute.

Mr. Chairman, our budget, the Democratic alternative, would balance the Nation's budget by 2012 through fiscal discipline, something the Republicans refuse to do. And in contrast to the Republican budget, we would make the important investments in homeland security, health care, and services for our veterans.

Specifically on education, we would restore what the Republican budget does not do. The Democratic budget would in fact invest in educating our children. It would meet our Federal obligations under No Child Left Behind and under special education, and it would not pass along these costs to our local and State governments. It would help young adults be able to get the advanced education needed to have the skills and the technology to be able to compete in the 21st century.

We should reject the Republican budget and support the Democratic alternative.

Mr. NUNN. Mr. Chairman, I yield 2½ minutes to the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUZUK). Mr. BUZUK. Mr. Chairman, this budget with regard to the funding of VA is derived from what I call the crucible of hard lessons. I chose to leave the Veterans' Affairs Committee to examine the budget modeling issues for the VA.

A budget shortfall was exposed last summer. VA Secretary Nicholson and OMB, to their credit, stepped up to the

By cutting outdated and unused weapon systems that were designed to fight the Cold War, relics that have no place in today's modern military, we could invest in our national priorities, like education. We could be rebuilding and modernizing our public schools, or providing a substitute for the President and the Republican Congress's $55 billion of underfunding for No Child Left Behind.

The savings would also be spread to homeland security, cutting the deficit, and, thirdly, creating a workforce, healthy children, less dependence on fossil fuels, better fire departments, scientific progress, and less debt. That is what makes America strong and safe.

Enough is enough, Mr. Chairman. It is time we invested in our kids and their education, not in Cold War relics. Vote against the Republican budget.
plate, taking accountability for a flawed budgetary process. Their improved use of timely data, methodology, and balanced policy expectations are reflected in the President's budget request for the VA.

The value we put on today reflects our priorities: To care for veterans who need us most, those hurt and disabled by their military service, those with special needs and the indigent; to ensure a seamless transition from military to civilian life, and to provide veterans economic opportunity to live full and complete lives.

The veterans spending has increased from $48 billion in 2001 to approximately $70 billion this year. At a time of tough budget choices, when in most Federal spending we see few, if any, increases, veterans spending will rise next year by 12 percent. With the Nation at war, this is altogether fitting.

We have heard the rhetoric that describes an increase as a cut, but truly this is a decade-long record of leadership under this majority. I refer here to the chart that shows the historic increases, from the $17.6 billion in 1995 to now $33.8 billion for discretionary spending alone. This is a far cry from the flat-lined budgets that we were receiving during the Clinton years.

We have increased the access to quality care, with more than a million veterans using the VA than they did 5 years ago. We have heard many challenges remain. The VA must decrease its claims backlog with regard to benefits claims, which exceeds around 800,000. Centralizing the VA’s information technology structure is very important. You can’t measure compassion by the dollar. It is how we look at the operations of government. And centralizing the VA’s information technology could save an estimated $1.2 billion over 5 years, according to testimony by Gartner, the consultant.

Also, to achieve a seamless transition to our new veterans in the VA, VA and DOD must fully share in the electronic medical records. This is extremely important and there is good progress in this area.

I want to continue to work with the chairman of the Budget Committee on issues of modernizing the GI bill, which we have discussed, and also the issue with regard to the estimate that the administration used with regard to collections. It is an issue I will work with the chairman on as we go to conference with the Senate and, hopefully, we can get that worked out.

I want to applaud the chairman’s efforts on behalf of America’s veterans. This is a good budget.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with respect to veterans’ health care there is also a big difference. The President’s budget funds veterans’ health care at $12.5 billion below the Democratic Alternative over 5 years, and on top of that the President calls for veterans to be assessed a $250 fee to enroll for care at a VA Hospital.

In the markup in our committee, House Republicans raised funding for 2007 by $2.6 billion above current services. But from 2008 through 2011, the Republican budget cuts veterans’ health care by $8.6 billion less than what CBO estimates is needed to maintain current services. By contrast our resolution, the Democratic resolution, maintains funding every year at the CBO level of current services from 2008 through 2011.

Here to discuss further the impact of the two budgets upon veterans’ health care is a Member who knows all about this. He is the ranking member of the appropriations subcommittee with jurisdiction on this matter.

Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I have had the privilege of representing over 40,000 Army soldiers who fought in Iraq. I have seen firsthand their sacrifices and the sacrifices their children and spouses make on behalf of our country. That is why I believe we have a moral obligation to support our veterans and our military retirees, and we should support them not just with our words but with our deeds.

It is the right thing to do, because our veterans have kept their promise to defend our country and we should keep our promise to provide health care for them. And it is the smart thing to do, because if we break our promise to our veterans and military retirees we will never recuit the best and brightest of the younger generation to fight our war on terrorism.

That is exactly why I am adamantly opposing this budget. While on the presents veterans it has a 1-year fig leaf plus-up of VA health care, for which I am grateful and supportive, the fact is that this budget resolution would cut present services for veterans’ health care by over $5 billion over the next 5 years. That is right, this budget resolution would cut veterans’ health care services during a time of war. If that is not immoral, I do not know what is.

The fact is that it is even worse than that, because the Congressional Budget Office baseline assumes there is no net increase in the number of veterans going into the VA health care system every year. So if you build in 100,000-plus additional veterans we have had in the past, that work cut is even deeper than $5 billion to veterans’ health care during a time of war.

Let us talk about military retirees, men and women who have served our country in uniform, gone into harm’s way, served for more than 20 years, many of them over 30 years. What does this budget do to them? It puts in effect a tax on military retirees’ health care. For retired military officers this would amount to nearly a $1,000 a year rise in health care tax, and for enlisted retirees a $500 a year tax on the military retiree health care premiums.

I yield back.

Mr. CONAWAY. Mr. Chairman, I yield 2 minutes to a distinguished member of our committee, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I would like to talk a little about the role of government in a growing economy.

To my way of thinking, that role is to just basically get out of the way. A growing economy is one in which the Tax Code is in a circumstance where it is not an overt burden on it. Not to say that our current Tax Code is perfect, by any stretch of the imagination, but these low tax rates and these tax cuts we have put in place in 2001 and 2003 have in no small part added to the growing economy that we currently have.

Does it ask Members of Congress to triple our health care premiums? No. Does it ask members of the President’s cabinet to triple their health care premiums? No. What this budget resolution does say is that those of you who have served our country for 20 or 30 years are going to have to suck up the burden. You are going to have to pay for the cost of this Republican budget.

I don’t think that is fair, and I don’t think the American people will think it is fair. I think the Military Officers Association of America, the Disabled Veterans Association, and numerous veterans organizations have said this is not fair.

Let me just quote Joe Violante, the Legislative Director of Disabled American Veterans, on this proposal. “Providing needed medical care to military retirees is a continuing cost of national defense and is our Nation’s moral obligation. No condition that military retirees be forced from a benefit they were promised is acceptable, especially in these times.”

What did the Budget Committee do? On a party line vote they voted down my amendment that would have said no to the administration’s proposal to triple these military retirees’ health care premiums over the next 2 years. We could have said “no” to that unfair burden, but my Republican colleagues on the committee voted against my amendment. By doing so, they assume the President’s extra revenue from these health care premium increases and put that into their budget.

Cutting veterans’ health care by over $5 billion in the next 5 years during a time of war, putting a tax on health care premiums for military retirees is no way to show respect for our military or to strengthen America. That is why we should say “no” to this budget resolution.

Mr. Chairman, I reserve the balance of my time.
We don’t want to talk today about the regulatory burdens and interference that families and businesses have from government, but those should be counted in the cost as well and get those out of the way.

When you put the pro-growth policies in place that we have, you get some startling results. We have 17 straight quarters of growth, as measured by the GDP. We have 5 million new jobs that have been created. Unemployment across the Nation is at 4.8 percent and many think is full employment. Actually, in District 11, which I represent, the unemployment rate is zero, for anyone who wants a job. And a record number of Americans are working today. A record number of Americans are working and paying taxes.

A little aside on the importance of a job, I spent a lot of time in west Texas working on United Way issues and other social service issues, and it has been my experience that when a family has a job that family is better off. That family is able to provide for itself, to make its own decisions about how it wants to conduct its life, and when those individual families are better off then the neighborhoods are better off and the communities are better off as well. So 5 million jobs should not go unnoticed as a startling number in a growing economy.

In conclusion, I think we see that the pro-growth tax policies we have put in place, which many think is full employment, we will collect more money this year than in any other year in our Nation’s history, collecting and growing it in the correct way, more taxpayers paying tax rates at a lower number.

What we have is a spending problem and not a revenue problem. This budget addresses discretionary spending in a modest way, and it also addresses the mandatory spending in an even more modest way. But they are steps in the right direction, and this new mandatory spending will be the first time ever we have done it twice in a row, and I urge my colleagues to support this budget resolution.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. For clarification, the gentleman from Texas (Mr. EDWARDS) had 2 minutes remaining, but I believe the gentleman may not have had the 2 minutes remaining on his original allocation of time.

The Acting CHAIRMAN. It has returned to the gentleman from South Carolina.

Mr. SPRATT. The gentleman has 2 minutes remaining on his original allocation of time.

The Acting CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) is now recognized for 2 minutes.

Mr. EDWARDS. Mr. Chairman, let me just say that cutting health care for veterans during a time of war by over $5 billion compared to present services and putting nearly a $1,000 a year military health care tax on military retirees’ premiums is not a way to say thank you to our servicemen and women who have risked their lives to defend our country.

And if that weren’t insulting enough, to add insult to injury, this budget resolution would say to those people that are making $1 million this year in dividend income you don’t have to give up one dime of your $220,000 tax cut. That makes a mockery of the principle of shared sacrifice during a time of war.

Military retirees’ health care premiums. Let’s say “no” to stopping the tripling of those premiums. Let’s allow the administration to go through with its proposal to triple those health care premiums, to veterans’ health care services over 5 years, and it is in the budget for this fiscal year. And all that is over a $5 billion cut in present services to veterans. That is okay, but let’s not ask those people making $1 million a year in dividend income to give up one dime of their $220,000 tax cut. That is more money than a private serving in Iraq will make over the next decade. The American people understand tough times. And in tough times, they ask for fairness and they ask for shared sacrifice.

This budget resolution is an insult to the American principle of shared sacrifice during time of war, and that is why we should vote this budget resolution down.

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

I cannot find anything of what the gentleman from Texas just said in the budget. I am still looking. None of those policies that is just kind of created out of whole cloth. I have looked through it. There is no tax on veterans. My goodness, what kind of rhetoric is that, taxes on veterans. My goodness. Not in here. You cannot find it. I defy you to find it. I don’t see a tax on veterans.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN) and a member of the committee.

Mr. RYUN of Kansas. Mr. Chairman, there is nothing in this budget process that creates greater priority than what we do as a Nation. When it comes to this budget, Congress has no higher priority than providing for our national defense.

This Congress remains unwavering in support for our troops, both here and abroad. After 9/11, we spent quickly to rebuild New York and the Pentagon. We spent deliberately to enforce our Nation’s defenses to prosecute the war on terrorism. Over the past 4 years, the budget for the Department of Defense has grown by $22 billion, or roughly 6.3 percent per year. This figure excludes the money we have committed to fight the war in Iraq and Afghanistan, which is an additional $317 billion if we assume the most recent supplemental.

So when you add DOD’s base budget with the additional funding for the war, the defense budget has increased by an amazing 70 percent since 2002. So, clearly, this Congress has had no higher budget priority than providing for the security of this country, and that is the way it should be.

Even prior to 9/11 and the war on terrorism, the need for a military transformation was evident. So, now, DOD and our Nation as a whole must confront the challenges of waging a very unconventional war, even in the midst of massive transformation.

One of the challenges we confront here today is to provide funding for our country’s safety. This budget fully accommodates the President’s request for the Defense Department, which includes the chairman of the Committee on Transportation and Infrastructure, for a unanimous consent. I urge my colleagues to support the budget for fiscal year 2007.

Mr. NUSSELE. Mr. Chairman, I yield to the gentleman from Alaska (Mr. YOUNG) for his remarks.

Mr. YOUNG of Alaska. Mr. Chairman, I want to take this opportunity to thank Budget Committee Chairman NUSSELE and ranking member SPRATT for their assistance during last year’s Surface Transportation Reauthorization.

The budget title of the Safe, Accountable, Flexible and Effective Transportation Equity Act: A Legacy for Users (SAFETEA LU) contains the vitally important funding Firewalls for the Federal Highway, Transit, and Highway Safety Programs for fiscal years 2005 through 2009. My committee is grateful for the Budget Committee’s recognition of these important guarantees and their codification in the Balanced Budget and Emergency Deficit Control Act.

I understand that the budget resolution incorporates certain assumptions for Function 200 Transportation Activities.

First, all mandatory funding is assumed to be covered by discretionary revenues.
This is good news for the portions of our Highway, Highway Safety, Transit, and Aviation programs that are funded out of the Highway Trust Fund or the Aviation Trust Fund—it means that the authorized levels are assumed under the budget resolution.

However, discretionary budget authority is assumed for these programs at the administration’s fiscal year 2007 budget request levels. This is not very good news for transportation programs.

The president’s budget request for surface transportation programs is almost completely consistent with the funding levels in SAFETEA LU, with only one major exception.

The 2007 funding level for the Federal Transit Administration is $100 million lower than what was authorized due to the administration’s failure to fully fund the “Small Starts” program. If the fiscal year 2007 appropriations bill fails to restore this $100 million shortfall, that bill will be subject to the house rule XXI that bill will be subject to the house rule XXI. This means that the authorized levels are as assumed under the budget resolution.

Unfortunately, the administration’s budget request does not make a similar commitment to meeting our nation’s aviation infrastructure investment needs.

The president’s budget, aviation capital programs would receive $5.25 billion, which is $1.6 billion, or 23 percent, less than the level guaranteed by Vision 100—Centry of Aviation Reauthorization Act. This reduction is extremely shortsighted, and will only serve to accelerate the impending crisis of congestion and delays in our nation’s aviation system.

Unless we make the necessary investments in our airport and air traffic control infrastructure, delays will increase significantly as air travel continues to increase.

To ensure that our aviation system remains safe, reliable, efficient, and able to accommodate the increased number of passengers anticipated in the near future, the transportation and infrastructure committee recommended in its fiscal year 2007 views and estimates that Aviation Capital Programs be funded at least at the $6.81 billion level guaranteed by Vision 100.

The administration’s budget request cuts funding for Amtrak from $1.3 billion in 2006 to $900 million in 2007. Over the years, proposed cuts in Amtrak funding have been repeatedly rejected by Congress.

If the budget resolution assumes just $900 million for Amtrak, but Amtrak funds are subsequently restored during the appropriations process, other important programs will have to be cut in order to make up the difference.

If the budget resolution assumes the president’s budget request levels for the portions of these three programs that are funded with discretionary budget authority from the general fund, it could have a very negative effect on all the agencies and programs that are funded under the budget resolution: Treasury, HUD, The Judiciary, District of Columbia, and Independent Agencies Appropriations bill.

I am gravely concerned that the underlying assumptions in this legislation could force a painful choice among programs that are vitally important to our nation’s continuing economic well-being of our country.

I sincerely hope that, when the appropriations committee makes funding allocations among its 11 subcommittees, the discretionary budget authority allocation to the Transportation-Treasury subcommittee reflects the full authorized levels for these transportation programs.

This is not only for the sake of the Federal Highway, Aviation, and Surface Transportation programs, but also to reduce the painful funding constraint on other discretionary transportation programs that receive funding under that subcommittee’s annual appropriations bill.

Mr. SPRATTA. Mr. Chairman, I yield myself 1 minute.

I would say to the chairman of the Transportation Committee, we do better by transportation than your colleagues on that side of the aisle.

Mr. Chairman, I yield 1 minute to the gentleman from Texas to respond.

Mr. EDWARDS. Mr. Chairman, to respond to Chairman Nussle’s comments on veterans cuts in this program, I just point out, and his silence perhaps answers my question, it is in the budget. The veterans services cut will be over $5 billion over the next 5 years. It is right here if you would like to see the printout.

Secondly, the chairman knows we voted for a Republican amendment to say “no” to the $250 enrollment fee for veterans health care. I mean, but yet you voted on a party-line vote against my amendment to say “no” to a thousand dollar increase per year for military retirees health care cost for their premiums. So I would like to ask the chairman to explain to the American public what a devastating cut $5 billion in present services would be to the 5 million American veterans who depend on the VA system. I do not know who came up with that proposed cut, but I think it is mean spirited and wrong and will hurt military morale and will not serve our country well. I would hate to put my name on a bill that will cut veterans health care during a time of war.

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

I have to put on my glasses, these numbers are so small. I have to tell you, on page 63, I have it right here: veterans goes from $71.9 billion to $74.6 billion. I think that is trying to think now, mathematically that sounds like an increase. Maybe I am missing something, but 71 to 74. Let’s see, that’s a bigger number; 74, bigger, not a cut. That is an increase.

Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. Bonner), a distinguished member of the committee.

Mr. Bonner. Mr. Chairman, it is early in the debate but one thing is clear: our friends on the other side of the aisle seem to want to have their cake and eat it, too. They want to blame the majority for the national debt and the rising cost of Federal spending, but the only solution they seem to offer is more spending or more taxes.

Increased spending or increased taxes. How can either of those two solutions be the right prescription for getting our fiscal house in order? There is no better example of the challenges we are facing than the need to secure our homeland. And as you know, in the aftermath of the terrorist attacks on September 11, our administration and the Congress recognized the urgent need to create a centralized agency to coordinate our nation’s homeland security efforts. But creating an entirely new agency, particularly following September 11, was no easy task. At the time that the Department of Homeland Security marked the largest single agency opening in nearly four decades, dating back on the creation of the Department of Energy.

It also required the reshuffling of 180,000 employees and the transfer of some 22 Federal agencies from one area of government control to another. A department of this size and scope certainly needs a sufficient level of funding to carry out its goals and objectives; and, initially, $50 billion was set aside just for this purpose.

The overall fiscal year 2006 budget for the Department of Homeland Security, including nonhomeland defense spending, is $40.3 billion and President Bush requested in his fiscal year 2007 budget $42.7 billion, an increase of $2.4 billion or 5.8 percent. Overall spending in the homeland security component of DHS has increased from $10.7 billion in fiscal year 2001 to $25.7 billion in fiscal year 2006, or an average of 19 percent increase per year.

Mr. Chairman, while we have made substantial progress in getting DHS up and running, I think it is very fair to say that this department, while securing our nation’s homeland, is not yet where it needs to be or where it must be. Needless to say, however, this budget moves us on the right path.

At the outset I said that our friends on the other side were looking to have their cake and eat it, too. I went to the House cafeteria to find a piece of cake I could bring to use as an illustration. The only cake I could find was a slice of angel food cake. Now angel food cake tastes good, it sounds good; but it is squishy in the middle, just like their budget proposal.

Mr. SPRATTA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. Edwards) to respond further to the gentleman from Iowa.

Mr. Edwards. Mr. Chairman, when Mr. Nussle, the chairman of the committee, talked about the VA budget line, what he didn’t do is tell the full story. The full story is if you take out the mandatory spending in that VA budget, what you end up with is going from VA discretionary spending, which covers VA health care, from $36.9 billion in 2007 to $34.4 billion in 2011. That is just not a cut after inflation; that is a cut before you take into account inflation.

So the bottom line is that this budget as proposed will require a massive cut in VA medical services during time
of war. That is not right for our veterans; and he can show all of the charts he wants to about the past, but he knows that you take out the mandatory spending, you are cutting VA discretionary spending. And to try to hide that fact is creative at best and dishonest at worst.

Mr. NUSSELE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a member of the committee.

Mr. CHOCOLA. Mr. Chairman, I would like to thank the gentleman for yielding me this time and thank him for his leadership and service here in Congress in bringing this budget to the floor.

I rise in support of the budget. I would like to point out, really, a historic aspect to this budget. For the first time I am aware of, we are actually budgeting for emergencies.

Most of all, and that it is important and prudent to set aside money for a rainy day. Even some States budget for emergencies in their annual budgets. Congress, however, rarely sets aside funds for emergencies, despite the fact that we spend taxpayer dollars on emergencies every single year.

I am afraid this is not just an oversight; it is a back door means to exceed our resolution every year because after allocating all of the available resources, somehow Members can find unforeseen emergency needs that require us to break the budget many times without justification. But in this year’s resolution, we are actually starting to clean up that process by bringing transparency and accountability to the process.

We are setting aside an emergency reserve fund for natural disasters and budgeting money we know we are going to spend. Any emergency spending that exceeds the reserve would have to be brought back to the Budget Committee for clearance. It ensures that the committee has the true way the they are supposed to work. The Appropriations Committee can allocate the resources against competing priorities, and the Budget Committee can set limits on spending and ensure that those limits are enforced.

Mr. Chairman, budgeting for emergencies will help expedite the delivery of funds for those people in need, it will deter breaking the limits of the budget with routine spending, and provides a more honest presentation of the Federal budget to the American people.

I support this budget, I support this provision, and I encourage our colleagues to do the same.

Mr. SPRATT. Mr. Chairman, I yield myself and Mr. Chairman, in the area of health care, there is a major difference between us. Some 6 or 7 years ago we got together on a bipartisan basis and agreed that every year we would try to increase the budget of the NIH such that over 5 years it would be doubled.

We achieved that goal, and now every year the Bush administration is marching us right back down the hill. This year in their budget submission over 5 years they have proposed short-funding public health and medical research programs at a level of $18 billion below current services. The programs at risk range from the National Institutes of Health, to the Disease Control to graduate medical education at children’s hospitals to rural health.

The Democratic budget resolution, by contrast, spares these programs from deep cuts and restores them, fully funding them to the level of current services.

Mr. Chairman, I yield 8 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House and the ranking member of the Energy and Commerce Committee, to discuss further the impact of these cuts and ask that he be allowed to yield the time that is granted him.

The Acting CHAIRMAN (Mr. FOLEY). The gentleman is recognized for 8 minutes.

The gentleman is reminded that any time yielded, he will have to remain on his feet.

Mr. DINGELL. Mr. Chairman, I thank my good friend and distinguished colleague who has done such a fine job on the Budget Committee.

We are talking about the Republican budget, and it does not address two pressing health care problems of peculiar and special importance to our people, amongst the other things that it does wrong.

First, thanks to this Republican Congress, new part D of the Medicare program is complicated, impossible to navigate, and the benefits confusing, indeed. And they vary from plan to plan. Plans can even change the drugs they cover after seniors have signed up, bail and switch. But seniors cannot change plans for a year, while the HMO can do so.

All too often this confusion has resulted in seniors leaving pharmacies without their medication or paying more than they should for their medications. Pharmacists are going broke because of nonpayment or late payment by Medicare. These problems and many of the others which infest part D are in no way corrected by this budget. They are not even giving seniors enough time to sign up; and as a result, these seniors will have to pay a 7 percent penalty for the rest of their lives for this Medicare part D.

Our Democratic substitute would allow seniors until the end of the year to identify and sign up for a plan that meets their needs. It also enables citizens to know that HMOs and private-plan bureaucrats are not going to be able to continue bait and switch, stopping coverage for drugs that a senior’s doctor has prescribed and that were covered when they signed up.

Second, the Republican budget does not even try to protect the most vital relationship the senior has, that which they have with their doctor.

Even though doctors in Medicare are facing deep cuts in their payments, the Republican budget does nothing to stop this.

Not paying adequately for physician service is going to undermine our entire health care and Medicare program. The Democratic substitute would not permit that to happen. It is another reason for voting with us.

Republicans are content to permit traditional Medicare to erode, while showering billions of dollars to their HMO and insurance company cronies. Democrats want to protect Medicare as we know it and to spend the money to help seniors and those with disabilities, not to shower it unneeded upon greedy health maintenance organizations and others who deserve no assistance.

I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), my distinguished colleague and friend.

Ms. HERSETH. Mr. Chairman, I thank the gentleman from Michigan for his leadership, as well as the gentleman from South Carolina for his.

As I travel throughout the State of South Dakota, the number one issue for our constituents is health care. For thousands of families in my State and millions across the country, health care is their top priority. But this budget not only fails to make health care a national priority, it makes the crisis worse.

This budget ignores the 46 million Americans without health insurance, and it actually eliminates the transitional Medicaid assistance program that encourages families to leave welfare for the workforce. This budget actually punishes families trying to create a better future by choosing work over welfare.

The budget cuts funding for health research at the NIH and disease prevention at CDC. It eliminates the National Children’s Study to improve the health and well-being of children, the kind of common sense research that will pay dividends in the future. We ask the American people to recognize the cost savings that comes with prevention, but this budget fails to make disease prevention and the research that leads to cures a priority.

This budget cuts Urban Indian Health Centers which serve Native Americans across the country, including in a number of communities in South Dakota. And as has already been noted, it cuts funding for veterans health care by $6 billion over the next 5 years, and it shifts the burden of health care costs for our troops and their families and medical personnel to the very families with loved ones serving in Iraq and Afghanistan.

And this budget is particularly hard on seniors. As Mr. DINGELL already noted, it is allowing a cut to physicians under Medicare. It makes it harder for millions of seniors to find quality health care services, particularly in already underserved areas.
And for the millions of seniors struggling to navigate the Medicare drug benefit bureaucracy, this budget does absolutely nothing to solve that problem. For seniors forced to deal with the poor planning and implementation of CMS and the private drug plans, this budget is a disaster for them and the community pharmacists who have shouldered most of the burden.

Congress can do better. We owe it to the American people to do better, and I urge my colleagues to demand that the committee bring us a new budget, one that makes health care a national priority or, better yet, supports the Democratic substitute, which does just that.

Mr. DINGELL. I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS), my dear friend.

Mrs. CAPPS. Mr. Chairman, frankly, I am getting really tired of hearing proponents of this budget argue that drastic cuts to health care are a result of difficult choices.

It is quite apparent that the choice being made is a simple one, further tax breaks for the wealthy instead of real investment into the health care needs of our most urgent needs, as our colleague from South Dakota expressed, in her State, and also in mine, the most urgent need that our constituents want us to address in their time of need at home.

At a time when we are facing remarkable breakthroughs, for example, in medical research, it is appalling that this budget, one that makes health care a national priority or, better yet, supports the Democratic substitute, which does just that.

Mr. DINGELL. I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART), a member of the committee.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, the Budget Committee chairman today, we have heard it, has mentioned a number of times something that is captured in this budget, reducing waste, fraud and abuse. Now, our friends from the Democratic side also have a consistent theme, spend more money regardless if a lot of it is wasted.

But you see, Mr. Chairman, billions of dollars are lost each year to waste, fraud and abuse in the Federal Government. Not only does waste, fraud and abuse cause American taxpayers, Mr. Chairman, it also burdens those who rely on the government for their services.

Unfortunately, our friends on the other side of the aisle, they are consumed, I believe, with the need to spend more money, without measuring efficiency or effectiveness of the programs. It is evident, obviously, that some on the far left measure success of government programs by the level of spending, not on results. Again, just spend more of the taxpayers’ money, no matter what.

We cannot excuse programs that, through waste, fraud and abuse, are cheating the taxpayers out of billions of dollars of their hard-earned money.

We owe it to the people that sent us here to Washington to ensure that their hard-earned tax dollars are protected through good oversight, performance evaluations and sensible funding decisions.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, budgets are moral documents, and one measure of a budget is how it treats the least among us. The House Republican budget resolution severely weakens the safety net for the least among us, cutting income security programs by some $14.9 billion over 5 years below the level of current services.

Among the programs cut, actually totally eliminated, would be the Commodities Supplemental Food Program, which provides nutritious food to 420,000 elderly people every month and to 50,000 mothers. HOPE VI would be eliminated for repairing and refurbishing public housing.

Supportive housing for the disabled would be slashed by 50 percent, housing for the elderly cut by 26 percent, and, in addition, $4 billion in reconciled spending cuts that are directed to the Ways and Means committee, implying cuts in the Earned Income Tax Credit, TANF, SSI, unemployment insurance, these programs within their jurisdiction.

Here to discuss further the implications and consequences for families and communities is the senior member from New York (Mr. RANGEL), the ranking member of the Ways and Means Committee, to whom I yield 8 minutes.

Mr. RANGEL. Mr. Chairman, let me first thank Mr. Nussle and the Republican leadership for bringing up an important bill and allowing us to discuss it during the daytime hours. It is so unusual that I just wonder when the next one is going to be. I do hope it is in time for America to see how we work.

Also, I want to thank Mr. Nussle for giving me the opportunity to explain some of the language that he has been upping, because when he talks about entitlements there are so many people that get angry and they have to be against entitlements, too. They have to really be angry with America spending such a large amount of our budget on entitlements. But it is strange, they talk about entitlements and we talk about people in need. They talk about entitlements, we talk about the Social Security system that has lasted this country and given so much self-esteem and pride for our older people, those who became disabled, and things that we like to do.

Don’t cry. Don’t just bring us these doggone private accounts. Don’t send it to the committee. Bring it on the floor. Take it to the American people. Ask the older people and their kids and their grandkids, how do you measure self-esteem and dignity?

Entitlements. What does it mean? Who are the least among us? Is it the poor? And if you are poor and you are sick, is it asking too much in this great country of riches to say you are entitled to health care? And if you are older, and you want to get a prescription drug, is it wrong for you to be outraged because we believe that they are entitled?

Or how about a kid from the neighborhood? Most of us here came from families that never got a college education. Were we entitled to an education? No. We were lucky we were able to get it. But I think that now that our Nation is at war, a war that we shouldn’t be in, I think that our Nation is at war in terms of competition with foreign countries, that our people should be entitled to educations. They should be entitled to compete. They should be entitled to self-esteem, and every American should have an education to a decent place to live and health care.

But no, we can’t afford it. We can’t afford it, one, because $400 billion for...
Iraq. We can afford it for them. Oh, they will be entitled to decent health and decent housing and anything else, and we are not going to leave them until they get it, and they will have the victory and we will have the deficit.

And so what I am saying is that let’s not talk entitlements. If you really want to kill the education programs, the health programs for the aged and for the young, let’s call it what it is. It is called Social Security. Say it with me, and I call it Medicare. It is called Medicare. And these are programs for the disadvantaged.

Now, if you can’t afford it because you have some friends that are in the highest income, and I have not received one letter from any of them, and I don’t think those from the rural areas, there aren’t too many of them there either. They may be included on the contributors list, but they haven’t called and asked for this tax cut. They have not asked and asked for it.

But the people that are out there when we get back home during this work period, they will thank us for fighting to save what they think, what they used to be entitled to.

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

The Acting CHAIRMAN. The gentleman yields back the time to the gentleman from South Carolina.

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

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the outstanding gentleman from Washington (Mr. MCDERMOTT), a member of the Ways and Means Committee.

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

Mr. MCDERMOTT. Mr. Chairman, when I read through this budget, they are back again, folks. They are back again.

Just a few months ago the Republicans called a final vote on the budget bill that slashed funding for child support enforcement, foster care, student loans and health care coverage for low income families. Today, the nightmare continues. They are back again doing the same thing within 3 months.

Repsubs propose another round of pain for Americans already suffering. The committee on which I serve is required by the Congress to cut $4 billion from Social Security. It will come out of my subcommittee, the one I am the ranking member on, because that is where the children are and that is where the weak and the old and the sick are. They are not going to take it away from the taxpayers. They are going to take it away for the poor and the weak.

When the Republicans send the high income earners to the trough for more tax cuts, they will starve the Federal programs to help the poor.

I know it is Lent; so I am sure this is a faith-based initiative we have here, and the Republicans certainly understand the idea of sacrifice. This budget sacrifices Social Services Block Grant, which funds assistance for abused kids, child care for working families, and vital services for the disabled and the seniors in this country. I asked the Rules Committee to allow an amendment to restore this. The Republicans said no. Mr. Chairman, why will you not allow this House to actually consider the effects of slashing programs to help the sick and the poor?

Now, I know some key Republicans have left, but the fix is still in in this joint. The Republican Congress will rubber-stamp the Bush agenda and provide for those who need it least. It is Lent, and the Republican majority is ready to sacrifice common sense, common decency, and common dreams.

The Republicans’ budget sacrifices morality and a balanced budget for tax holidays for the rich, for the 1 percent. The party of the 1 percent is in charge in this House. Only the 1 percent at the top matters.

They’re back, Mr. Chairman, and the Republican budget is no apparition. It is a real assault.

There is an irony that maybe some of you out on this floor may not think about, but some Members are running for higher office in State-level jobs. Some of those people are cutting the very programs that they, if they win their election in November, will have to go out and deal with the problems. If you are running for a State governorship or any kind of State office, think very carefully about how you stab yourself, because you are going to meet this when you get there after the election.

Mr. RANGEL. Mr. Chairman, I yield the balance of my time to the distinguished member of the Ways and Means Committee from Massachusetts, Mr. Neal, who serves on our committee as well as the Budget Committee.

(Mr. Neal of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. Neal of Massachusetts. Mr. Chairman, I want to thank Mr. Rangel for yielding the time.

But let us clear something up immediately. Let us not demean the intelligence of the American people when we hear war, fraud, and abuse. Where has the spending gone? They are bragging on one hand about increasing military spending by 7 percent. Seventy percent for the military. We are fighting two wars, Iraq and Afghanistan. Have we forgotten about that? What about Katrina? Have we forgotten about their planning for that? Now which of those qualifies for waste, fraud, and abuse? That is where the money has gone. The problem we have today in this House is their tax cuts that, by the way, went to the top 1 percent of the wage earners in America. The millionaires were taken care of with their largesse.

This budget takes the word “compassionate” out of “compassionate conservatism.”

The Republicans would have the country believe that the budget cuts do not have any impact on Americans. There is not a family in America that will not be harmed by this budget. The President’s budget will wash enough. I was honored as a Democrat to present the President’s budget at the budget meeting. Do you know why? Because not one Republican would present the President’s budget. The result, 39-0, we knocked down the President’s budget.

But let us talk about what this budget does. It calls for freezing child care funding. It will eliminate a program that provides food for 420,000 poor elderly people, 50,000 poor mothers and their kids. It even proposed a 50 percent cut in housing assistance for people with disabilities. Their budget before us today takes an additional $100 million in cuts beyond what the President’s budget proposed.

A time when we ought to be concerned about families in America, this budget turns its back on those people. This budget is the polar opposite. Instead of throwing doors open for the American people, they offer less vocational training, fewer small business loans, less financial aid for colleges, less support for our veterans.

This budget lacks vision.

Mr. NUSSELE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the committee.

Mr. LUNGREN. Mr. Chairman, as you know, I was absent from this House for 16 years, and I came back longing for some familiarity, but also hoping for some change. But as Yogi Berra said, when we have these budget debates, it is deja vu all over again. The same words I heard 18 years ago from the other side of the aisle still prevail: “weaken,” “starve,” “slash,” “stab,” “kill,” “attack,” “assault,” “inflict pain.” So I looked at the budget to see how much less it is than when I left here 18 years ago. It is so much larger now it is unbelievable.

When the head of the OMB, now soon to be the new chief of staff at the White House, appear before us, he said that if we do not start to control entitlements, mandatory spending, by the time my children are ready to retire, we will have no ability, he said, to spend anything on discretionary spending including the military. Think of that. We have come to a position now where the burgeoning of the entitlement programs is such that in another generation what the Constitution calls our first obligation, common defense, and common dream, we will have no money for it. Now, how can this budget be so terrible? How can it be stifling?
When I left here before, if we had just frozen spending for a year, receipts would have caught up with spending. Now we are in a position that it would take 3 years of a freeze to catch up. This budget is not slashing, cutting. We are doing a little bit of trimming. Many Americans do not think we are doing enough.

And the whole idea on the other side is all we have to do is tax more. Look at what these tax policies have given us. We have a robust economy. We have lowered interest rates as low as economists told us when I was here before we could ever sustain. They talked about 6 percent unemployment being full employment. Now we are below 5 percent.

We should not sacrifice jobs on the mantra of increasing taxes, as my friends on the other side would have us believe.

Mr. BRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the President sent us a budget that was woefully deficient when it came to homeland security, which is a pressing concern for all of us. The Republican budget, I will give them some credit, to some extent corrected that woeful deficiency by $11 billion. But over 5 years that funding level for homeland security, a pressing, critical domestic need, is still $5 billion below current services.

We restore homeland security at least to the level of current services. Thus we would be funding programs that are critically needed to deal with what most of this House recognizes is a tremendous deficiency, namely, seaport security, which pales in comparison to what we have done for airport security; and it is one of the reasons for the outcry over the Dubai ports deal.

Mr. Chairman, I now yield 5 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Homeland Security Committee, to discuss the consequences and the differences between our budget and theirs when it comes to homeland security.

Mr. THOMPSON of Mississippi. Mr. Chairman, today I rise in strong opposition to the fiscal year 2007 House budget resolution, a resolution that shortchanges our critical homeland security programs.

The cuts provided under this measure leaves dangerous gaps in our Nation’s border, ports, mass transit, aviation, and critical infrastructure security. It also fails to address the precariousness of response deficiencies and critical infrastructure security. It also fails to take the cost of keeping dangerous and criminal aliens incarcerated. The President’s budget calls for the elimination of the State Criminal Alien Assistance Program. This resolution before us today does nothing to remedy that. With all the President’s tough talk on border security, you would think that he would want to at least keep the most violent and dangerous illegal immigrants off our streets. Instead, this budget cuts the one program dedicated to helping our local cops and sheriffs put behind bars those who are breaking laws. Even Republicans supported with the President and joined Democrats in approving $405 million for the SCAAP program.

What has changed this year? They no longer want the criminals off the streets?

President Bush today ignores the wakeup calls that came in 2004 and 2005 when terrorists executed coordinated rush hour train and bus bombings in Madrid and London. The budget does not provide dedicated funds to close known gaps in rail and mass transit systems to protect 14 million Americans, who use nearly 6,000 public transportation systems each day.

Under this budget, State and local transit agencies, which have already spent $2 billion to enhance security and emergency preparedness since 9/11 attacks, continue to be left largely to fend for themselves.

We are shortchanging the Coast Guard in this budget. That agency, which did the right thing in Hurricane Katrina, is using ships from the Vietnam era. In using these Vietnam-era ships, we put our Coast Guard at risk. This budget will ensure one thing: that the Coast Guard with need a lot of bubble gum, ballast wire, and buckets to stay afloat if it is approved.

Speaking of maritime security, this budget does little to ensure that ports can make the physical security improvements they need for high-risk containers coming to America.

I call on my colleagues to reject this budget for these reasons. Congress should no longer ignore the fact that homeland security begins at home, in our communities, towns, and in our cities. Let us do the right thing by the American people. Let us put a budget together that protects our Nation.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the very distinguished chairman of the Education Committee, my friend from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I rise in support of the fiscal year 2007 budget, and I would like to thank Budget Committee Chairman Nußle for his hard work and leadership, as well as the work of his committee and staff, in putting together this blueprint. This budget maintains our commitment to funding our national priorities while exercising fiscal restraint on behalf of American taxpayers. I think that is the thing that they should be doing.

This commitment is one that the Education and Workforce Committee has taken and continues to take seriously. As part of the last budget process, we placed our student loan and pension insurance programs on a more solid financial foundation. We expanded benefits for those attending college and savaged trillions of dollars in the process. Just like last year, we fully intend to be key players once again.

My colleagues know that there is no higher priority for the Education and Workforce Committee than our Nation’s students. In this Congress alone, this House has passed legislation to reform our early childhood education
programs, expand college access, and strengthen our job training and vocational education systems. These reforms have been backed in recent years by an equally impressive record of funding for our Nation’s education priorities.

As you can see in this chart, over the past decade Federal education funding has increased by about 150 percent. Breaking these numbers down further, funding for No Child Left Behind has increased by one-third since it became law in 2002. Pell Grants were funded at an all-time high, and Federal aid to low-income schools is consistently high as well. Those who claim that we are shortchanging any of these programs may have rhetoric on their side, but they do not have reality on their side. The reality is our education priorities are well-funded, and this budget continues that practice.

But we also must not lose sight of the fact that today’s students are tomorrow’s taxpayers, and it is unfair to leave them with exploding budget deficits. That is why this budget’s ability to balance priorities and restraint is so important.

Mr. Chairman, American taxpayers have a right to know that our top priorities are well funded, but they also have the right to expect a return on their massive annual investment in Federal programs. This budget strikes a responsible balance between the two, and I urge my colleagues to support it.

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

Ms. LEE. Mr. Chairman, I rise in strong opposition to this Republican budget which, of course, continues to take our country in the wrong direction. Not only does the Republican budget make harmful cuts to critical services for working families, it fails to live up to really any standard of morality.

By eliminating programs like HOPE VI and the Community Services Block Grant, and by slashing education training and social services funding, the Republican budget really is an all-out assault on millions of hard-working Americans.

Further, the issue of economic security which, of course, does not exist in this budget, economic security is really a critical component of national security. Yet, the Republican budget even fails to adequately support homeland security priorities.

I represent one of the largest ports in the country, and I know firsthand how important port and container security is. Though the Port of Oakland achieved the ability to screen all cargo coming through last year, how many other ports are adequately funded to do this? Economic security and homeland security are put on the back burner in this budget, and that is simply unacceptable.

So I urge my colleagues to reject this budget resolution, because it is not a budget that we should be supporting.

Mr. SPRATT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the Democratic budget resolution, I want to emphasize again; is exactly the same when it comes to dollar funding for national defense as the Republican resolution. We are at the very same level, exactly the same as the House Republican resolution. That includes the $50 billion they provide toward the cost of operations in 2007 in Iraq and Afghanistan.

Our resolution also funds foreign affairs, function 150, a bit above the House Republicans, but below the Senate and below the President’s request.

Though the funding levels are the same, the Democratic budget resolution calls for a better distribution of the defense budget. The Democratic budget resolution calls for, among other things, forgoing higher TRICARE fees on retirees under the age of 65, as the President and Pentagon have requested; not granting that request; increasing pay and reenlistment bonuses, badly needed to ensure recruitment and retention; increasing family support center funding, badly needed for troops who are deploying now, some for their third tour of duty, leaving their families behind; funding cooperative threat reduction and nonproliferation at higher levels; funding the Army National Guard at 350,000 troops, not 17,000 less than that; ensuring $115,000 in death gratuities, funded retroactively; and funding free life insurance in combat zones at $400,000.

Then, to pay for these things, funding missile defense at a substantial, but lower, level, among other things; de-emphasizing space-based interceptors; funding transformational, next-generation satellite development, being pushed along a fast track, at a substantial, but lower, level; and, finally, implementing the financial management recommendations that the Comptroller General of the United States, told us we face a large and growing structural deficit. He testified as follows: “Continuing on this path will gradually erode, if not suddenly damage, our economy, our standards of living, and ultimately our national security.”

Mr. Chairman, we have been warned. That is why I rise today in support of the Democratic alternative budget.

The Spratt alternative begins to put us on a sane fiscal path which will protect our national security. Further, it provides funding for our critical national security needs that were left out of the President’s and the majority’s budgets.

The Spratt alternative would fully fund the end strength, the number of troops in the National Guard. If one supports the National Guard, one should vote for the Spratt alternative.

It reverses the cut to the Cooperative Threat Reduction Program. If one supports keeping weapons of mass destruction out of the hands of terrorists, one should vote for the Spratt alternative.

It rejects the TRICARE fee increases proposed by the President. If you oppose tripling the fees charged to military retirees, one should vote for the Spratt alternative.

It increases funding for family support centers. If one supports military families, when mom or dad is deployed overseas, one should vote for the Spratt alternative.

It provides $400,000 of life insurance to servicemembers going into combat. If one supports taking care of our troops when they pay the ultimate price, one should vote for the Spratt alternative.

It increases funding for pay raises and reenlistment bonuses. If one supports rewarding our troops with higher pay, one should vote for the Spratt alternative.

Like the base bill, the Spratt alternative will extend the enhanced death gratuity to those families who were previously left out after September 11.

Mr. Chairman, in summary, I view voting for the Democratic alternative being offered by Mr. SPRATT as crucial to supporting our national security, and I hope that each of our colleagues who supports defense will vote with me and for the Spratt Democratic alternative.

Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, there are many reasons that the Spratt substitute is a superior alternative to the base bill, but I think among the most important reasons is the basic credibility and honesty of the Spratt alternative when it comes to the foreign entanglement issues our country finds itself faced with today.

The base bill essentially assumes that the conflict in Iraq will wind down very precipitously and require almost no resources in the coming fiscal years. I hope that is true, but I think it is wildly imprudent and recklessly irresponsible to build a budget on that assumption.

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

Mr. ANDREWS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Does the gentleman know that the Spratt alternative does the exact same thing?
Mr. ANDREWS. Mr. Chairman, reclaiming my time. I also know that the Spratt alternative, by forgoing the reckless tax cuts of the majority’s version, gives us the flexibility and resources to meet our true obligations in Iraq and Afghanistan.

Mr. NUSSLE. But is the money in there in this “reckless” plan the gentleman was suggesting?

Mr. ANDREWS. Reclaiming my time, the Spratt alternative, frankly, leaves room for the supplements that would be necessary, because it does not opt for fiscally reckless tax cuts that have put the country in a position where it is borrowing $25 for every $100 that it spends.

It is true, as the chairman points out, that the Spratt alternative doesn’t lay out the true costs of this adventure in Iraq. But it is also true that the supplements that are inevitably coming, inevitably, that there are resources for those supplements because of what Mr. SPRATT has done, and there are not resources beyond simply expanding the deficit because of what the majority has done. Whether one agrees with the policy in Iraq or disagrees with the policy in Iraq, the reality is we have to pay for it. To put on the floor a budget that doesn’t pay for it and then takes up resources that could be used in a supplemental and soak them up for the majority’s worship at the altar of tax cuts for the wealthy, I think is irresponsible beyond compare.

There are a lot of debates one can have about the question of Iraq, but the debate we cannot have is whether we have to pay for what we are doing. The majority has put us in a position where we will only pay for it by borrowing money. Mr. SPRATT has put us in a position where we can follow a more rational path.

I urge adoption of the Spratt alternative.

Mr. NUSSLE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me just say to start with, I cannot let that go. In this body, bipartisanship with regard to national defense for quite a long time, and I hope that continues. But the irresponsibility of the statement that was just made has got to be called on the carpet.

The Spratt alternative, everyone has a right to come to the floor with an alternative, and I have enormous respect for the gentleman from South Carolina. We are friends. We work together on budgets. He has the full right to come here. But don’t come to the floor and tell us that we have an irresponsible plan, when your plan has the same numbers, number one; and, what is more, fills whatever gap you were just talking about, with something called the “tax gap,” which is a $290 billion pipe dream that somehow you are going to collect money on past taxes from people who didn’t pay them.

But that is how you fill the hole, I would say to the gentleman from New Jersey. And what is more, and I will bet it is in your press release already, you claim balance by supporting the Spratt substitute.

There is only one way you can claim balance, and you know what that is? The way you claim balance is if you spend no more money on Afghanistan, no more money on Iraq, no more money supporting troops in the field, no more money for body armor, no more money for any benefits to those troops, and then we will have served us so well over there in the Gulf.

So for you to come to the floor, when we have bipartisanship on national defense 99.9 percent of the time around here, for you to come here and for you to suggest somehow that it is reckless for us to put that in our plan when you not only put it in the plan but then somehow claim balance, there is only one of two ways: You either have some secret plan to bring the troops home immediately, similar to evidently what was proposed by the gentleman from Pennsylvania here not that long ago, or you intend to have no money for those troops in Afghanistan and Iraq.

Now, my guess is that is not true, and my guess is I just went over the line. My guess is that is not what the gentleman intends, and my guess is that when the bill comes to the floor and when the very distinguished gentleman from Missouri, the Democrat ranking member, the very distinguished gentleman from California, the chairman of the full Committee on National Defense and Armed Services comes to the floor, that that will not be the case whatsoever.

But for you to increase the rhetoric down here about some irresponsible defense plan is irresponsible.

I hope we can put that partisanship back in the bottle, because it ought to end at the shore when our men and women are fighting in harm’s way, and I hope that the gentleman will check that rhetoric next time he comes to the floor, because we can have disagreements over a lot of things, but when the numbers are the same for the same reason because we have the same passion and concern about our men and women, please, I would ask the gentleman not to heighten the rhetoric so he can put out a press release.

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

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS) to respond.

Mr. ANDREWS. Mr. Chairman, perhaps instead of the rhetoric that the gentleman from Iowa ought to check is the rhetoric that refuses to ever consider scaling back the size of the sacred cow tax cut to meet the honest obligations that this government has to those men and women who he invoked just a minute ago.

The reality is there will be at least one supplemental on this floor; the reality is it is not accounted for in the underlying resolution; and the reality is that, as far as I can see from their past behavior, the majority would not even consider scaling back the size or scope of the tax cut in order to finance that supplemental.

Now, I would be thrilled to hear the chairman number of those three assumptions, but I assume that they are accurate. Or, Mr. Chairman, I would yield to you. Are any of my three assumptions inaccurate?

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

Mr. ANDREWS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Yes, they are. In fact, we put into the budget an emergency reserve fund for the purpose of funding that war, the same way Mr. SPRATT does, the exact same amount.

Mr. ANDREWS. Reclaiming my time, is that amount sufficient to meet the supplemental need, do you think? Apparently not.

The Acting CHAIRMAN (Mr. GILLMOR). The time of the gentleman has expired.

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

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATTERS).

Ms. WATTERS. Mr. Chairman, I had intended to keep my remarks along the lines of the housing and community development concerns that I have as ranking member of the Subcommittee on Housing and Community Affairs, but I cannot sit here and witness what I just heard from the opposite side of the aisle without joining with my colleagues and certainly calling the Republican budget resolution irresponsible. And certainly we support the tax alternative, the Spratt alternative, the Democratic alternative, because not only do we have a more responsible alternative, we have said over and over again to the opposite side of the aisle, when the President of the United States has been spending like a drunken sailor, that you cannot wage this war, you cannot spend the money that has been spent on the military and have the kind of deep tax cuts that he has imposed upon this Nation, over $2 trillion since 2001. And to add to that, the President of the United States promised us that we would get money from the pumping of the oil in Iraq, we would use that money to help rebuild Iraq. But instead they cannot account for $9 billion unaccounted for, and about $2 billion of that was stolen by Halliburton, and so to challenge us about responsibility is laughable.

As a matter of fact, when we take a look at this budget, aside from the disaster that has been caused by these tax cuts, we find that this budget is cutting the most vulnerable people in our society. When I look at the fact that persons with disabilities are going to be cut 50 percent in those three budgets, when I look at the fact that the elderly will be cut by 25 percent, then who are they to call us irresponsible?
Mr. Chairman, there is a housing crisis in the United States of America, and not simply because of Katrina and Rita. Those trailers down there under this administration are sitting, they remain empty, the public housing units have not been rehabilitated. We are confronted with a real catastrophe here.

Further, there is not a single metropolitan area where extremely low income families can be assured of finding a modest two-bedroom rental home that is affordable, and there are literally millions of people who are homeless.

I am also concerned about the $736 million in cuts this budget makes to Community Development Block Grant program. CDBG is an indispensable program to communities across the Nation for housing, neighborhood improvements, and public services. My own State of California will lose $119.7 million and Los Angeles County would lose $41.1 million in CDBG funding, especially if these cuts are enacted. And I want to tell you, little towns all over America depend on these.

Mr. NUSSELE. Mr. Chairman, I yield myself 1 minute.

First and foremost, we added $1.3 billion back into the budget for that very purpose on CDBG. So the gentleman is mistaken on that point.

Plus, I am glad the gentlewoman is not putting the money in there, by by putting additional debt, at least we are getting adequate funding for our domestic needs. But we are getting neither fiscal responsibility nor an adequate addressing of our needs for investment.

The premise of the Republican budget as submitted by the President and as presented by our Republican friends seems to be that this country is going broke because we are doing too much cancer research. We are going broke because we have too many after school programs. And precisely as we are opening up too much affordable housing. It simply is not true. To scapegoat these sorts of domestic expenditures is deceptive and reprehensible.

There are many reasons for the fiscal mess that we are in, starting with the President’s tax cuts targeting the wealthiest Americans, defense and security spending above projected levels, a sluggish and sporadic economic recovery, and the expansion of health care entitlement costs. The one item not on the list is domestic discretionary spending, which is very close to projected levels. Yet that is the item that is being squeezed in this budget as though that were the culprit in our fiscal meltdown.

I am happy to say that our Democratic alternative balances the budget sooner and addresses these pressing domestic needs.

Mr. Chairman, our Federal budget, like our household budget, is a statement about our priorities, about what we most care about.

We sought to care about our obligations to future generations, to avoid placing a debt on them. We also have an obligation articulated in James’ epistle in the scriptures. “Suppose a brother or sister is without clothes and daily food. If one of you says to him, ‘Go, wish you well, keep warm and fill fed,’ not only does he not improve his physical needs, what good is it?”

Mr. Chairman, we must take these dual obligations seriously: An obligation to be fiscally responsible, to avoid loading a burden on future generations, and at the same time to meet the needs of our communities, open up opportunity, to be fair, to bring home the promise of American life.

Surely there is no better indication of what we really care about and what we aspire to for this country than the Federal budget that we enact each year. It is not just abstract numbers; it reveals what kinds of stewards we wish to be.

The Democratic alternative shows us the way past the President’s “worst-of-both-worlds” budget, and I urge colleagues to give this alternative open-minded consideration and support.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in this budget the function for natural resources and the environment is not as large as defense, or some of the other functions, but it is important for the future of our country. In the function it funds, the natural resources and the environment, our Republican colleagues again match their President dollar for dollar.

For 2007 the Republican budget provides $28 billion in discretionary funding for a range of programs. That is $2 billion less than this year’s level, $3 billion less than current services. Here are some of the cuts: Corps of Engineers cut $596 million, Environmental Protection Agency cut $304 million, Clean Water State Revolving Fund cut $198 million, Land and Water Conservation Fund cut $42 million down to $86 million, the National Parks Service cut $102 million, State and private forestry cut $35 million to $244 million.

Our resolution, the Democratic resolution, restores all of those cuts and brings the budget for natural resources and the environment back to current services.

Mr. Chairman, I yield 8 minutes to the gentleman from West Virginia (Mr. RAHALL) to discuss the consequences of the cuts that the Republican resolution would make.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member of the Budget Committee for yielding me time.

Mr. Chairman, I do rise in strong opposition to this budget resolution for all the reasons that have already been said today, that will continue to be said this evening, that will be said all day tomorrow and into tomorrow night until the majority can get the necessary votes on their side of the aisle to jam it down our throats.

I want to highlight the negative impacts of the President’s budget, as endorsed by this resolution, on the environmental and natural resources.

The President’s budget for fiscal year 2007 provides funding for environmental programs which is 6.7 percent below the enacted level in fiscal year 2006.

That amounts to nearly a 10 percent cut below the level necessary to maintain current services at the EPA, the Fish and Wildlife Service, the Department of the Interior, and other resource management agencies.

And to add insult to injury, these cuts would come on top of the previous years of stagnant funding under this administration for these vital programs.

Mr. Chairman, I do serve on the Transportation Committee, and let me briefly highlight one of the impacts of this budget on the EPA. Across the Nation, there is
a vast array of unmet clean water and safe drinking water infrastructure needs here in America. Yet the President’s budget for the Clean Water State Revolving Fund calls for a 22.4 percent cut from the 2006 enacted level. If enacted, that would represent nearly a $50 billion since 2004.

Whether it is in my district in southern West Virginia or any other Member’s district in this country, it is obvious that we need to do more to ensure clean water and improve public health. Yet this disregards the obligations to the American people and falsely says, in effect, Mission Accomplished.

The inadequacies of the President’s budget are equally detrimental to the programs administered by the Department of the Interior and other agencies under the jurisdiction of the Committee on Resources.

The vast majority of Americans treasure our national parks, national forests, wildlife refuges and public lands. Along with the oceans, Great Lakes and inland waterways, they not only provide habitat for fish and wildlife, but they are economic engines as well for adjacent cities and communities.

Yet this constricted budget not only neglects to improve and enhance this vast array of vital resources and national assets; it fails to even maintain the status quo. For example, the administration has proposed for five years a 30 percent cut in the Land and Water Conservation Fund surplus. That is more than $20 billion since 2004. And GAO estimates that the losses to the Treasury could range over the next 5 years, the cost to the Federal government, would be nearly $12 billion.

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if we do not have strong homeland security in all that we do, if economic security does not rise to that merit of importance. That is why I support what we have done in this House and in this Chamber and in this conference and with regard to homeland security and with regard to border security as well.

When it comes to the overall perspective of homeland security, look at what we are doing in this budget. While other aspects maybe have been frozen, as far as spending on homeland security, we are seeing a 3.8 percent increase in spending; and that is as it should be because we are setting the priority in the right manner.

Now, I do represent the Fifth Congressional District of the State of New Jersey, the nice part of New Jersey, the very top of it, from river to river, from the Hudson River to the Delaware River. My district is one that lives in the shadows of the Twin Towers and 9/11. My district that overlooks the Hudson River. Mine is a district that looks at our ports, Port of Newark and Port of Elizabeth.

So anything that occurs with regard to homeland security is of paramount interest to my security. Anything that occurs with regard to our ports obviously is of paramount interest in my district as well, whether it is the fact that the people in my district work at those ports or that the containers come through our district. What happens there is important.

What happens overall to our security is important in my district. What happens overall to security of our borders is important, but the ports are the gateway into this country; and for that reason, we have to do everything we can to make sure they are secure. This budget does do that.

As I say, a 3.8 percent increase in homeland security, plus specifically on ports, we have the Comprehensive Port Security program, that is the CPS program, has grown from $61 million in fiscal year 2004 to $137 million in fiscal year 2006.

What does that mean? That means an average annual increase of 49.9 percent, almost a 50 percent annual increase, in port security, appropriately setting where the priorities should be.

Really, Mr. Chairman, that comes down to what we are talking about here, what this budget does do is set priorities. It sets priorities in what is important, economic security, homeland security; and I congratulate the chairman for setting the appropriate points.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. GILLMORE), a very distinguished member of the committee.

Mr. MCNERNY. Mr. Chairman, I thank the chairman.

I want to commend the Budget Committee Chairman, JIM NUSSLE, on his hard work in crafting a strong document that puts our priorities in line and in order for the coming fiscal year and lays us on course to reduce the deficit by cutting it in half over the course of 5 years.

Mr. Chairman, I quote the ranking Democrat on the House Budget Committee. He states: ‘’We have a statement of moral choices, and this budget makes the wrong choices, cutting education, Medicare, and Medicaid and barely funding the bold initiatives that the President set out in his State of the Union address. My moral flaw is it that leaves our children a legacy of debt and even heavier burden to bear as the baby boomers begin to retire.’’

It is wonderful rhetoric, high and mighty rhetoric, indeed befitting of maybe this day and this budget debate that we have, but I think it is disingenuous in terms of what we try to do here on the Republican budget that we are trying to pass that we have crafted in our committee.

I want to tell you about what we are doing in terms of discretionary, non-security spending. As we well know, we are fighting the war on terror. We are trying not only to protect our homeland security, plus specifically on defense and our defense. It is the necessary and proper thing for a great Nation to do to defend itself. But what do we do in non-security spending? We hold it to a near freeze. That is not a cut. It is a near freeze. That is about zero growth in non-security discretionary spending. I think that is a good thing, especially when we have priorities that we have to meet in terms of defending ourselves from enemies around the world. It is better than the previous year's 1.3 percent growth in this area, and it is better than the 5-year previous average of about 6.3 percent growth.

So that helps us reduce the deficit and come closer to balance, which is what we should be all about.

The Democrats, through the rhetoric that I mentioned outlining the gentleman from South Carolina's quotes, talk about moral choices. Well, they have moral choices and what they are going to submit for their Democrat budget. And what do we have there? Well, certainly it is the old liberal trick, a tax and spend and spend and tax. That is a moral choice. They want to take more from every American's pocketbook and spend it here in Washington, D.C., in the name of government. I think that is wrong, but let us see what they do.

Total spending over the next 5 years, $139 billion. More in spending with the Democrat alternative. But look at this, what do they do? How do they spend that money? There are zero increases for defense, veterans benefits or for science, which they actually cut.

And I will tell you something, let us look at their moral choices. They do not want to fund research, but they talk about it. They scream about it on the House floor, the Republicans are cutting needed health care services and research. That is wrong and that is wrong rhetoric. It is not even correct in terms of the facts on it.

What are they doing for defense? They are not spending more than Republicans. They are not spending it wisely either.

Beyond that, you have certain Members that come out here and scream that we are not doing enough for veterans benefits. Let us look at what we have done. We have doubled veterans benefit over the last 10 years. That is a good thing, and this is a necessary thing for a great Nation to do. What does their budget alternative do? Nothing for veterans.

Mr. SPRATT. The gentleman is absolutely wrong. I have sat here and listened to his misconception of my budget for as long as I am going to take it. He is absolutely, dead-set wrong. He doesn't know what he is talking about.

Mr. SPRATT. The gentleman's time has expired.

Mr. SPRATT. I am not even going to deign to respond to that. You got my responses so wrong, I don't know where to start. We provide exactly the same amount of money for defense. We just had that debate out here. You weren't on the floor. But I am turning to other topics worthy of debate.

Mr. SPRATT. The gentleman's time has expired.

Mr. SPRATT. I know, I am dismayed because this is the first time in a long time that this branch has upped the President's budget. And that scheme that you defend, might be the only budget proposal in the world which actually manages to be worse than the President's original budget. I want to congratulate you. And that is exactly why the American people have no confidence in your ability to govern any longer.

This 5-year budget scheme will only exacerbate the current regressive tax policies which tax income at a higher rate as the income from wealth from assets. You talk about productivity in the last 5 years? Yes, productivity has increased by 8 percent, and wages are flat, flat, flat. Income from work from average Americans can easily be taxed at twice the marginal rate. The income from wealth from millionaires.

You sit there and you stand there and you defend those millionaire tax cuts. Donald Trump is taxed less on all of his investments than Barry the accountant is taxed on his middle income wages.

I am a member of Homeland Security, Mr. Chairman, and let me tell you
Mr. NUSSLE. I believe I have the time, Mr. Chairman.

The CHAIRMAN. The time belongs to the gentleman from Iowa.

Mr. NUSSLE. I just am shocked. There is no scientific evidence, Mr. Chairman, that the gentleman, and that there might even be in the Democratic substitute tax cuts? Why would we do such a thing when there is no science, when we have desperate times, when we have deficits? Why would we do that?

Mr. PASCRELL. Will the gentleman yield?

The CHAIRMAN. The gentleman’s time has expired.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume. I hope my colleagues understood what I was trying to point out, and that is it seems very convenient for Members to come to the floor and decry the irresponsibility of tax cuts and yet propose that. Isn’t that interesting? Oh, but they are targeted. They are targeted. They are targeted for the exact right one person they want to target it for.

Our tax cuts reduce taxes for every taxpayer in America. We didn’t pick and choose the winners. We didn’t decide who was appropriate and who wasn’t appropriate. Every taxpayer in America, every taxpayer in America got tax relief under this plan, and it is working because as the gentleman will say. They are targeted. They are targeted for the exact right one person they want to target it for.

Because there is scientific data to show that when you allow people to spend their own money, as opposed to having to come crawling to you to have a little bit of it back for the dignity that they seek from a big government; when they make those decisions for themselves, they make better decisions, and the economy grows and it expands.

We have had 18 quarters of economic growth and expansion with 5 million new jobs created. There is your proof, and that is the reason why the gentleman comes down now and says, yeah, I am kind of for those tax cuts; kind of like them now. I don’t want them for everybody, I will pick and choose who I want. I have decided who the winners and losers in America are going to be here. I can make that decision. I am smart enough to do that.

Well, on this side of the aisle, we believe everybody in America is a winner. Every taxpayer deserves that kind of respect, and that is the reason why we reduce taxes for every American. Every American is a winner in our vision of America.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I certainly want to thank the gentleman for yielding. I wish to associate myself with his comments and his remarks. I certainly want to commend him for his remarkable leadership on the budget.

Mr. Chairman, what an interesting debate that we have witnessed today, really a fascinating exchange here on the floor today. And let me say that there is no scientific evidence, none whatsoever, that documents any essential relationship between the tax cuts you have defended to those making over $200,000 and the improvement in the economy. Nada, nothing, zero. And yet you keep on referring to this great economy. Why don’t the American people feel this great economy? Why don’t you say it or try to explain it?

In total, extending the President’s tax cuts for the wealthy will cost $196 billion over only 5 years and $2.5 trillion over 10 years, the end result of which is fiscal madness; that a millionaire can put out of over $15,000 a year while middle income taxpayers only get a few hundred dollars.

We support those tax cuts to the middle income and to those who are the working poor. We support increasing the strength of the EITC, the Earned Income Tax Credit, which your President Ronald Reagan put together and this President has tried to zero out. You don’t want to help people working.

You don’t want people to work. You want to harp about public assistance. We want to keep people at work. The Earned Income Tax Credit has not increased, and you should be ashamed of yourselves what you have done to the middle class and what you have done to the poor and burdened their children for generations.

I thank the chair for his courtesy.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute.

I am sure I misunderstood what the gentleman just said. You mean to tell me he supports tax cuts? My goodness. He supports cutting taxes for people? I can’t believe my ears. At a time of deficits? At a time of national debt? At a time where we are not meeting our obligations, the gentleman is supporting cutting taxes?

My goodness. There is not a scientific scintilla of evidence that cutting taxes is right, he says, but yet he supports cutting taxes? My, my goodness. Why would the gentleman be supporting cutting taxes for people at this desperate time in American history?

There must be a reason.

Mr. PASCRELL. Will the gentleman yield?

The Acting CHAIRMAN. The gentleman from Iowa controls the time.

Mr. PASCRELL. Can I respond, Mr. Chairman, since he is referring to me?
that every child born in America today starts off their life owing $28,110. That is a fact, but it is not fair. And it is not fair that we continue to cut revenue that this country needs to invest in its physical and its human infrastructure. This budget includes another $226 billion of tax cuts that overwhelmingly go to the people who need it the least. And yet, we have got 13 million children in America living in poverty today; we have got over 43 million Americans without any health insurance. And the look at the priorities in this budget: You reward those who need help the least and ignore those who need help the most. That is not fair. That is not American. That is why this budget shouldn’t pass.

Mr. NUSSLE. Mr. Chairman, at this time I yield 3 minutes to a distinguished member of the committee, the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, let me start out by thanking the chairman for the leadership he has exhibited for so long on this budget, and certainly wish you well in your future endeavors.

I would like to return the discussion to the discretionary portion of the budget and thank both Mr. NUSSLE and Mr. SPRATT for their bipartisan support of my amendment which increased the overall budget authority by $800 million in this year’s budget so that we could move to an extremely strong message that as a committee, on a bipartisan basis, we do not support the proposed drug copayment fee increase or the proposed enrollment fees.

To go back to some of the numbers over the years, because they are very illustrative of the significant increases that veterans health care has experienced over the years, last year’s appropriated dollar level was $33.6 billion. This year under the discretionary portion of the Veterans Administration budget, we have done an awful lot of other things over the last several years that are indeed noteworthy. We have more than doubled the GI educational benefit that veterans are entitled to since 1995.

We recently increased the death benefit to $100,000 and increased the SGLI benefit to $400,000. Since 2001, the VA Home Loan Guarantee Program has increased by 67 percent. We have dramatically expanded the number of national cemeteries and their capacity.

We have increased back to the appropriate level of 50 percent for other survivors and widows 55 percent, and over the next 5 years and actually phased in by April 2008 it will go back to the promised level of 55 percent.

Lastly, the whole issue of concurrent receipts, that being when a military officer, somebody who has served our country for 20 years, has a disability as a result of their military service, they were the only Federal employees unable to collect both their disability and GI benefit. They were the only Federal workers in this country involving the old, the sick, the poor and the young who still will not get a fully funded benefit. This is indeed an extraordinary record.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. Davis).

Mr. DAVIS of Alabama. Mr. Chairman, this has been one of those periodic weeks where a lot of people in the country turn on the television and they look at this institute and they wonder if we live in another world.

They see us, or at least one of us, going down the hallway giving high-fives the day after announcing the end of a career in disgrace, they hear us obsessing on all kinds of things that do not matter to the American people, and then they hear this budget debate. And they hear the gentleman from Iowa (Chairman NUSSLE), for whom I have a great deal of respect, announce that under his budget everyone in America lives in poverty. This is indeed an extraordinary record.

Mr. NUSSLE. Mr. Chairman, I yield myself 2 minutes just to compliment the gentleman on his turn of phrase. There isn’t anybody in the body who does it better, and I have enormous respect for him as well.

But let me suggest that it is an attitude about who are winners. I certainly understand as the gentleman knows very profoundly that there are people who struggle in America. No question.

But if you have an attitude about them being successful, about them being able to be successful and being able to be winners without crawling to you, without crawling to me, without having to crawl to anyone or be dependent on any government or any government check, that is a different attitude than the one I hear so often from colleagues who come here saying that the only way they will ever survive is if government is there, and that is not how our country was founded, as the gentleman knows better than anyone. That is exactly why we believe even in this country that there are people who are not winning and different people who are winning.

Let me also suggest to the gentlemen that when the President spoke from that well saying he would not pass over to a new generation the challenges of this generation, that speech was given approximately 8 months before September 11, 2001. In those 8 months before and in the 5 years since, we have learned a lot, haven’t we.
I would suggest that we are working hard together, often in a bipartisan way, to ensure that we do not leave terrorism to the next generation, to ensure that we do not leave Katrina's to the next generation, and to ensure that we leave prosperity in our economy to future generations.

Certainly there are short-term challenges and there are short-term deficits that we need to deal with. But to suggest that the President somehow woke up today with the same challenges he woke up with yesterday or the day he made that speech is either trying to not be honest about history or forgetting it, or trying to suggest that it did not happen, and I don't believe the gentleman would suggest that one way or another.

Mr. SPRATT. Mr. Chairman, I would simply inform the lady that we voted for the full budget act that put the budget in balance in 1998 for the first time in 30 years and then again in the year 2000, put it in surplus by $236 billion.

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and let me begin by yielding to the gentleman from Alabama.

Mr. DAVIS of Alabama. Mr. Chairman, I thank my friend from South Carolina, and I would say to Mr. NUSSELE, you could have had 35 or 40 of us on this side of the aisle if you had done one thing, if you had combined some of these cuts with some retreat on these tax cuts, not getting rid of them all together, not getting rid of them in their whole, but simply pulling some of them back for the wealthiest Americans. You could have had 35 or 40 of us. You left it on the table, and it is one of the last things you could have done in your chairmanship.

Mr. SPRATT. Mr. Chairman, I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Chairman, the Republican budget is unfair to the neediest and most vulnerable Americans. It cuts education, cuts health care, and cuts veterans programs. In fact, this budget puts a squeeze on working Americans, and all in exchange for more tax cuts for the wealthiest few.

Democracy offer a clear alternative and new directions. Our budget that Mr. SPRATT is putting forward will balance the national budget by the year 2012. It rejects the harmful cuts that Republicans have put forward, and it creates a $150 billion reserve for middle-class tax cuts.

Democrats believe that a stronger America begins at home. It starts with budget priorities that secure families and our borders, strengthens our Nation, and gives hope to those who inherit the products of our labors.

Mr. NUSSELE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, thank you for allowing me to be part of this historic debate.

I want to thank you, Mr. NUSSELE, and commend you for including the "sense of Congress" in the bill that revenues we collected through closing the "tax gap" should be applied to the deficit and for debt reduction.

The tax gap is the difference between the total amount of Federal taxes owed versus the total amount of Federal taxes actually collected. The tax gap is caused by unlawful tax evasion when individuals and businesses fail to report income or fail to file a tax return or report information which is false. In 1988, the IRS estimated that this figure was $105 billion. A recent estimate puts the gross tax gap at approximately $300 billion. The budget before us today assumes a fiscal year 2007 deficit of $348 billion. Mr. Chairman, the argument to balance the budget is eliminating this tax gap and not increasing the taxes on hardworking Americans.

Does the Federal Government spend too much? In many ways we do. Do we always get value for our dollar? Sadly, no, we don’t always.

But again, I thank Chairman NUSSELE for putting together a budget that holds the line on discretionary spending growth. But instead of increasing taxes on hardworking Americans or adding new taxes to hardworking Americans, we should concentrate on collecting taxes already owed under the current tax system.

Mr. SPRATT. Mr. Chairman, I yield 1 1/2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, he who oppresses the poor shows contempt for their Maker, but whoever is kind to the needy honors God. Words from the Proverbs.

Mr. Chairman, the Republican budget is unfair to the neediest and most vulnerable Americans. In addition to being unfair, the Republican budget is also immoral. Through its cuts to CDC, NIH, and veterans health care programs, this budget ignores the health care crisis that our Nation faces today.

Mr. Chairman, the Republican budget is not only unfair and immoral, it is also unreasonable. Pell grants and public school programs get no new funding.

Assisting our neediest and most vulnerable Americans is not a choice, it is
of the committee.

Mr. BONNER. Mr. Chairman, since I was over here a few minutes ago speaking about what this budget does to protect our homeland security, Mr. Chairman, I went back to my office and turned on the TV and listened to some of the comments, and so I came back over to thank you, thank you for having the patience of Job and the wisdom of Solomon, because you would have to have seen the difference between some of the allegations and distortions that have come out from our friends on the other side. And they are our friends. They love this country like we do. They just see things in a slightly different way in their view of America versus the facts and reality that this budget is helping to set the record straight.

One program in particular, Mr. Chairman, I also want to thank you for listening, is the Community Development Block Grants. Several weeks ago the mayors of America, the county commissioners and other community leaders came to this body and said, this is a program that works. It allows the Federal tax dollar to go to communities and money where it works for the people that live in these communities, that pay those taxes that allow us the privilege of working up here.

And so whereas there had been a proposal to make cuts last year and this year in the budget, this year on your budget, our budget, the budget we passed last year and the budget hopefully we will pass this week not only takes those cuts and puts them aside, but restores additional funding. Last year it was $1.1 billion more, and this year under your mark, Mr. Chairman, it is $1.3 billion more to a program that we know has great merit in the cities and counties throughout this country.

So really I just came back over, Mr. Chairman, to say thank you. Thanks for listening to us as you have this. This will be your last year to chair this process. But the legacy you leave behind is one that makes all of us who have worked with you proud, and I know it especially makes the people of Iowa very proud of the work you have done. Thank you very much.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the distinguished lady from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, the last time the American people had chicken feathers it was President Bush who promised a chicken in every pot, and his economic policies collapsed.

Today I tell you that the resolution and budget that is offered by the outgoing chairman and the Republican Party is collapsing on the American people. Republicans increased the debt limit by $3 trillion, families without hope, women and children without hope, and a tax cut that breaks the backs of all Americans.

What this budget does, it cuts affordable housing, it cuts higher education, Medicare, and for the veterans who are coming home injured from the war in Iraq there is no light at the end of the tunnel. There is no door open for them.

And so I ask my colleagues to support the Democratic substitute and the CBC alternative budget because you know, in fact, we are not worried about an America who is willing to help those who are in need. We believe that is a good America. I am sorry to say that Republicans believe that those Americans are un-American.

A $3 trillion debt. You know that this budget is a bunch of chicken feathers. Mr. Chairman, I rise today to join many other colleagues in expressing disappointment in this budget resolution.

What we have under consideration today is a budget that forgets the American people in the name of supposedly American "values." How can we say to our children, to our elderly mothers and fathers, to our neighbors, to those who reach out to us as Members of Congress to secure and protect their rights under the constitution—how can we say to them that we are engaging a budget that cuts their healthcare, their education, their livelihoods, and resources to their communities? And those constitutents when they call to say that their safety net has shrunk?

I fervently believe that Congress must speak on behalf of those who most desperately need a voice. I speak today not only as a Member of Congress, but as an American woman on my own behalf. This budget ignores many of my concerns, and the concerns of American women.

There are 20 million women in this country who struggle to make a living, who struggle to find adequate healthcare, who struggle to raise their children into upstanding citizens, who struggle to either attain education for themselves or educate their children.

Our country is a great nation among nations, and although we must be more informed, measured, and wise in how we pursue our foreign policy, we are also committed to bringing stability to many regions and countries around the world. However, we should not pursue our foreign policy ambitions at the expense of our families and communities. One does not substitute for the other.

ECONOMY AND WELFARE

Nearly 70 percent of adult food stamp recipients are women, and the budget we are now considering would leave 300,000 women vulnerable to a loss of their food stamps. Food stamps are not handouts—food stamps are economic exchange for staples such as bread, and milk, and eggs. What message are we sending when we cut the assistance our most needy population receives to purchase food?

The Commodity Supplemental Food Program, which provides benefits over 10 million low-income seniors and pregnant women, infants and children, has been identified as one of many programs to be completely eliminated.

The President's budget cuts $6.3 billion in Supplemental Food Program benefits over 10 years by eliminating the survivor benefits safety net for women and children. This benefit can make the difference between subsistence and destitution, and it is heartbreaking that Congress could even consider pocketing funds rightly earned and needed by our constituents and their families.

The budget also completely eliminates the Women's Educational Equity Act, which has funded hundreds of programs to expose girls to careers from which they have traditionally been excluded. The Women's Educational Equity Act was introduced by Representative Patsy T. Mink in 1973 as a complement to the proposed equal rights amendment, ERA, and to title IX. This program, which only received $3 million this year, provides educational materials to help schools comply with title IX, research and information to help schools promote equality between boys and girls, and technical assistance.

HEALTHCARE

Unfortunately, Medicare will also suffer under this budget, getting slashed by $36 billion over 5 years and $105 billion over 10 years. It is a fact that over 56 percent of Medicare recipients are female, and many of these women have very limited means of income to support themselves. Medicare is supposed to be the crutch for the elderly, even though we do not yet have a plan to address their primary concerns: chronic illness and long-term care. And yet this budget continues the misguided policy of dissolving this crucial program.

We are also looking at a proposal that consists of gross Medicaid cuts, including both legislative and regulatory cuts, of $17 billion over 5 years and $42 billion over 10 years. On top of the deep Medicaid cuts that Congress enacted in 2005, Republicans are willing to stifle State programs that help children get healthcare. It sounds heartless, and I have not heard a convincing argument to the contrary.

The administration's budget would increase funding for abstinence education programs by $89.5 million for a total of $204 million in fiscal year 2007. I agree that the most effective way to prevent the transfer of STDs and the occurrence of pregnancy is abstinence. However, time and again, it is proven that abstinence education is not effective, and that the emphasis needs to be on birth control and safe sexual practices. Just this week, the GAO criticized the Bush AIDS/HIV program in Africa for diverting needed funds and focus—in fact, U.S. coordinating officers actually stated that the abstinence focus undermined previous education efforts and confused communities. Abstinence is a fine message, but must not be the primary message, and must be supported by factual and clear information.
EDUCATION

For a President who insists that he cares so much about education at every level and for every child, it is a strange thing to realize that the Republican 2007 budget resolution cuts spending on education by 29 percent.

The Republican House budget funding at this year’s level, meaning that 19,000 children will have to be cut from Head Start next year. Similarly, the budget cuts even Head Start, a program targeted to combat low literacy, to encourage family supported programs, to help children with limited English proficiency. We have strong indications that these programs give underprivileged children access and exposure that helps succeed in school a year or two later. Perhaps if this program had ever been fully funded, we would know definitively that this program has the potential to launch every child toward educational and life-long success. It is a shame that the President is more interested in Scantron fill-in-the-bubble standardized tests rather than a nurturing and effective education.

Over the past several years, Congress has slipped backward in its commitment to fully fund IDEA, from a high of 18.6 percent in fiscal year 2005 to the proposed level of 17 percent in President Bush’s fiscal year 2007 budget proposal instead of the promised 40 percent increase in the 2006 budget. IDEA would receive $10.7 billion, a $1.2 billion decrease below fiscal year 2006. Of that amount, $380.8 million would be available for pre-school grants and $436.4 million would be available for grants for infants and families.

Funding for vocational education programs would be eliminated under the fiscal year 2007 budget. Congress allocated $1.31 billion for vocational education in fiscal year 2006. The unfunded promises are countless, and each more self-defeating than the last.

At 4-year public universities, tuition and fees increased by 7 percent this past year and 57 percent since President Bush took office. About 40 percent of African-American students and 30 percent of Hispanic students depend on Pell grants, compared to 23 percent of all students. Two-thirds of Perkins loan recipients are from families with annual incomes of $40,000 or less.

Yet, the Perkins loans took a hit on the Republicans’ fiscal year 2007 budget resolution and would recall $664 million from Federal Perkins loan funds from nearly 1,800 colleges in 2007. As a result, 463,000 college students would lose a key part of their financial aid.

Six years ago President Bush promised to increase the maximum Pell scholarship for all college freshmen to $5,100. Unfortunately, this budget takes a time that the President and Republicans in Congress have frozen the maximum Pell grant. About 40 percent of African-American students and 30 percent of Hispanic students depend on Pell grants, compared to 23 percent of all students. These numbers indicate the need and the demand for assistance to receive a higher education and a greater chance at lasting success.

I share the fear and concern that every Member of Congress and every American citizen feels in regards to defending our homeland, but what kind of homeland are we defending? What do we want it to be? Each of these programs is designed to enrich our society and fulfill our obligations as a civilized nation to our citizens.

Even the youngest school-children are sensitive to dishonesty, and by breaking our word and cutting funding to mandated programs, we are teaching our children to distrust their government. We need them to grow into the up- standing citizens we know each of them has the potential to be. We want our Nation to be educated, confident, capable, internationally competitive, and safe. This budget undermines each of these. I ask, urge, cajole, and demand that we reconsider this budget, that we remember who our greatest priority is—the American people.

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

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Ladies and gentlemen, Mr. Chairman, what are the priorities of the Republican majority? This is the greatest deficit in the history of the United States. How are they going to pay for the tax cuts? They are going to borrow the money from India and China to pay for tax cuts.

What is the difference between Democrats and Republicans? Democrats say middle class and working class people can use tax cuts. But in a time of war, the greatest deficit in our history, in the country don’t need tax cuts. If you have $1 million a year income or $10 million a year income you don’t need your tax cuts.

The gentleman says everybody should have them. But in a time of scarcity, when you cut funds for veterans, you cut funds for kids going to college, you cut funds for people with children with disabilities, you don’t continue to give the money away to the richest people in the country.

That is the difference between Democrats and Republicans.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, it is time the American people got a refund because what they are getting out of this Congress they didn’t pay for.

In every war, from Lincoln with the land grant colleges, Kennedy during the Cold War, who built literally NASA and put a man on the Moon, to Roosevelt, who thought of during World War II the GI Bill of Rights, every President in the middle of a war has thought about how to bring home the bacon in the postwar period. It is only this President with this Congress, in the middle of the war, who cuts education while Americans are trying to get their kids to school, who cuts health care while we face skyrocketing costs in health care, who cuts the police program while cities are facing a shortage of police.

It is only this President in the history of his predecessors who stands on their shoulders and does exactly the opposite with this budget. It cuts back our investments. In the future of America in a time of war where every President prior to him thought of America post that war and invested in its future, putting a man on the Moon, a GI Bill of Rights, an Atlantic to Pacific railroad system, at every point in our history.

President Kennedy said that leadership is about priorities. To govern is to choose. The President made its choices, and their priorities must be clear for all to see. Now it is up to the American people to demand change.

This budget by the Republican majority is a status quo budget that says, you know, the last 8 years of working harder, making less, costing more for education, costing more for health care, costing more for your retirement, then vote for this budget. It maintains the status quo.

It is time for new priorities. It is time for a change.

The Acting CHAIRMAN (Mr. BISHOP of Utah). Does the gentleman from Iowa have further speakers?

Mr. NUSSLE. Mr. Chairman, I have no further speakers, and I am prepared to close. I believe I have the right to close the general debate, and we are prepared to close debate at this point.

The Acting CHAIRMAN. The gentleman from South Carolina has 30 seconds.

Mr. SPRATT. Mr. Chairman, I will use those to say one thing that I haven’t said, and that is, in reading this entire resolution which we offer, you find four separate reserve funds for the improvement of health care. For example, we provide a reserve fund to cover an increase in Medicare payments to physicians to avoid a cut, a sustainable growth rate cut of 4.6 percent. We say that if you can bargain down the price of prescription drugs, you can put the savings in a reserve fund and use it to improve coverage under Medicare for prescription drugs, closing the donut hole, for example. So I would commend that to everybody’s attention.

There is a real difference between our budget resolution and theirs, and I ask support for ours.

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

Mr. Chairman and colleagues, this always a challenging debate because what, unfortunately, is not part of the discussion, in the debate back home in particular, is numbers very rarely demonstrate results; that when you talk about a budget, when you hold up the further spending, it and we are prepared to close it, we are cutting that, we are slashing, we are eliminating, all sorts of things.

The budget of the United States basically is 43 legislative pages long and you can’t find those in here because what the budget does is it sets a framework, is all the budget does. It sets a framework, no different than what families do around their kitchen tables every day. They set a framework, a budget, and then as the bills come in, they apply those bills to that framework and determine whether they are over, whether they are under, what
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they can afford, what they can’t afford, if there is an emergency what they are able to borrow, how much they are going to be able to invest in their kids’ college or whatever it might be. Those are budgets, and we have no different course of budget right, many challenges, some choices, some circumstances that we know will rise this year and years to come.

We have decided that in order to write this budget we had to anchor it to some pretty important principles, and that is what we tried to do.

First, what are our strengths? As a nation, the most important strength we have is our people. I mean, that is what this is about. Those are the three first words of our Constitution, “We the people,” not government, not bureaucracy, not government programs, not entitlements, not any of that, but “We, the people.” That is what is the strength.

And our people, I will tell you what, when you allow, when you unleash them, when you empower them, when you give them the incentive of American ingenuity to get out and do things, I have got to tell you, it is unbelievable to watch.

In my own home State, you see farmers produce the food for the world. You see that in so many places around our country. You see small businesses, I am sure in the gentleman from South Carolina’s district, my friend, create jobs and opportunities and services and manufactured goods that not only supply the United States but supply the world. And when you unlock the economy, when you allow people to make those investments for themselves, I will tell you, that is a wonderful thing to watch. And that is something beautiful about our country that has really been the reason why we are the economic wonder of the world, why we are the economic leader of the world.

There is no question that there are other places around the world that would love to be like the United States when it came to our ability to invent, our ability to create, our ability to serve so many people, not only here in the United States but around the world. But if we don’t continue to build on that strength, it could very well be lost, and that is the reason why as part of this budget plan we continue the work to grow the economy, because that is number one.

The second item that this is built on is our military strength, our strength of power, our strength of being able to defend many wars in this country and around the world. And there is no question that there will be differences of opinion on every side about this conflict or that conflict, but there is bipartisan agreement always on the fact that our United States military is number one. It needs to stay number one. When we put a man or a woman in uniform and ask them to go away from their family or their community, we have to make sure and we ensure and we do everything we can within budgets like this and like the budget that Mr. SPRATT is presenting and like all budgets, we ensure that they have the best, that they can do the best, they can be the strongest, and certainly there are going to be differences of opinion of exactly how that can be accomplished; but the goal is the same, and our budget accomplishes that.

We also believe that we need to defend our Nation differently than we ever have before. I understand that there are some people who come to the floor who think it is pretty easy to write a budget. Just do this, just do that. Try to do it after 9/11. Try to do it after Katrina. Try to do it after Iraq and Afghanistan and the global war on terror. Try to do it after Katrina. Try to do it when 13 million people are crossing our borders unchecked.

We have enormous challenges with regard to homeland security. We meet those challenges as part of this budget. Will there be differences of opinion in priority of how to meet those challenges within the rest of the process that we will engage in this year? Yes, of course, and there should. But we ought to also limit that spending and say this is how much we are going to dedicate to that, and, again, our proposals are similar.

But in addition to that, we also know that the government can overspend its bounds. It can spend too much. And just like every year, we hear about pork barrel spending. We hear about earmarks. We hear about those special projects. Part of the reason that we have to check that we have unlimited funds to spend, people get pretty creative on how to spend it. Either as a constituent coming from Iowa or as constituents from around the country, I have never had a constituent come into my office and say, Jim, this project I am about to show you is not worthy of funding. In fact, they never tell me that we are spending just enough. They almost always say we would like a little bit more. So what do we do? We say: let’s put in the top line; that is the most we can spend. And while there are certainly worthy projects that we need to fund this year, there are also projects that need oversight, scrutiny, need to be reformed, need to be changed, need to be put off until next year, or here is a word that we rarely say particularly in an election year: How about “no,” we are not going to fund that; it is a crazy idea. And to look in the eye and be able to tell them that is certainly a difficult thing to do, but it is what we have to do. By setting that top line on spending, we accomplish that. Again, this is what this budget does.

Finally, let me say that we do one more thing that we believe is very important, and it is a lesson that I learned one of my first years here in Congress during the great Mississippi flood of 1993. But, unfortunately, I and many of my colleagues here in this Congress learned it almost year after year after year, and that is, regardless of what we have put in these budgets, there are unforeseen circumstances that will occur whether we like it or not. It could check, it could be an earthquake, it could be a flood. It could be the biggest hurricane in our history hitting almost a direct hit on one of our most cherished cities.

No matter what we put in this budget, we may have a war. We may have a terrorist attack. We may have things that are outside of our control. But we know that they are probably out there and that they are lurking, and so what we have put into this budget is not only a fund in an emergency way to deal with that war, but, in fact, it is a first line of defense. It is a fund that we can set money aside recognizing that we may have that earthquake, we may have that flood, we may have the tornadoes like we had this last weekend, and we had darn well better set some money aside recognizing that rainy day that family sitting around that kitchen table saves just a little bit to deal with what might be a leaky roof or a refrigerator that goes on the fritz.

We have got to deal with those problems. We believe that the budget accomplishes that. And it does so in a way that recognizes what I tried to say in this debate. We believe in those people that we represent. We want them to be winners. We know there are challenges. We know there are people who need our help regardless of their ability to help themselves. And even though that is certainly the compassion of this country, we ought to respect the fact that dignity does not start with a government check. Dignity does not start with giving somebody crawling to a Federal agency and saying please help me. That is not dignity in America. Dignity does not start with a government check or with a big government bureaucracy.

Dignity starts by recognizing our personal freedom granted to us by our Creator, not granted to us by a government bureaucracy or granted to us by the United States Congress. We fought a revolution over the fact that we are free, that we can make our own decision. Dignity does not start with a government check. Dignity does not start by asking the question in the eye and being able to tell them that is a difficult thing to do, but it is what we have to do. By setting that top line on spending, we accomplish that. Again, this is what this budget does.
D.C. The most dignified things that happen in this country are the decisions that are made by people and families in freedom in the United States of America, and the only way that can continue is if we continue to perpetuate that.

So while there is certainly going to be a lot of rhetoric about how for some reason we are cutting programs, we are slashing this, we are gouging that, when it comes right down to it, it is because we don’t believe that the programs measure our compassion as a Nation. The only way that is measured is by getting people to be able to help themselves and creating the opportunities to pass on to the next generation.

That which we have done for me by my parents. That is something that I hope to do for my kids, and it is something that we all hope for. And it is not something we look for from government.

So I hope that we, over the course of the next few days, pass this budget, which sets a blueprint down that not only measures our ability to deal with certain challenges. It sets resources aside to deal with challenges that may be unforeseen, and it recognizes that freedom starts with the individuals. It does not start in this Chamber or in this document.

Ms. DeLAURO. Mr. Chairman, women understand the difference this budget can make in improving their lives and their families’ lives. Everyday, whether it is ovarian and breast cancer research, college loan assistance, or nutrition program, for low-income seniors, women are reminded how our sense of opportunity is in so many ways inseparable from our Nation’s health, education and labor infrastructure.

But when it comes to this budget, our investment in each of these areas is cut. Pell Grants, Head Start, housing programs, child investment in each of these areas is cut. Pell Grants, Head Start, housing programs, child investment in each of these areas is cut. Pell

The Republican budget also presents the false claim that its spending cuts will reduce the deficit. Over the next 5 years, the proposal cuts $5 billion from mandatory programs (such as Food Stamps and Unemployment Insurance) and $127 billion in domestic discretionary programs, such as education, veterans benefits, environmental protection, and scientific health care research, but instead of paying down the debt, this budget adds $600 billion to the national debt.

The costs of the debt and deficit are huge. In Fiscal Year 2007, the United States will spend $243 billion to cover the interest payments on the national debt. This represents the fastest-growing part of the budget. The Republican budget also presents the false claim that its spending cuts will reduce the deficit. Over the next 5 years, the proposal cuts $5 billion from mandatory programs (such as Food Stamps and Unemployment Insurance) and $127 billion in domestic discretionary programs, such as education, veterans benefits, environmental protection, and scientific health care research, but instead of paying down the debt, this budget adds $600 billion to the national debt.

We’ve seen this bait-and-switch before. Just two months ago, the President signed into law the so-called Deficit Reduction Act. The $40 billion in cuts in this legislation came from reductions in student aid programs ($12 billion), Medicaid ($7 billion), and Medicare ($6.4 billion). At nearly the same time, the House passed a tax cut bill at a cost of $56 billion. Provisions in this bill will give anyone who earns $1 million or more a year an average tax break of $32,000.

The cuts in this budget will be painful and unfair. Over the next 5 years, this budget will cut veterans’ healthcare services by $6 billion, education by $45.3 billion, healthcare by $18.1 billion, and environmental protection by $25 billion. Once again, these spending reductions will cover only part of the $228 billion in additional tax cuts guaranteeing deficits for at least the next decade.

The net result of this budget are more tax cuts for the richest 1 percent of Americans, slashing programs for working-class families, and turning their backs on the middle class.

I urge my colleagues to oppose this budget and instead support the Democratic alternative that will restore fiscal responsibility and honor the best of who we are as Americans.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of the Spratt budget substitute and in strong opposition to H. Con. Res. 373, the Republican budget.

Our sons, daughters, and neighbors are bravely fighting wars abroad. Unfortunately, they’re returning home to a country that has lost its way. We pay lip service to shared sacrifice, but while they risk their lives for us, Republicans in Congress are providing tax cuts for the richest 1 percent of Americans, slashing programs for working-class families, and turning their backs on the middle class.

There is a better way. Despite the horrible fiscal outlook facing our Nation due to Republican policies, the Spratt substitute still manages to balance the budget in 6 years, cut taxes for the middle class, and provide realistic funding for education, health care, and veterans programs, all of which are short-changed by the Republicans.

The Spratt substitute has a better bottom line than the Republican budget every year. Fiscal responsibility today will lead to lower deficits, smaller interest payments, and less national debt in the future. Most significantly, after the budget is balanced, we can finally begin to pay off the trillions of dollars in debt that have accumulated since President Bush took office.

Unfortunately, the budget proposed by House Republicans does nothing to improve the quality of life in America. It would add $348 billion to the national debt next year alone. Under Republican stewardship, the 5 years between fiscal year 2003 and 2007 will provide us with the five largest deficits in American history. This is not a legacy worth continuing. We cannot afford to lose additional money to continue paying for failed economic policies.

Not only does the Spratt substitute match the President’s request for defense spending, but it also includes additional needed funds for homeland security programs, including port security. As a member of the Homeland Security Committee, I am concerned that the Republican budget closely mirrors the President’s
Gram, and Justice Assistance Grants. In 2005, the budget, which proposes to eliminate several programs important to the safety of all Americans. Programs on the chopping block include the COPS Interoperability Grant Program, the SAFER Program for firefighting equipment, the Metropolitan Medical Response System, the Law Enforcement Terrorism Prevention Program, and Justice Assistance Grants. In 2005, these programs provided more than $13 million in grants to help Rhode Island’s first responders keep their constituents safe. Since September 11, we have asked our police and firefighters to do so much more, but this budget fails to provide the resources they so badly need.

In addition, the budget would freeze or cut all non-homeland security discretionary spending. If the Republicans have their way, 5 years from now, education and health programs will receive less than they do today. Cutting social programs would place a larger burden on the working class at a time when they can least afford it. Even with all of these cuts, the Republicans still have no plan to balance the budget. Instead, they want to give away the savings to the wealthy by making permanent tax cuts on investment income. As the New York Times indicated yesterday, “Americans with annual incomes of $1 million or more, about one-tenth of 1 percent of all taxpayers, reaped 43 percent of the gains on investment taxes in 2003.” At the same time, those earning less than $50,000 saved an average of only $10 on the same capital gains and dividend tax cuts. The wealthiest Americans are doing fine on their own, and we should not be borrowing money to give them tax cuts.

Deficit spending has stymied job growth and is plaguing our economy. No Rhode Islander would write a check without sufficient funds to cash that check. Neither should the government. I urge my colleagues to join me in supporting the Spratt budget substitute and opposing the underlying Republican plan.

Mr. BISHOP of New York. Mr. Chairman, I rise in opposition to the budget resolution and in support of the Democratic substitute. The President and the Republican majority like to believe there’s a better way to report about the economy. Those stats might mean something to the fortunate few in the top income bracket.

But middle-class families struggling to keep up with soaring tuition, health care and gas prices don’t have much to celebrate. And a budget that builds on a strong economy for all Americans shouldn’t be one that allows more pensions to evaporate and tears more holes through the safety net.

Is there any doubt today that this Administration’s first priority has been—and continues to be—tax cuts for the wealthiest at the expense of education, health care, scientific research and other middle class priorities, all of which are being cut to pay for these tax cuts? But my main concern is the hypocrisy of this budget: at a time when we need the principles of the 1930s—socially aware, government-financed mortgage programs—are in the rising tide that lifts all boats. We’ve already proved more needs to be done than just hope that sooner or later tax cuts will reach Americans who need our help the most.

Why, for instance, are we saddled with record-breaking $400 billion; $3 trillion in new debt since 2001; a debt limit now over $9 trillion; and deep cuts to hospitals, schools, and security? If our tax cuts performed as our friends on the other side of the aisle had promised, an exploding economy would have wiped out this debt.

How can we possibly justify a budget that cuts taxes for millionaires worth more than President Bush requested for the Department of Education and more than twice his budget for the Department of Veterans Affairs?

The answer is that we can’t justify the choices made to produce this budget. Under this resolution, Mr. Chairman, those who need our help the most must get in line and hope that the benefits of tax cuts for millionaires and corporations will ultimately trickle down to them.

Mr. Chairman, middle-class Americans deserve much better.

Ms. CORRIE BROWN of Florida. Mr. Chairman, “I believe that the current budget proposal does not accommodate really crucial city safety net needs, education needs and look who gets the $22,000. I tried as clearly as I could to lay out my concerns, which frankly are shared by a significant number in this caucus.” Now, you might think that this quote was taken from someone in the Democratic leadership, or the Congressional Black Caucus, but no: This is a quote from a Republican Member of the House of Representatives. And I ask, why, my colleagues, was this said? Well, the answer is simple.

The Republican leadership is robbing from the poor to give tax cuts to the rich. That’s what this budget, and this debate, are all about. We are talking about priorities here folks, and this Republican budget certainly makes it clear who the party in power supports, and who they don’t.

Who do they support? That’s easy: big insurance companies, HMOs, millionaires on Wall Street, the oil industry and huge defense contractors, that’s who. And who don’t they support? Well, that question is easy too, just look who gets the $22,000. I tried as clearly as I could to lay out my concerns, which frankly are shared by a significant number in this caucus.”

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

The Acting CHAIRMAN (Mr. Bishop of Utah). All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Burress) having assumed the chair, Mr. Bishop, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, had come to no resolution thereon.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. CARDIN. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mr. Boucher of Utah), The Clerk will report the motion.

The Clerk read as follows:

Mr. Cardin of Maryland moves that the managers on the part of the House on the differences in the votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the provisions of section 102 (providing for credit for alternative minimum tax relief) and section 108 (relating to extension and modification of research credits), of the Senate amendment, and
(2) to agree to the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals), and

the provisions of the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and (4) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Maryland (Mr. Cardin) and the gentleman from Pennsylvania (Mr. English) each will control 30 minutes.

Mr. Speaker, people of this country are looking to our leadership for change. They want us to move in a different direction. They are tired of our spending money and going further into debt. They want to see us do something about the national debt and the deficit here in Washington. They want us to stop digging the hole deeper. They want to see a commitment to reduce the debt. They want us to see tax fairness.

They understand that the tax bills that we have passed in recent years provide average tax relief for those under $50,000 of $335 a year while those between $50,000 and $1 million enjoy $200,000 of tax relief. They want to see tax fairness.

They want economic opportunity so this economy can grow. They know that the RD&D tax credit that allows companies to invest in the future needs to be made permanent. And they certainly want to see more savings in America. They understand that we have a negative saving rate. We know that young people and people of modest incomes are looking to our leadership for help. They want us to make sure that we extend the saver’s credit that allows them to put money away.

Mr. Speaker, my motion to instruct the conference on H.R. 4297 deals with these opportunities.
When I noted this motion last night, I was not aware that the conference is close to an agreement, and I use that word reluctantly because, as I understand it, there has been no conference. It is basically the Republican members of the conference committee have been negotiating; and according to the most recent Congressional Daily, tax writers are within striking distance of a reconciliation deal.

We have received a red alert from the Concord Coalition. The Concord Coalition, which is a non-partisan body whose sole purpose is to try to bring some sense in this Congress in dealing with the deficit, says watch out. The deal that is being struck, “instead of choosing among competing priorities,” and I am quoting from the Concord Coalition, “identifying revenue offsets or otherwise scaling back the cost of the tax cuts to comply with the budget, Congress is considering gimmicks and legislative maneuvers to circumvent budget limits and increase the deficit even more than the budget already allows. Evading the limits in the budget resolution would make a bad budget worse.”

I could not agree more with the Concord Coalition.

So what does my motion do with the tax legislation that is in conference? It provides for four instructions to our conference:

First, it says to the maximum extent possible within the scope of conference, insist that a conference report will neither increase the Federal budget deficit nor increase the amount of debt subject to the debt limit. I would think that every Member of this body would endorse that instruction to our conference.

I was just listening to the debate on the budget resolution and heard how we need to rein in the deficit. Well, this is our opportunity to act on that intent. This motion makes it clear that we want to rein in the deficit and the debt to the maximum extent possible. The 2007 budget will increase the deficit by $423 billion, and I am not even counting the surpluses from Social Security that should not be counted in this.

According to the Joint Tax Committee, the conference may very well bring in a report that could increase the deficit by another $80 billion.

Enough is enough. Let’s make a commitment to America’s future. Let’s recognize how dangerous this deficit is to America’s future. Let’s understand that in order to pay our bills, we have to ask foreign governments to buy our bonds, governments that don’t agree with our foreign policy, who buy our bonds not because it is a good investment, but because they want to make sure that the exchange rate between their currencies is favorable so they can send more products into America, taking more jobs away from America.

Yes, this is a matter of national security, and that is why this motion speaks to this bill that could make the circumstances much worse. Let’s tell our conference not to do that.

The second part of the motion to instruct the conference is that important tax credits that are scheduled to expire. One is the savers credit. The other deals with the R&D credit. I mention both of those because it is important that we deal with these two credits that are scheduled to expire.

My motion tells us to take the longer period that the other body agreed to. Let’s extend for 3 years the savers credit. I want to make it permanent. At least let’s make it 3 years. The R&D credit that allows businesses to reinvest to create jobs, we should make it permanent. Let’s make it at least 2 years.

But, Mr. Speaker, let me tell you my fear. I would urge my colleagues to extend the credits for 3 years. But, Mr. Speaker, let me tell you my concern. The Concord Coalition is admonishing us that they believe that we will be keeping these politically popular tax cuts hostage to new legislation, that it won’t even be in this legislation. Instead, we are going to put it in another bill to make the deficit even greater. This should be our priority, extending these tax credits. This may be our last opportunity to speak to that. So I urge my colleagues who profess to support the savers credit and R&D credit to support this motion.

This motion also deals with the Alternative Minimum Tax, to make it clear we don’t include it at this stage, because this is the bill that is in conference. Instead, we are going to put it in another bill to make the deficit even greater.

This is our opportunity, extending these tax credits. This may be our last opportunity to speak to that. So I urge my colleagues to support this motion.

The capital gains and dividend provisions, they are not set to expire until 2009. Let me remind my colleagues of that. We have plenty of time to take that issue up. So my instruction includes holding off on that issue so that in fact we can bring in a conference that is in compliance not only with the letter, but the spirit of our commitment to deal with the deficit.

Mr. Speaker, I urge my colleagues to support this motion. I believe this is what almost everyone in this body has been speaking about. Now let’s see how they vote.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a real privilege to appear opposite the gentleman from Maryland. I realize he is not seeking reelection this year and is aspiring to move up to a higher level. I may say at the outset it has been a privilege working with him on the Ways and Means Committee for the last 12 years. I have come to admire his talents, even when they are enlisted on behalf of something as weak as the instruction before us today. I look forward to debating the point.

Mr. Speaker, we have a motion to instruct that has been put before this body that sends exactly the wrong message. It is a message that is essentially against economic growth and against job creation, and it would put Congress on record, on the record, on the record, on the record, on the record, on the record, on the record in a tax conference in favor of things that we have in the past voted against. This instruction in some areas is monstrous, and elsewhere is perverse, and in effect it is an instruction that leads us inevitably to a tax increase.

Mr. Speaker, it is important for us to recognize that since 2003 our gross domestic product has seen its fastest growth in 20 years, averaging a robust 4.4 percent per quarter. This is extremely important, because as we have grown the economy at this clip, we have generated new revenues, new revenues that we had not anticipated in our budget, new revenues that have held down our deficits, new revenues that have created an opportunity for us to finance our social needs. And as we show restraint, as we do in the budget resolution we are voting on today, it holds forth the promise of our getting back to a balanced budget, something that the other party was never able to achieve when they were in the majority.

This growth is important to note, because it is attributable in part to the reduced rates on capital gains and tax dividends.

We have a pro-growth tax policy in place, which has allowed us to expand the tax base and generate revenues outside of the estimates in our budget. I would like to point out that ultimately the path to a balanced budget hinges on high growth rates and ultimately through the financial discipline that today’s budget resolution will suggest. Yet, the motion to
instruct conferees before us in effect puts off to a date in the future the opportunity to continue to extend the current tax rates on those pro-growth parts of our existing tax policy, with potentially perverse results.

I would like to point out, since we have heard so often and we have heard on the floor today that the tax policies we have in place only benefit the affluent, I would like to point out who in the real world has been receiving the reduced rates and therefore whose tax bill we will be raising if we fail to extend the current rate.

Mr. Speaker, it is notable that 54 percent of those families receiving dividend income had incomes of less than $75,000 and they received an average of $1,400 in dividends. That is very significant for those families. Together, families with incomes under $100,000 have more than $20 billion in dividend income.

In 2005, an estimated 10.3 million families in the 10 and 15 percent brackets will save on their taxes because of the 2003 law. So the rhetoric that this tax relief only benefits the wealthy is vacant ideological posturing.

If we let these rates expire, it would be in effect a tax increase on many Americans, including a lot of middle-class Americans. Not only would the lapse of the reduced rates impose a tax increase, it would particularly discourage equity ownership among working families, among whom we have seen a stunning 91 percent increase in stock ownership. To turn back the clock on policies that have more American workers owning a stake in their future is simply the wrong thing to do today.

Our side also strongly supports extension of the savers credit and the research credit, which is why both of these policies were extended in the House-passed bill. That is already in there. Unfortunately, almost every single one of the minority in this place is against extending those incentives when the House voted on the bill last December.

I should further point out that our side also strongly supports extending relief from the AMT. In fact, I am a co-chairman of the Zero AMT Caucus and I have been vigorously advocating repeal of the AMT since I came to Congress, an ugly tax legacy of the previous majority. The House has spoken on this issue, and it is worth noting that we voted overwhelmingly in December to extend AMT relief as a stand-alone bill. By moving this relief outside of reconciliation, we can shield millions of families from the AMT without having to raise taxes to do so.

Mr. Speaker, the motion to instruct is asking for a tax increase on effectively the seed corn of the economy. It is asking us at a critical time to put a brake on economic growth when we need it most.

If we are serious about maintaining the forward motion in our economy, I would suggest that we need to maintain our current tax policies and not undercut our efforts to maintain them. I am calling on the House to vote against this motion. It is the right thing to do.

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

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds just to correct the record from my friend from Pennsylvania.

If AMT relief was a priority, you would have put it in budget reconciliation, because that is the only legislation that stands a chance of passage to the President. You have had 12 years to fix it and you have not. There is a statute of limitation on how long you can go back to when the Democrats were in control.

In regards to the $1,400 you referred to for families under $75,000, I question your numbers. I will tell you, their share of the national debt as a result of your fiscally irresponsible policies will far exceed the $1,400 in tax relief.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. LEVIN), my colleague on the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, I would say to Mr. ENGLISH, if you are serious about the AMT, you would vote for this motion to instruct. You can join any caucus you want. It is what happens on the floor that matters.

You talk about the path to the balanced budget. The Republican path to a balanced budget is more deficits, and your notion is more deficits will help growth and eventually we will grow out of the deficit. The trouble is, it isn’t working.

When you talk about growth figures, you don’t mention that for the typical family in this country, there hasn’t been an increase in income. Median income has essentially been flat these last years.

You say if you vote for the motion to instruct it leads to a tax increase. That makes no sense at all. The present provision lasts through 2008. What you are doing is extending it several years from now.

Why does Mr. CARVIN come here again? How many times have we raised this issue? The main reason we bring this is because you distort the facts whenever you have an opportunity. Pure distortion. That was true the last time we debated this.

I read the New York Times article of just this last Wednesday that picks up the pure distortions by the Republicans. I think you have repeated them again. Essentially what was said last time in defense of your position was this: “Nearly 60 percent of the taxpayers with incomes less than $100,000 had income from capital gains and dividends.” The New York Times story goes on to say, “IRS data shows that among the 90 percent of all taxpayers who made less than $100,000, dividend tax reductions benefited just one in seven and capital gains reductions one in 20.” So you either get your distortions out of thin air or from some other source.

You try to say that this is a matter of a tax benefit mostly from the non-working rich. I just read aloud again from the New York Times article, and this traces the 2003 investment income cuts.

The investing income cuts. And here is what happened: The average tax cut for people making less than $50,000 was $10. For people making $50 to $100,000, the average tax cut—this is again in investment income—was $68. For the family $100,000 to $200,000, the average tax cut was $298. For someone making $200,000 to $500,000, $1,489. For those $500,000 to $1 million, $5,491. For those making $1 million to $10 million, $25,450. And, again, in contrast to $10 for less than $50,000 and $68 for $50,000 to $100,000 on those making $10 million or more, the average cut is $497,463.

The conclusion in this article, I think not refuted, is that the top one-tenth of 1 percent of taxpayers got $43 percent of the benefits. We have the gall to come here and talk about these two tax cuts or decreases benefiting the majority of the American people. That is not true.

Now, another myth that you perpetuate is that more people will really benefit from this change in investment income taxation than if we act on AMT. Mr. CARDIN has talked about this, we have talked about this before, we have heard your mythology in the Ways and Means committee from the very beginning. There are going to be 17 million people or more affected by the AMT if we do not act compared to several million now. And you throw your lot in with the millionaires instead of people who are in middle income situations. That is whom you are benefiting, basically.

So that is why we come forth here. You distort the record. We want to tell the truth to the American people. Whose side are the Republicans on? It is the millionaires. I think it is fine if people make a million bucks, but they do not need a tax cut. What is needed is some actual civility and sanity when it comes to the deep deficits here, and also some honesty with the American taxpayer, and not whipping a very few and hurting the very many. That is what you are doing.

That is why Mr. CARDIN is coming forth once again, once again, and we are putting you to the test. If you vote wrong today, expect to hear from the American people tomorrow and tomorrow and in November.

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

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute to emphasize a point that Mr. LEVIN made.

There is no question that the overwhelming amount of relief provided by
the tax cuts from 2001 and 2003 go to the highest income people. That is not tax fairness. There is modest relief that goes to middle income families, very modest relief. Every dollar and more of that will be eaten up by these increased debts and deficits. The interest costs alone, the share of the National debt all will make whatever relief is provided in here meaningless. And when you take a look at the impact that the deficits are having on our economy and you look at how middle income families are struggling in order to meet their needs, in order to be able to afford the increase in college education and energy costs and health care costs, they are falling further and further behind.

So for the sake of middle income families, I would urge my colleagues to support this motion in the conference to bring back a responsible product.

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

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

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished member of the Appropriations Committee who is known for his commitment to tax fairness and fiscal responsibility.

Mr. ROTHMAN. Mr. Speaker, what are the priorities of the Democratic Party? And what are the priorities of the Republican majority? And what and when are the priorities of the Republican majority who have been in power in this House and the Senate for 51 years with a Republican President for 5½ years with their policies, leading to a greater and greater difference, disparity in incomes between the very rich and the middle class and the working poor and the poor, and the greatest deficit in the history of the United States. That is the result of the priorities and policies of the Republican majority. That is a fact. I believe they are the wrong priorities, and they put us contrary to the wrong track, but that will be up to the voters in November to change.

But what about the comments you hear about these tax cuts that are spurring the economy in unprecedented revenues? Hogwash. Hogwash. The Secretary of Treasury, John Snow, from the Bush administration came before our committee this week and said, Secretary of the Treasury under President Bush, these tax cuts are for 5½ years with a Republican President for 5½ years, with their policies, leading to a greater and greater difference, disparity in incomes between the very rich and the middle class and the working poor and the poor, and the greatest deficit in the history of the United States. That is the result of the priorities and policies of the Republican majority. That is a fact. I believe they are the wrong priorities, and they put us contrary to the wrong track, but that will be up to the voters in November to change.

Michael, you would prefer to live in an America where I know that if I work very hard and I follow the law and I want to work and improve my quality of life for myself, my children, and my community, and country, is that the fruits of my labor will not be taken from me by the government. And that attempts to make sure that the fruits of my labor are left in my pocket are not considered a giveaway by the Federal Government. Because the fact is it is the cornerstone of our democratic system. The thing that does to render it criminal is the fact that we have the consent of the governed. In a duly elected country, if the consent of the governed is through their elected representatives not to take that money in the first place, it is not a giveaway.

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

Mr. ROTHMAN. Mr. Speaker, I just want to respond to the gentleman. Maybe it is a question of religious values, but I thought every major religion in the world said that those with extreme wealth should not be living high on the hog while everybody else is suffering. I thought that is what every major religion talked about.

If I am correct in my American history, the income tax does not say “give the money to the rich and they do not have to pay any more than the poor.”

Our income tax system is a progressive system under the American belief that if you are incredibly wealthy you should be paying a little more in taxes, not only in dollar amount but in percentage of your taxes. That has been our tax policy in this country since there was an income tax at the beginning of the 20th century.

So we know as Americans, as good moral people, Mr. Speaker, that this is the right thing to do. You do not give your money to the people who need it the least.
Now, they say they earned it and you are not giving them back their money. However you want to describe it, how much money do we get in from those taxes? We get in enough money to still have the largest deficit, not pay for education costs and veterans costs and other things. We believe in this country with those who got trillions of tax cuts since 2001, you know, you are making over $500,000 a year, you have got tens of thousands, maybe hundreds of thousands, of dollars in tax cuts since 2001, perhaps during the war, perhaps war, perhaps and the time of the greatest deficit in the history of the United States, we are going to say this year, let's give the money or take your taxes and use that money to help the middle class by getting rid of the alternative minimum tax.

Mr. Speaker, I said this before. I will say it again, it is worth repeating. There is a difference between the Democrats and the Republican major- ity. The minority, hopefully to be the majority after November, we believe the money that is collected in taxes should be spent wisely, prioritized to meet the needs of our country, the middle class, the working class, to give incentives to people to work.

If you are making $1 million, $10 million, you are going to have to pay your fair share, and you can afford to allow your taxes to be used to help the middle class who are going to have plenty to eat. Your kids are going to college, and you will drive your Rolls Royce and get it filled up every week with gasoline. That is the difference, not class warfare.

What do we do with our money? Give it to the rich or give it to the middle class who are the heart and soul and lifeblood of this economy and this country?

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 more minutes to the gentleman from Michigan (Mr. MCCOTTER) in order to steer the discussion away from religion and back towards economic literacy.

Mr. MCCOTTER. Mr. Speaker. I thank you; and before I steer on to that path, I would refer the distinguished gentleman to Pope Benedict XVI’s encyclical because it shows where the government is involved in taxation for the purposes of, quote, unquote, leveling, which is trying to discern what is the material equality in a free society, that the compulsory act of government of taking that money from people and then expending it on someone’s behalf is certainly not tantamount to the moral good in a virtuous society that is achieved by the individual donating that money directly to charity and engaging in the life of their community to help their fellow citizens who are less fortunate. But I am sure you will not continue to go down that path.

It is also interesting, the gentleman talks about not wanting to have class warfare or class envy at the very time he engages in it. I find that disingenuous, and I will not do the same.

At the end of the day, what I would like, I think, to help frame my debate is, what level of taxation is enough? What is optimum, in what level is it for your particular. I assume hypothetical, level of material equality in this country that would be dictated by the government’s confiscatory tax poli- cies and arbitrary policies in appro- priation? I want to know what that level is, how it would be attained. If I am going to ask people to give their private property to government, I have to show them the end of the line. I have to show them how high it is going to and I have to show them what the concomitant ben- efit to this country is going to be. I never seem to hear that. For purposes of clarity, I would be interested, what is your ultimate goal?

I also would like to add, just as personal disclaimer, as someone who is middle class, as someone who pays the AMT, who gets notes from their account- ant asking if there is anyone who he knows, i.e., what can they do about the AMT, I would like to see it don’t amount one, and I would see the taxpayers not pitted against each other if we do not have our choice.

I suppose the final analysis, and I will close on this, is that the Repub- lican Party believes that a free people, a free, virtuous people, which we are in this country, will take care of those who are less fortunate and will also en- sure that the civil society we live in endures.

I believe that the minority party be- lieves that they can best determine how to control your life, conduct your affairs, and reach some hypothetical abstraction of equality which does not exist.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, if I might inquire of the gen- tleman on the other side if he has no more speakers, I am prepared, since I believe he has the power to close, I am prepared to make a closing presentation, and I will yield myself accord- ingly such time as I may consume.

Mr. Speaker, there are obviously a couple of things on the record that need to be corrected.

One of the earlier speakers made a comment about it being hogwash, I think it was, and that the pro-growth policies that this majority put in the Tax Code have helped the economy, have helped economic growth in this country which has achieved record rates, have allowed us to gener- ate new revenue that in turn would bring down the deficit, and yet, in the contrary position, Chairman Greenspan just a few months ago, when he was still in office, testified before our Joint Economic Committee and made very clear that the tax policies of this ma- jority, if they were to apply to the more dynamic side of the Tax Code, have been successful in generating eco- nomic growth and have been successful in helping the economy. It is precisely about maintaining these tax policies and not doing a tax increase that we consider this motion to instruct.

I think this motion to instruct would be perverse. It has been challenged here whether this motion to instruct, in fact, represents a tax increase. It is cu- rious that some in Washington still argue that when you have put rates into place and the market has adjusted for them, if you allow those rates to lapse, somehow that is not a tax in- crease. Only in Washington is that kind of fantasy engaged in.

What is fairly clear is the tax policies that are our majority and our major- ity’s budget resolution attempt to pre- serve are tax policies that have been beneficial to the economy, and the alter- native is clearly a tax increase.

Let us consider the AMT for a moment, and I think this is very important.

To listen to the other side talk about the need to deal with AMT relief through this budget reconciliation overlooks the fact that the House passed an AMT bill by a margin of 44- 4 last month, by that point, clearly an overwhelming majority, over 400 Members of this body, felt that passing a bill specifically to deal with the AMT was the right way to go. So when we had another Member on the other side suggest that it was es- sential for someone to vote for this in- struction if they are serious about dealing with the AMT is absurd. The House has already dealt with the AMT and in a manner that I think is appro- priate.

It is appropriate for our tax con- ference to be in a position to deal with other issues, including extending exist- ing tax policies.

Now, the gentleman from Maryland pointed out at the beginning of his re- marks that the current tax rates are going to be in place until the year 2008 on capital gains and on dividend in- come, and that quote, plenty of time. I would suggest to the gentleman that the markets may dis- agree with him. The markets are as- suming that we are going to extend current rates, and certainly in the past we have never scheduled a tax increase in these areas in advance and telegraphed the punch. I would suggest that markets might respond to this in a very strange way; and by adopting this motion to instruct conferre, in a very strange way; and by adopting this motion to instruct, it would send ex- actly the wrong message at a time like this to the markets.

Some might argue that going back to the old higher rates, raising taxes in that manner, might generate revenue; and yet, we have heard testimony be- fore the Ways and Means in recent years that suggests that the revenue- maximizing rate in capital gains, according to one expert, might be be- tween 20 percent and 15 percent, but in that order of magnitude, it would be between 15 percent and 10 percent.

I would suggest, since the gentleman from New Jersey raised the question of...
morality, there is not really a coherent morality in setting tax rates in a particular area that are above the level at which they will generate the most revenue. I think that the current rates on capital gains clearly have been beneficial, and it is not clear that we are going to increase additional revenue as the gentleman on the other side would like to do, we increase those rates.

We have generated revenue that was not captured in our calculations by lowering these rates. Our experience with raising capital gains rates over the years is that the revenue that was supposed to occur rarely does, and that suggests to us that perhaps the 15 percent rate might be an ideal place to generate the most revenue, not that there is ever really a compelling argument for setting a rate at the revenue-maximizing rate.

I think there are also some things that we ought to consider about some of the things we were thinking about here. I, in my initial remarks, pointed out some of the clear benefits to the middle class that have accrued from the current tax policies, and the gentleman on the other side of the aisle challenged that and trotted out some figures.

I should simply point out for the record that the joint committee has given us different figures, and the other gentleman’s argument forms to be a defective analysis. So I think that those who are following this debate can listen and make up their own minds. I think that clearly the current tax policies are justified on the facts, and the other side has not really offered a coherent position for adopting a new tax policy.

My feeling is that workers who have taxable assets, who have seen the value of those taxable assets which they are holding toward retirement increase because the increase in the market has gone up, may I suggest that they have seen a real benefit from our tax policies, one that is not captured in the static analysis used on the other side, but one which is important and is a real measure of wealth and is a real measure of their satisfaction.

I was intrigued by some of the rhetoric on the other side in which, on one hand, a speaker called for us to use civility and then accused us of siding with a saturnalia of static analysis. So I think that those who are following this debate can listen and make up their own minds. I think that clearly the current tax policies are justified on the facts, and the other side has not really offered a coherent position for adopting a new tax policy.

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

There was no objection.

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

Mr. CARDIN. Mr. Speaker, on that I demand a roll call.

The yeas and nays were ordered.

Mr. Speaker, I offer a motion to instruct the conference committee.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct the conference committee.

The SPEAKER pro tempore. The Clerk will report the motion.

The motion is as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to agree to the provisions contained in the Senate amendment regarding the prohibition of wearaway in connection with conversions to cash balance plans and the establishment of the protections for the employees affected by such conversions.

Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I offer a motion to instruct the conference committee.

The SPEAKER pro tempore. Mr. Speaker, I offer a motion to instruct the conference committee.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Maryland (Mr. CARDIN).

The question is on the motion to instruct offered by the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Speaker, on that I demand a roll call.

The yeas and nays were ordered.

Mr. Speaker, I offer a motion to instruct the conference committee.

The SPEAKER pro tempore (Mr. BOEHNER). The motion to instruct the conference committee was agreed to by the yeas to 231; the nays to 208; the vote on the amendment was declared by the Chair to be postponed.

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

The SPEAKER pro tempore. The Clerk read as follows:

The SPEAKER pro tempore (Mr. BOEHNER). Pursuant to title VII of the bill as passed the House and not to agree to the provisions contained in the Senate amendment to the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to agree to the provisions contained in the Senate amendment regarding the prohibition of wearaway in connection with conversions to cash balance plans and the establishment of the protections for the employees affected by such conversions.

The SPEAKER pro tempore. The question was taken; and the vote on the amendment was declared by the Chair to be postponed.

The Speaker gave notice of his intention to raise the point of order.

The question was on the motion to instruct the conference committee.

The AARP, the AFL-CIO, the National Committee to Preserve Social Security and Medicare, the National Legislative Retirees Network, and the Pension Rights Center all support this motion. The AARP opposes any pension funding reform bill that does not protect older workers affected by these cash balance conversions.

The House of Representatives has already voted three times to require the Treasury Department to protect older workers from age discrimination in cash balance conversions. In 2002, the amendment passed by a vote of 264-121; in 2003, it passed 258-160; and in 2004, it passed 237-162. Mr. Speaker, obviously this House has recognized the unfairness of the cash balance plans to older workers and that older workers ought to be protected.

We believe that older workers ought to be given a choice. That is what the Congress did when it changed its pension plan. That is what the Department of Commerce said that he did when he ran for President. He said he would protect older workers if he was elected. As President, he said he would protect older workers if he was elected. As President, he said he would protect older workers if he was elected. As President, he said he would protect older workers if he was elected.

It is not fair, it is not ethical, it is not right, and this Congress ought to
stand up and change it to protect those older workers. I urge my colleagues to support the motion to instruct.

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

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

Mr. Speaker, hybrid pension plans represent an important component of worker retirement security. In fact, more than 9 million workers today rely on these benefits for a safe retirement. Unfortunately, some continue to paint a misleading picture about these pension plans.

Despite these claims, hybrid plans actually provide more generous benefits for the majority of workers than do traditional plans.

These conclusions emerge from a growing body of independent research by economists and academics at some of the Nation’s most respected institutions, including the Federal Reserve Board, the Urban Institute, the Brookings Institution, and the Wharton School of Business.

Not only are hybrid plans especially advantageous for women and lower-paid workers, but they also comprise the only part of the defined benefit system that is growing. Hybrid plans now provide the PBGC with approximately 25 percent of its premium income. And because the total number of defined benefit plans has declined significantly over the last 20 years, it is now more important than ever to encourage employers to stay in the defined benefit system and offer these benefits.

The threat of liability is creating ongoing legal uncertainty and undermining the retirement security of American workers, however. A few conversions from traditional plans to hybrid plans have raised policy questions about such conversions as age discriminatory. But notably, the vast majority of conversions have been handled properly within the rule of law and to benefit the workers.

In a typical hybrid plan, a participant’s account is credited each year with interest and interest credits. Hybrid opponents have argued that benefits for younger workers are ultimately higher than benefits provided to older workers because younger workers accrue interest and earn benefits over a longer time. This is tantamount to arguing that the concept of compounding interest is age discriminatory, which would make the most basic savings account illegal. In short, the argument holds no water.

Recent court decisions made clear that no age discrimination occurs with these plans if the pay and interest credits attributed to older employee accounts are equal to or greater than those of younger workers. And the majority of courts have ruled that hybrid and cash balance plans are not age discriminatory.

Moreover, under the Employee Retirement Income Security Act and the Internal Revenue Code, benefits earned under a traditional plan cannot be reduced when they are converted to a hybrid plan. That is right, in spite of assertions to the contrary, vested benefits earned by workers are never reduced by hybrid conversion.

The Pension Protection Act which was approved by a bipartisan majority in the House last December helps resolve the legal uncertainty surrounding hybrid plans and ensures they remain a valuable hybrid plan. The Pension Protection Act provides a balanced approach that protects the benefit system. The measure establishes a simple age discrimination standard for all defined benefit plans that clarifies current law with respect to age discrimination requirements on a prospective basis. And it prohibits the reduction of any vested benefits workers have earned during a conversion to a hybrid plan.

Mr. Speaker, our ultimate goal is to ensure hybrid plans remain a viable option for employers who want to remain in the defined benefit system and workers who prefer the portable and secure benefit this option provides. The Pension Protection Act provides a balanced approach that protects these benefits workers have earned and provides the legal certainty needed to encourage employers to continue offering these benefits.

This Democrat motion to instruct would place a ban on mandates on those who voluntarily offer these pension benefits, which is particularly harmful at a time when so many are leaving the defined benefit system altogether. I urge my colleagues to vote “no” on the motion. It is an attempt to obscure progress on pension reform.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

I want to make clear I think the gentleman misunderstands the nature of the motion. This is not about whether you have hybrid plans or cash balance plans. We have made it very clear. We simply want those plans to protect the older workers that stand to lose a great deal of benefits.

For younger workers there is some suggestion these plans may be better. It is interesting that 40 percent of the workers in these plans never get to a benefit even under this. But at a minimum, it ought to be clear that older workers are not going to suffer irreparable economic harm in terms of their retirement.

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

Mr. ANDREWS. Mr. Speaker, I thank my friend and ranking member for yielding.

I appreciate the comment he just made, but the debate here really is not about whether the law should authorize hybrid plans or cash balance plans. The issue is how should the law authorize those plans and what kinds of protections should be included for pensioners and workers.

I think Mr. MILLER’s approach in this motion to instruct takes us down the right road, and I would urge my colleagues to vote “yes” and support it.

There are three issues that we have to resolve here. The first is what steps should be taken to prevent the wearing away of benefits for workers that have started in a pension plan and then find themselves in a different position because of a hybrid plan being adopted.

Mr. MILLER’s approach uses the most conservative assumptions and therefore the fairest assumptions for those workers to make sure that they will not lose benefits.

The second question that has to be addressed is what are the conditions under which a conversion will be treated as legal. In other words, if an employer has a traditional pension plan today and he or she wants to switch that plan to a hybrid plan, what are therules for a fair conversion. I think Mr. MILLER’s approach is the fair and just one in that regard as well.

The third question which is raised in neither bill, but which I hope the conference could at least table on, is what about conversions that have already taken place, and what should the ground rules be for those with respect to any lingering issues that may have happened with respect to them.

Chairman McKEON. Mr. Speaker, I think it is obvious there does need to be a recognition of the proper place of hybrid plans in the defined benefit world. I think the House and Senate agree that is the case.

The issue, though, as Mr. MILLER raises, is what are the proper rules to ensure fairness in those hybrid plans. I think Mr. MILLER takes the proper approach, and so I urge a “yes” vote on this motion to instruct.
Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), a member of the committee.

Mr. KUCINICH. Mr. Speaker, I strongly support the Miller motion to instruct conferees. This motion to instruct supports the bipartisan Senate compromise language that will protect older workers.

Now, H.R. 2830 does a great disservice to older workers by denying the reality that conversions from traditional defined benefit plans to cash balance plans harm older workers. A report released in early November by the GAO found that a majority of older workers experienced deep cuts in their pension when converted from a traditional plan to a cash balance plan without transition protections. This is not only unfair, it is wrong. Providing transition protections for older workers should not be a choice for employers. It should be a requirement. Any change in plans must protect the accrued benefits of employees, and the conference report should reflect that reality.

It is a myth to believe that cash balance plans are innocuous. For older workers especially, these plans are hazardous. A pension plan is worth nothing if it does not provide security for employees, and these plans translate into increased vulnerability for workers as they retire.

Hard working employees should not be rewarded for their service with a denial of pension benefits. I urge my colleagues to help ensure that workers’ pensions are protected by supporting the Miller motion to instruct conferees. Let’s stand up for people who work a lifetime and were told at the beginning of their work experience the money was going to be there to enjoy their golden years. Support the Miller amendment and put some teeth behind the guarantee.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 1/2 minutes to the gentlewoman from Ohio (Mrs. JONES).
Mrs. JONES of Ohio. Mr. Speaker, I serve on the Ways and Means Committee, and I rise in support of Mr. MILLER’s motion to instruct conferees.

Eliminating wear-away, or the fact that dollars for older workers under a cash balance plan tend to wear away in value over time, is extremely important. We need to ensure that when an employer converts from a traditional defined benefit plan to a cash balance plan, workers receive their full benefits. But we also need to ensure that we draft rules that protect older workers from being vulnerable during such conversions.

But more importantly, I want to talk about the issue of retroactivity. Addressing retroactivity is important to the retirement security of many American workers in my congressional district.

Employers that sponsor cash balance plans and other hybrid plans have been hanging in limbo for almost 7 years. The Internal Revenue Service has felt it necessary to temporarily stop issuing determination letters for converted hybrid plans, and litigation throughout our court system has left the legality of all cash balance plans up in the air.

In my congressional district, I have four major employers that offer pension benefits to their employees through either a cash balance or other hybrid pension plan. Some of these plans were acquired through mergers/acquisitions, and some were adopted through conversions.

The employers treated their employees fairly, giving them the choice whether or not to convert the plans, and ensuring that worker benefits were not diluted, and these four employers are not alone. There are a lot of good actors across the country.

According to a recent AARP-funded study, 23 of the largest 25 cash balance plans, or 92 percent, provided transition protections for their older employees when converting from traditional defined benefit plans to cash balance plans. Nonetheless, the four employers in my district, as well as 1,100 others across the country, are caught in a web of legal uncertainty. We are in an era where companies are eliminating their pension plans, including hybrid plans; not fixing this problem will only perpetuate that trend.

A recent survey of planned sponsors by Watson Wyatt showed that more than 25 percent of our employers who offer a hybrid pension plan either froze their plan or were actively considering terminating or freezing their plan.

A cash balance is a defined benefit plan, and it is the future of our defined benefit system. It allows people to move from one employer to the other employer. But we need to give them protections in that process.

If Congress does not resolve the legal uncertainty that cash balance plans currently face, employers will continue to terminate their pensions. That would not be beneficial to the retiree-ment security of hard working Americans.

The conferees need to address retroactivity and establish benefit accrual standards and establish benefit accrual standards as it relates to age discrimination and the encourage employers to retain their cash balance plans and not dump them.

For Congress to not resolve this issue would be unwise public policy and would put the retirement security of thousands of workers at risk. This is our chance to fix the problem. We must seize it. On behalf of the workers and companies, let’s clear up this confusion and put workers back in the right place.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, there are a lot of issues we talk about here in Congress. More than anything else, I don’t know much about the issue they are talking about. This may be one for me. But I did serve on the Pension Commission of the State of Minnesota and I know something about defined benefit plans. I know something about defined contribution plans, and I understand how pension plans in general work, and so I rise in support of the Miller motion.

The reason this issue is here, and my colleague from Ohio just described it beautifully, is here is that we are now in the process where many employers are converting their pension plans from old defined benefit plans to this new hybrid plan called a cash balance plan. And I am not opposed to that basic notion.

But what happens, Members, and you need to understand, is many older workers show up for work one day and their pension plan has changed.

Now, the employers say, well, that is our pension plan and it is our money. Well, that is not exactly true. That money is being held in trust, and this has been a very craftily done procedure to allow many employers or some employers to take money from the pension plans and convert it to their bottom line, and that is wrong. This is not their money. That is the first point everybody needs to understand.

The second thing people need to understand is the Senate did a better job of writing the bill when the Senate approved by the vast majority of the Senate and their committee. The weakness of the House bill is that it does not have strong rules regulating the conversion of defined benefit pension plans into cash balance plans. On the other hand, under the Senate bill, employees would be given additional protection so that older employees are not put at a disadvantage when conversions take place.

Millions of Americans are currently vested in defined benefit pension plans. Even though they may be working for a very profitable company, they could show up for work one day and learn that their promised benefits have been dramatically reduced with the sweep of a pen. This is what happened to thousands of employees in my district.

Millions of Americans will be affected by this legislation. It is important we get it right. I ask my colleagues to support the Miller motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. Mr. Speaker, I would like to add my words in agreement with the gentleman from Minnesota, that this is not a partisan motion in any sense of the word. This is something that Members of Congress, I think, can get behind and clearly feel comfortable that they are just serving the interests of their constituencies.

This particular motion does take the language from Senator GRASSLEY, on the other side of the House, that puts it into the bill that it would prohibit the wearing away, the practice by which
some employers have discriminated against older workers when they offset the benefits that were already earned against their ability to earn new benefits under these new cash benefit plans. They can result in no new benefits being added, actually, for workers’ pensions over many years.

And they provide for a fair transition for rules to protect workers’ pensions when they do convert the traditional pensions to those so called cash balance pension plans.

We critically need this. You only need to talk to the people in your districts, my colleagues, and you will find a growing sense of insecurity in this country as corporations back off their responsibilities for health insurance, back off their responsibilities for retirement plans, and now come up with a cash balance plan which is supposed to be a plan melding two different types of retirement programs and ends up hurting some.

One of my constituents talked about having worked for AT&T for 30 years. After 30 years of loyal work, the conversion of her pension to a cash balance plan reduced her benefits by 46 percent. It is not fair. It is not right, and I think it is unacceptable to Members of this Congress.

The Government Accountability Office released a major report on cash balance plans last November. They found that workers of all ages experience deep cuts to their retirement benefits when their employers switch from the traditional pension plan to the so-called cash balance plans without first protecting employees’ rights.

Over 85 percent of 30-year-olds, 90 percent of 40-year-olds and half of the 50-year-olds experience deep cuts in their retirement benefits if they are shifted from a traditional pension plan into a cash balance plan without protection for retirement benefits.

The GAO study did not find a single case, not a single case in which the cash balance plan provided the same level of retirement benefits that a typical defined benefit plan provided.

Without transition protection, almost all workers, including younger workers, will lose up to 50 percent of their expected pension benefits. And, Mr. Speaker, we can’t allow that to happen.

I ask my colleagues to join with Mr. MILLER in this attempt to make sure that we do protect this group of pensioners.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY), my friend from the other side of the aisle.

Mr. POMEROY. Mr. Speaker, I am going to oppose this motion to instruct. I certainly think there is a good intention behind it. Clearly, all of us have been concerned when we have had some of these conversions from a traditional pension plan to a hybrid plan, and older workers have suddenly found that they have been terribly disadvantaged in the conversion, seen their pension benefits and expected pension benefits reduced significantly.

But here is why I don’t like this motion. It fails to really address this issue in the marketplace. You have got defined benefit pensions that pay an annuity for as long as the employer lives. I think we should work together to make sure defined benefit pensions continue in the marketplace to the extent possible.

To the extent we don’t have a defined benefit pension, alternative employee benefits relative to retirement include a 401(k) plan, which is essentially a savings account. And then there is something in between, a hybrid plan that does capture the annuitized feature of the pension, calculated in a different way than the traditional pension calculation.

Now, it is important that we have best practices and fair treatment in the conversion of a pension to a hybrid plan. But guess what? If we overly regulate the conversion from the pension to the hybrid plan, the employer will simply go from the pension to the defined contribution plan. We are not going to make this intervening stop in the hybrid option, the cash balance option. We are just going to either scrap the benefit altogether or go right to the defined contribution plan.

I am convinced that that is not in the interest of workers, and that is why I am convinced that the Senate approach, which is put before this body in a motion to recommit, actually does not help the very workers that we care about and we intend to help.

There is no question about the sincerity of the language by the proponents of this motion. They care about protecting older workers. It is just that, technically, what they have put before this body in a motion to recommit does not do that. I believe it actually may disadvantage the very people they hope to help by instead of moving to cash balance hybrid plans that at least preserve some features of the pension, they will just scrap that option altogether. I don’t see anybody winning under that proposal. I urge a “no” vote.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), member of the Ways and Means Committee.

Mr. FOLEY. Mr. Speaker, let me start by suggesting that I know all of us in this room are concerned about the retirement adequacy problem. We want people who have worked their entire life to get the benefit of those investments. What we are also, though, trying to do is ensure that employers, corporations find a way in which to bring about the new opportunity of the marketplace, providing options.

For years people who worked in America relied on the standard fixed pension provided by, say, General Motors or another corporation. Over the years evolved opportunities to create hybrid plans, plans personally that I enjoy, an IRA account, a 401(k) offered through Congress, Thrift Savings, Keogh plans, and you can go on with all of the acronyms, Roth IRA, all designed to give people options in a marketplace, to give them some degree of certainty and some opportunity to provide these benefits.

Some million workers today rely on the benefits for safe and secure retirement, which is an important number to note. What we are trying to figure out is how to create plans, cash balance plans, that provide both the liquidity and the opportunity to continue.

Adelphia is claiming bankruptcy. GM is on the verge. Large corporations are all suggesting that they are going to file based on their pension benefit problems that they are experiencing. We have seen it in the airline industry.

So I think it is more important now than ever that we come up with an opportunity to both solidify and provide options. Distorting the facts will not help. Painting a misleading, inaccurate picture will not help. Suggesting some alternatives, we are concerned out of defined pensions and creating this uncertainty I do not think is a true portrayal of the actions today.

The conclusions emerging from a growing body of independent research by economists and academics at some of the Nation’s most respected institutions, and I quote this from Mr. MCKEON’s opening statement because I think it is important to underscore, including the Federal Reserve Board, the Urban Institute, the Brookings Institution, and the Wharton School, not only are hybrid plans especially advantageous for women and lower-paid workers, but they also comprise the only part of the defined benefit system that is growing. Hybrid plans now provide the Pension Benefit Guaranty Corporation with approximately 25 percent of its premium income. And I need only remind our Members of Congress PBGC is sliding on thin ice. So if they are actually getting revenue from this opportunity, we should not only be encouraging it. We should hopefully be expanding it.

As we know, those that are paying into the system like airlines and others can make bad decisions because they have specifically filed for bankruptcy to take away those obligations and foist that obligation back on PBGC, which is why I believe we are all working on a solution. We are trying to find answers. And the total number of defined benefit plans has decreased significantly over the last 20 years, so that tells you people are moving away from defined benefits, looking for options. If we foreclose this option, make it more difficult for this option and discourage this option, I believe we have an uncertainty, then fewer and fewer people will have any type of benefit to look forward to after years of work.
The threat of liability is creating ongoing legal uncertainty and undermining the retirement security of American workers. So I think and suggest that the conversions are appropriate, that this bill is appropriate, and I urge my colleagues to focus on the facts. They will agree that they see the success of hybrid pension plans, that these are, in fact, working for America, for both middle income, middle management, and upper management to find ways to create a secure and safe retirement for people who are investing in those companies, their workplaces, so that they can then take care of their golden years with some comfort.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from California for his leadership.

I do not know why we have this controversy. I do not see anything controversial about protecting, if you will, the rights of older workers. And I might remind my colleagues that the House minorities has just voted three times to require the Treasury Department to protect older workers from age discrimination and cash balance conversions.

This motion to instruct is simple. It provides, and safeguards, for older workers under cash balance conversion; but more importantly, it is part of a negotiated Senate bill that has a bipartisan approach.

Mr. Speaker, I come from the city of fellen pensions, and that is, of course, the city of Houston. I am reminded of the tears and the disaster that occurred after the Enron collapse that showed that the lack of security for pensions in general and certainly those of older workers can be the actual collapse of a family.

This motion to instruct provides for prohibiting discrimination against older workers by the practice of offsetting previously earned pension benefits. I would only say we have voted for this before. Uncloud the issue and vote the right way, for the Miller motion to instruct to protect older workers' pensions.

Mr. MCKEON. Mr. Speaker, I yield my colleague Mr. GEORGE MILLER of California, for his benefit. Mr. Speaker, for the benefit of all those who are watching this debate, let me just kind of let everybody know where we are. The Senate passed a bill, a bipartisan bill. The House passed a bipartisan bill with a vote of 294-152, some of the representatives voting for the bill. During the debate you have seen, we have had Republicans speak for the Democrat side. We have had Democrats speak for the Republican side.

We are all concerned, as Mr. FOLEY said, about the workers of America. Where we are now is we have each passed bills. A conference has been appointed. Senator ENZI is chairman of the conference. We have had a couple of meetings of the whole conference, and he is continuing to work with all members of the conference, or most of the members of the conference, to see that we get a bill out that will benefit the workers of America. As was already mentioned, in 1986 there were 172,642 defined benefit plans. We are now down to 29,000. That is not a good direction. And the problem is we have not had meaningful pension reform in over 20 years. We are close now, of putting a pension plan, a plan that is currently in conference, the House bill, the Senate bill. And if we do not move forward, the people who are at risk will lose their pensions. Why? Because the Republicans continue to let you manipulate the pension data. You can say that your employees are going to go younger so you will not have to pay out as much money. Whether they will or not has no bearing in fact.

So what are we doing here? We are trying to go in a different direction. We are trying to go in the direction of pension security, of retirement security, of peace of mind for people who are working hard, understanding that these employees earn these pensions and they should not lose them because some accident occurs. And you can change it with the whisk of a pencil. It is not fair to those individuals. That is about the values of those people who are working hard. It is about young people knowing that their parents will be taken care of, and you can do it, you can have that retirement security.

Millions of Americans are watching as pension plans are crashing to the floor, as conversions are made and older workers are jettisoned in terms of these protections.

But you can change that with this motion to instruct. You can change it along the lines of a bipartisan consensus in the Senate which said you can both protect these workers, have the certainty of your pensions, and allow employers to choose to have conversions or defined benefit plans. It is the best of all worlds. It is the fairness. The other reason Republicans can vote for it tonight is because I understand the Republican leadership said go ahead and vote your conscience. Well, tonight we will find out about the Republican conscience. Do they really want to take care of older Americans who are terrified about their retirement security? Won't we tonight, won't we? Because you do not have to jeopardize cash balance. You do not have to jeopardize the certainty of discrimination. But you do get to take care of the retirees, and you can do it all in one vote: a motion to instruct has no bearing in fact.

So I suggest you come on down and let us change the direction of retirement security from insecurity that is now being presented by this conference committee, by the Republican bill, to one of security for America’s workers, for America’s retirees, to make sure that they will have the ability to take care of themselves and their families in...
the future. It is fundamental. It is basic. It is about fairness. It is about the direction of this country. We have got to go on.

The SPEAKER pro tempore. Mr. KUHL of New York. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER). The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yea's and nays.

The yea's and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct conference on H.R. 2830 will be followed by 5-minute votes on the motions to instruct conference on H.R. 2497 and on five motions to suspend the rules previously postposed.

The vote was taken by electronic device, and there were—yeas 248, nays 178, not voting 6, as follows:

[Roll No. 83]

YEAS—248

Abercrombie
Davis, Tom
Ackerman
DeFazio
Allen
Delahunt
Andrews
DeLauro
Belden
Dicks
Baldrige
Barrow
Bass
Beane
Becerra
Berkeley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Bowser
Boehner
Boyd
Brady (PA)
Boehmert
Brown (OH)
Brown, Corrine
Burges
Butterfield
Capito
Capps
Carbajal
Carroll
Cardin
Cardona
Carnahan
 Carson
Chandler
Clay
Cleaver
Clifford
Clyburn
Coley
Conyers
Cooper
Costa
Costello
Crommelin
Crowley
Curtiss
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (NY)
Davis (TN)

NAYS—178

Akin
Alexander
Avello
Baker
Barrett (SC)
Barrett (MD)
Bartlett (TX)
Bean
Begert
Bishop (UT)
Blackburn
Blinn
Boehner
Bomilla
Bonner
Bono
Boozman
Bradley (NH)
Bradys (CT)
Brown (SC)
Brown-Waitte
Burns (IN)
Calvert
Camp (MD)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chatlos
Chocola
Coffey
Coley
Cuban
Culhenson
De La
DeLaughter
Dial (AL)
Dickerson
DiMaso
Dodd
Downing
Draghi
Drummond
Duckworth
Duncan
Duncan
Eberhart
Edwards
Emanuel
Engel
Engstrom
Erdreich
Essock
Estes
Esty
Everett
Evans
Evans

Not voting—6

Buyer
Burr
Costello
Crowley
Cummings

Ruggles
Ruppersberger
Rush
Ryan (OH)
Sadler
Salertar
Sánchez, Linda
Sánchez, Loretta
Sanders
Schakowsky
Scalise
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Shepherd
Shoptaw
Smith (NJ)
Smith (WA)
Smith
Snyder
Solis
Sorrell
Strickland
Stupak
Swarner
Taylor (MS)
Thompson (CA)
Thompson (MI)
Terry
Townsend
Udall (CO)
Udall (NM)
Vallone
Velasquez
Vilsack
Vwanza
Wasserman
Schultz
Watters
Watson
Weiner
Weldon (PA)
Wexler
Whitefield
Wolf
Wooley
Wynn

Motion to instruct conference on H.R. 2497. Tax Relief Extension Reconciliation Act of 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, on rollcall No. 93 I was unavoidably detained. Had I been present, I would have voted "yea."

Motion to reconsider the motion. The Clerk will redesignate the motion. The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 196, nays 223, not voting 4, as follows:

[Roll No. 94]

YEAS—196

Abraham
Ackerman
Allen
Andrews
Babcock
Baker
Bass
Baldwin
Barbrow
Barcia
Bass
Baucus
Bachus
Baker
Barrett (SC)
Barrett (MD)
Bartlett (TX)
Bean
Begert
Bishop (UT)
Blackburn
Blinn
Boehner
Bomilla
Bonner
Bono
Boozman
Bradley (NH)
Bradys (CT)
Brown (SC)
Brown-Waitte
Burns (IN)
Calvert
Camp (MD)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chatlos
Chocola
Coffey
Coley
Cuban
Culhenson
De La
DeLaughter
Dial (AL)
Dickerson
DiMaso
Dodd
Downing
Draghi
Drummond
Duckworth
Duncan
Duncan
Eberhart
Edwards
Emanuel
Engel
Engstrom
Erdreich
Essock
Estes
Esty
Everett
Evans
Evans

Not voting—4

Buyer
Burr
Costello
Crowley
Cummings

Ruggles
Ruppersberger
Rush
Ryan (OH)
Sadler
Salertar
Sánchez, Linda
Sánchez, Loretta
Sanders
Schakowsky
Scalise
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Shepherd
Shoptaw
Smith (NJ)
Smith (WA)
Smith
Snyder
Solis
Sorrell
Strickland
Stupak
Swarner
Taylor (MS)
Thompson (CA)
Thompson (MI)
Terry
Townsend
Udall (CO)
Udall (NM)
Vallone
Velasquez
Vilsack
Vwanza
Wasserman
Schultz
Watters
Watson
Weiner
Weldon (PA)
Wexler
Whitefield
Wolf
Wooley
Wynn

OVICH, BOOZMAN, MARCHANT, HERBERG, POMEROY and FOSSELLA changed their vote from "yea" to "nay."

Messrs. GARRETT of New Jersey, WAMP, BACA, RUSH, NEY, WHITFIELD, JOHNSON of Illinois, BASS, RYAN of Ohio, DAVIS of Kentucky, HALL and FORBES, Ms. BEAN and Mrs. JO ANN DAVIS of Virginia changed their vote from "nay" to "yea."

So the motion to instruct was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for: Mr. SCHWARZ of Michigan. Mr. Speaker on rollcall No. 93 I was unavoidably detained. Had I been present, I would have voted "yea."

Motion to instruct conference on H.R. 2497. Tax Relief Extension Reconciliation Act of 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, on rollcall No. 93 I was unavoidably detained. Had I been present, I would have voted "yea."

Motion to reconsider the motion. The Clerk will redesignate the motion. The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 196, nays 223, not voting 4, as follows:
CONGRESSIONAL RECORD — HOUSE
April 6, 2006

Mr. BOEHNER and Mr. FITZPATRICK of Pennsylvania changed their vote from “yea” to “nay.” So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING THE GOVERNMENT OF ROMANIA’S BAN ON INTER-COUNTRY ADOPTIONS AND THE WELFARE OF ORPHANED OR ABANDONED CHILDREN IN ROMANIA

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 578.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 578, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 4, as follows:

[Roll No. 95]

YEAS—428

Abercrumbie
Acker
Ackerman
Acheson
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So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as yeas 425, nays 1, as above recorded.

This will be a 5-minute vote.

The Speaker pro tempore. The unanimous consent to suspend the rules and agree to the resolution, H. Con. Res. 320, as amended, as above recorded.

The Clerk read the title of the concurrent resolution.

The Speaker pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. Smith) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 6, as follows:

| Yeas | Acribome, John | Ackerman, Adam | Ackermann, Alex | Ackley, V. | Alexander, Paul | Allen, G. | Bash, Jim | Bass, Josh | Beasley, James | Becerra, Grace | Becker, Tom | Behm, N. | Bernier, John | Berns, Jim | Berman, Steve | Bertout, John | Bickel, D. | Bigsby, Henry | Bishop, Nathan | Bishop (NY), Collin | Bishop (UT), Jim | Binkley, Stu | Biven, John | Boschwitz, Jim | Bou RIP, David | Boucher, Matt | Boxer, Barbara | Boyce, Dick | Boykin, Jerry | Bracken, Jim | Braman, Anna | Branch, Jim | Brady, Paul | Brady (PA), Patrick | Branzman, Tom | Brown, Ray | Brown, Peter | Brown, T. | Brown, Tim | Brown, William | Brown, R. | Brown-Martin, J. | Brownley, Joe | Brownlee, Don | Brucoli, Tom | Buchanan, Bob | Burchett, J. | Bussiere, Lisa | Buerkle, Joe | Burdett, John | Burr, Jim | Burns, Afghan | Burns, Linda | Busch, Todd | Butz, Bob | Calvert, Mark | Callahan, Mike | Calvert, Steve | Cantwell, Maria | Carcieri, Dennis | Carter, John | Carter, Kay | Carter, Steve | Carrier, Jerrold | Cardin, Ben | Carroll, Tim | Carper, Bob | Carter, Ted | Carter, William | Caso, Jack | Castor, Charlie | Castor, Jennifer | Castor, Joe | Castor, Randy | Castor (FL), Joe | Castor, Tom | Castro, Dutch | Caton, J. | Caton, Tom | Chaffee, Roger | Charles, B. | Chellie, Bjarne | Cheung, Yuk | Chabot, Randy | Chan, Nick | Chapman, Mike | Chandler, Jim | Chandler, Steve | Charles, W. | Charles, W. | Charlier, Mike |チェック, Bjarne | Church, Don | Church, Jay | Chyung, Daniel | Chyung, Jonathan | Clay, Martin | Clarke, Todd | Clarke, J. | Clay, Linda | Cleaver, Mike | Cleaver, Steve | Clinton, Bill | Clinton, Hillary | Cnossen, Matt | Connolly (NY), Patrick | Connolly, Helen | Connolly, Michael | Connolly (PA), Patrick | Connolly, Steve | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, Tim | Connolly, 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EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT A NATIONAL METHAMPHETAMINE PREVENTION WEEK SHOULD BE ESTABLISHED

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 556.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 556, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 9, as follows:

[Roll No. 98]

H. Res. 556

1933

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 97 I was unavoidably detained. Had I been present, I would have voted "yea."

Sincerely,

Mr. STEARNS.
So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING NASA ON THE 25TH ANNIVERSARY OF THE FIRST FLIGHT OF THE SPACE TRANSPORTATION SYSTEM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 366. The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 366, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 99] 

YEAS—422

NAYS—2

NOT VOTING—9

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 99] 

YEAS—422

NAYS—2

NOT VOTING—9

The vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4542, H.R. 4881 and H.R. 2646

Mr. FORD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to three pieces of legislation: H.R. 4542, H.R. 4881 and H.R. 2646.

The SPEAKER pro tempore (Mr. SOCLE) is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BOEHNER. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 382) providing for an adjournment or recess of the two Houses and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 382

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 6, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 25, 2006, or until the time of any reassembly pursuant to this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 6, 2006, through Sunday, April 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 24, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the
CONDITIONAL ADJOURNMENT TO MONDAY, APRIL 10, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the House adjourn today pursuant to this order, it adjourn to meet at 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

DISPENDING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 26, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 26, 2006.

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

There was no objection.

RECOGNIZING AND HONORING FIREFIGHTERS FOR THEIR MANY CONTRIBUTIONS THROUGHOUT THE HISTORY OF THE NATION

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House the resolution (H. Res. 764); that the resolution shall be considered as read; and that the previous question shall be considered as ordered on the resolution and its preamble to its adoption without intervening motion except 10 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to the order of the House today, I call up the resolution (H. Res. 764) recognizing and honoring firefighters for their many contributions throughout the history of the Nation, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

Resolved, That the House of Representatives: Honors and recognizes the more than 1,100,000 firefighters in the United States for their contributions to and sacrifice for the Nation.

Whereas firefighters are in fact fire fighters, this recognition, when the States in this country allow junior firefighters to be so designated. This is an important piece of legislation.

In honor of one of my constituents, Christopher Kangas, I am happy to have this bill come up so that all of us can provide true support for all of them and women who are volunteers and risk their lives to serve is in every community, both large and small. They are the backbone of our country, the heart and soul of the Nation. They are the people that make this country great.

Tonight, 2,500 of these brave leaders are assembled at the Washington Hilton, and they are looking forward to this recognition, where we will take to them as Mr. HOYER and I travel to the Washington Hilton and pay our respects.

In addition, this resolution goes one step further. In recognizing a recent Federal court decision that junior firefighters are in fact firefighters, this resolution is affirming the Court decision that a junior firefighter is in fact recognized when the States in this country allow junior firefighters to be so designated. This is an important piece of legislation.

I thank my colleagues for their support.

Mr. HOYER. Mr. Speaker, I want to thank my good friend, Mr. DAVIS, the chairman of the committee, for bringing this resolution to the floor in such a timely fashion.

I certainly want to thank my good friend CURT WELDON, the chairman of the Fire Service Caucus, who has been the leader of the Fire Service Caucus, and the Fire Service of America and emergency medical response teams have no better friend than CURT WELDON in the Congress of the United States or, frankly, in any place else.

I am pleased to rise in support of our Nation’s firefighters on this day that 2,000 of them from around the country are gathered in Washington for the annual National Fire and Emergency Services Dinner.

As Mr. WELDON said, we will be bringing them this resolution in just a few minutes as we go down to the Hilton to address them. I am proud to have co-sponsored this resolution.

And I want to say that the Fire Caucus has long championed initiatives to improve the safety and well-being of our Nation’s firefighters. Specifically, we have worked to establish and fund the assistance to the Firefighters Grant program, which has provided more than $3 billion in equipment and training grants for career and volunteer departments across the country.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great honor to enthusiastically stand before you, Mr. Speaker, and to join with the two outstanding co-Chairs of the Fire Caucus to acknowledge our brothers and sisters who are now being hosted at the
Hilton Hotel to say thank you. Thank you to the 1 million firefighters, who every single day, and emergency operators, stand up and fight for the American people and protect the American people.

Coming from a city of firefighters and a district of firefighters and a district that has a number of devastating fires because we are elderly and we have old housing, never have we had a situation where a firefighter has not been willing to put their life on the line.

So let me simply thank you for this Resolution 764. Thank you again for acknowledging that we will never forget, and not on our clock will we forget to say thank you to America’s firefighters. Congratulations to you both. Thank you for your leadership. And I hope to see you down at a great celebration for all of these great men and women.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments. I again thank the chairman and Mr. WELDON for their leadership on this issue.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I just would add that I want to give my thanks once again to Mr. WELDON for bringing this to our attention today and to Mr. HOYER for his continued leadership on this issue. We are happy to expedite this and move it through the House, and I urge its adoption.

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

The SPEAKER pro tempore (Mr. SODREL). All time for debate has expired.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX AND SCHEDULE OF AUTHORIZATIONS

Mr. HOEKSTRA. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence has ordered the bill, H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007, reported favorably to the House with an amendment. The Committee’s report will be filed today.

Mr. Speaker, the classified schedule of authorizations and the classified annex accompanying the bill will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in room H-405 of the Capitol beginning anytime after the report is filed. The committee office will operate business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House. I anticipate that H.R. 5020 will be considered on the floor of the House after the recess, as early as the week of April 24.

I recommend that Members wishing to review the classified annex contact the committee’s director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee’s recommendations. The classified annex to the Committee’s report contains the committee’s recommendations on the intelligence budget for fiscal year 2007 and related classified information that cannot be publicly disclosed.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath provided for in the rule. Members are advised that it will be necessary to bring a copy of the rule XXIII oath signed by them when they come to the committee offices to review the reported bill.

If a Member has not yet signed that oath, but wishes to review the classified annex and schedule of authorizations, the committee staff can administer the oath and see to it that the executed form is sent to the Clerk’s office. In addition, the committee’s rules require that Members agree in writing to a nondisclosure agreement. The agreement indicates that the Member has been granted access to the classified annex and that they are familiar with the rules of the House and the committee’s respect to the classified nature of that information and the limitations on the disclosure of that information.

ACTIONS SPEAK LOUDER THAN WORDS

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

Ms. FOXX. Mr. Speaker, our national security depends on strong border security. We need to know who is coming into our country, where they are from, and what they are doing here. Without properly securing our borders, we are vulnerable to terrorists and others who may come here seeking to harm Americans. And nothing is more important than maintaining the safety and security of our citizens.

I am proud of House Republicans for taking the lead in finding solutions to this very serious problem. Last year my Republican colleagues and I passed the Border Protection, Antiterrorism and Illegal Immigration Control Act. Republicans also passed the REAL ID Act, which would establish rigorous proof of identity requirements for driver’s licenses and ID cards in order to help keep terrorists from having easy access to fraudulent IDs like they had on 9/11.

Now, the Democrats apparently have a newfound commitment to increasing our border security. That is great, but the American people sure could have used their support when the House was taking up these border security bills last year: 164 Democrats voted “no” to the Border Security Act, and 152 voted “no” to the REAL ID Act. Actions sure do speak louder than words.

EMPLOYEES OF THE DELPHI CORPORATION

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

Mr. GEORGE MILLER of California. Mr. Speaker, last week the Delphi Corporation, a key auto parts supplier which employs 33,000 workers in the United States and has been in bankruptcy for several months, filed motions with the bankruptcy court to cancel its labor contracts and impose massive wage and benefit and job cuts on its workers and cut 21 of its 29 U.S. plants.

And yet the House of Representatives has failed to hold a single hearing on this crisis. Unable to engage this crisis in an official hearing, I was joined by over a dozen Democratic colleagues in holding an e-hearing this past December to ask the workers and retirees at Delphi and General Motors to testify on the Internet about how this crisis impacts them and their families. We swung open the virtual doors of Congress to make sure that their voices could be heard. Over 700 witness statements poured in. The workers’ testimony was deeply personal and heartfelt. And I want to share it with the House.

From Rena Miller, a Delphi worker from Tanner, Alabama. From William J. Conrad from Dagsboro, Delaware,
Danny Carter, a 49-year-old Delphi employee who has been working in the Anaheim, California plant since he was 21 years old, and from Roger Smith, a retired Delphi worker now living in Hernando, Florida. Norbert Fuhs, a retired GM employee from Mitchell, Indiana, and Roger Talaga, a Delphi employee from Bay City, Michigan, who explained how the crisis would affect him and his family and the country.

**DISPLACED VOTERS IN NEW ORLEANS**

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the Attorney General appeared in the hearing of the Judiciary Committee for an oversight hearing, and we raised the question again about the protection of displaced voters in New Orleans who have now the responsibility of casting their vote for a local election.

Ordinarily, Mr. Speaker, we would ask the involvement of the Federal Government, but the Voting Rights Act, section 2 in particular, guarantees protection of certain States and persons of the right to vote. Therefore, we cannot understand why the Justice Department precleared a system that will not work.

Today I have introduced with 42 cosponsors legislation to express the sense of Congress that the State of Louisiana and the Department of Justice must create outside satellite voting for the more than hundreds of thousands of displaced, disheartened Louisiana voters who have no way of going back to their home State at this time to be able to cast their vote for their city. They are, in essence, trying to be able to cast their vote for their city. They are, in essence, trying to be able to cast their vote for their city. They are, in essence, trying to be able to cast their vote for their city.

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

**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.

**ENDURING MILITARY BASES IN IRAQ**

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, last fall I traveled to Iraq as a part of an official congressional delegation. I visited the Green Zone, a U.S. base, and I had the privilege of meeting with our soldiers serving overseas.

There were two powerful lessons that I took away from my visit. First, I saw that the troops stationed in Iraq are the very best and the very best that we have to offer. They are brave, they are intelligent, they are loyal, loyal to their country, to their mission and to each other. They are profoundly committed to this mission, even those who told me privately that they do not support the policy that underlies it.

The second lesson I learned in Iraq is that the perception among the military generals on the ground is that we will be there for a very long time. The military bases that we are building are like little cities. They have their own restaurants, supermarkets, and even their own gyms, theaters and bus routes. The troops deserve no less during their stay in Iraq, but our stay there must be for the short term. Our troops need to come home to their families, and these bases must be given over to the Iraqis.

The U.S. has already spent $280 million to construct the four biggest bases in Iraq, and the supplemental spending bill that the House passed in March provides nearly $200 million more to enlarge these bases. This is the real Iraq policy, not those phony platitudes and nicely worded sound bites about standing down when the Iraqis stand up and the withdrawal of coalition troops. President Bush and Donald Rumsfeld want the people to believe.

In fact, it is becoming increasingly clear that the Bush administration’s intention all along was to secure a lasting foothold in the Middle East. Forget all that stuff that you heard about going to war because Iraq possessed weapons of mass destruction, which we all know wasn’t true. Forget about Saddam Hussein’s supposed ties to al Qaeda. We know that wasn’t true either. And forget about the Iraqi people from the thumb of a brutal dictator. My guess is that right now most Iraqis feel brutalized after more print into six coalition bases, four of which are operated by the United States.”

So there you have it. The administration is not even hiding the fact that we are planning on maintaining four permanent bases on Iraqi soil, something they bureaucratically call “the coalition footprint.”

This appallingly casual reference to what the rest of us call an occupation is deeply insulting. Anyone who has heard the President tell the American people that we will leave as soon as Iraq is secure and we won’t stay a single day longer should be equally offended, because the evidence on the ground suggests that this statement is deeply misleading.

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The real rationale for going to war in Iraq is much more sinister and much more dangerous to our long-term foreign policy. It has become clear that the best way to end the war in Iraq and bring our troops home is to leave no lasting American presence in our place. That means no coalition footprint, nothing even close. That means bringing our troops home and giving Iraq back to the Iraqis.

Mr. Speaker, please let it be known that on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the contributions and achievements of Mr. Hauenstein as he continues to serve his country and community.

HONORING MEMBERS OF THE HOPE COLLEGE WOMEN’S BASKETBALL TEAM AND COLONEL JOSEPH MAZUREK

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor the members of the Hope College women’s basketball team on winning the 2006 NCAA Division III national championship.

On March 18, Hope defeated Southern Maine University 69-56 in the national championship game held in Springfield, Massachusetts. More than 500 Hope College students, alumni, faculty and fans were present at the Final Four tournament. With the win, Hope became Michigan’s first women’s basketball team to win any NCAA championship. The college won its first title in 1990.

Hope played all six tournament games on the road. The team finished the season with an NCAA Division III record of 33-1 after defeating the top four teams in the nation.

Senior guard Bria Ebels of Holland, Michigan, was voted the most outstanding player at the tournament and a Division III All-American. Coach Brian Morehouse was chosen as the NCAA Division III National Coach of the Year by the Women’s Basketball Coaches Association of America.

Mr. Speaker, please let it be known that on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the achievements of the 2006 Hope College women’s basketball team and wishes its members the best of luck in the future.

Mr. Speaker, please let it be known that Mr. Mazurek has had a long and successful career serving in the United States Army Reserve. In 2006, retirement from the United States Army Reserve.

Mr. Mazurek joined the Western Michigan University ROTC program in the fall of 1972. He graduated from the ROTC Advanced Camp and the Army Paratrooper School in 1975. He served 2 years of active duty and became an Assistant Adjutant of the program assigned to the U.S. Army Reserve. Since 1978, he has served in a wide variety of Reserve assignments at locations throughout the United States.

Colonel Mazurek continued to be promoted, and in 1992 he achieved the rank of Full Colonel. Colonel called up for active duty three times since the start of Operation Iraqi Freedom as Deputy and Acting Adjutant General for Fort Hood, Texas.

Colonel Mazurek has had a long and successful career serving in the United States Army Reserve. Since April of 1978, he has served the Admissions Department of the United States Military Academy at West Point and has assisted numerous Michigan young people in gaining appointments to West Point. He has also served on the advisory committee for the Second Congressional District for young people to be appointed to the various military academies.

Mr. Speaker, please let it be known on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the 30 years of service of Colonel Mazurek and wishes him well upon his retirement.

REPOCRACY—A NEW FORM OF GOVERNMENT IN AMERICA

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington (Mr. McDERMOTT) for 5 minutes?

Mr. McDERMOTT. Mr. Speaker, the Republican majority in the House of Representatives has quietly ushered in a new form of government in America called Repocracy.

For those who believe that democracy is government of the people, by the people and for the people, Repocracy is absolutely the opposite of that. Repocracy is a government where opposition debate is replaced by lockstep discipline, and where the rewards of the few become the burdens carried on the backs of the many.

Repocracy puts a price on American values and deals only in hard cash. You only have to watch C-SPAN to know what the real threat Repocracy poses.

For the last 6 years, the Republican Party has been a disciplined, monotonous political machine. Republicans live by one rule: whatever the President wants, the President gets. War in Iraq, rubber stamp approval. Tax holidays for America’s rich, rubber stamp approval. Slashing student loans, rubber stamp approval. Cutting programs for America’s vulnerable children and disadvantaged families, rubber stamp approval. Legislation written by financial institutions and big drug companies, rubber stamp approval.

It was all so neat and tidy. Republican members of the House would do things the way they were told and leaders would not end voting in the House until their predetermined outcome was achieved.

But that was last year. What has changed? The American people noticed. They have put a lot of faith and trust in their leaders. For better or worse, most Americans take the big picture approach: Trust elected officials until they betray that trust. Believe that elected officials will put America’s interests ahead of political interests. Have faith that leaders will change course when something is truly not working. In other words, trust, but verify.
It is precisely because the American people focus on the big picture that Republicans are doing everything possible to replace the image the American people see with a test pattern on television.

The President's ratings are below sea level. Republicans are counting the number of seats in the lifeboats. It is simple arithmetic, and the addition has Republicans subtracting.

Mathematics requires proof, and there is some proof. The President bet-queaths to the future President any decision about Iraq. His plan takes form: Stay in Iraq until it is somebody else's problem. Invite the embattled President of Italy to address a joint session of the U.S. Congress, speaking in Italian, to use Congress as a political campaign for a backdrop in an Italian election. Charge the Iraq war on credit and mask its real impact on the deficit by leaving it outside the annual budget.

The clearest sign of all is the recent change in the House of Representatives to the 2-minute vote. Call it government by stopwatch. A mere 120 seconds to decide the fate of legislation affecting the lives of every American. Under Repocracy, legislation comes to the floor of the House only when its passage is guaranteed. That is why we are going home today, because they can't get the budget. It is not guaranteed. The 2-minute drill forces blind allegiance and stiff arms democracy. But that is the intent of Repocracy. Math is math.

Republicans are losing their stranglehold on power. What is a party to do? Well, Republicans have concluded the best offense is a missing offense, so Republicans have substituted the business of the state for the business of reelection.

Suddenly, the House leaders feel an urgent need for recession after recession. Recession has never had a week off for Saint Patrick's Day. It must be faith-based. The Republican mandated Congressional schedule has nothing to do with the people's business and everything to do with the Republican's reelection business.

The thinking goes like this: If Members are not in Washington, D.C., the national press corps is taken out of the equation. They can't trail 435 House Members, so news coverage goes dark. With Congress out of session, Americans cannot watch C-SPAN to see for themselves what is happening, or not, on the floor of the House. The curtain closes on the big picture. Mission accomplished.

The word "Congress" comes from the Latin "congressus," which means come together. Congress was for an orderly and reasoned debate. Take out the stopwatch and clock 2 minutes. Then decide if you think America is governed by a functioning Congress today.

Repocracy is not merely a dereliction of duty, it is an outright threat to democracy. That is the big picture, the one Republicans don't want the American people to see.

But there is more than one channel, and the American people are watching. They would like to know why this is the do-nothing Congress that will be in history longer than the do-nothing Congress of 1948. This will be the Congress that spent the least time discussing our problems on the floor.

We are at war all over the place, we are in debt worse than we have ever been in history. We have no health care for 46 million people. But where is the Congress? They have left. They have gone home. They have got to campaign. If they were here, the people could see they were doing nothing. But Repocracy says we only do it when we rubber stamp it for the President. Otherwise we are getting out of here.

Now it is getting tough because people don't want to rubber stamp for the President anymore. There is an election coming. It is coming soon.

Let me give you an example: I want to introduce you to a constituent of mine, an elderly gentleman, we will call him Gene. He owned a farm that had been in his family for several generations. Of course, on this farm ran a small creek. This small creek, which went to a river, which went into a bay, which eventually went into the Great Salt Lake. Even though this dead-end lake, all within the state of Utah, has been declared by the Federal Government to be international waterway, because in the 1800s, an entrepreneurial pioneer was paid for ferrying sheep across the lake for summer grazing. Figure. But back to Gene.

Gene had eight acres of this land that was on the main road, two of it was elevated. Since they were now planting hay on this land, they have to in Utah irrigate. So he built a man-made ditch from the creek to his property to flood up the lower areas so it finally hit the higher areas and water his crop, until the Federal Government declared that the man-made ditch was indeed the creek bed, the man-made standing water was now Federal wetlands; and, if Gene did not like it, it was his responsibility to prove the Federal Government was wrong. Which he actually did. The Soil and Water Conservation District came in and showed the land was different. He dug wells which showed that there was a clay base underneath, so when it rained or was there, it would never sink into the aquifer and get to the river. He even put a flexible pipe into the ditch and put the creek water back into the creek, and oddly enough the land went dry, to which the Federal Government then threatened him with fines and imprisonmement because he was harming Federal wetland. Then, when confronted with the evidence, they simply said, "Well, we are in a drought cycle. You are going to have to wait at least 5 years until we have a wet cycle to see if the water will naturally appear by itself."

He tried to sell this land at one time. A factory wished to buy it which would make apparel and create 100 jobs in his community, but he could not do it because now this was a Federal wetland. It was not a taking, mind you, because the Federal Government still allowed him to raise hay even though the price per acre from the Federal Government for the taxes on this land that was now zoned as commercial property on the main road.

Gene did what most people when they run up against the bureaucracy of the Federal Government did, he surrendered. He eventually sold his property at $400,000. However, the exact same kind of land next door on the same road was sold for $750,000 for the same acreage. Which means, $350,000, which should have been his retirement, it should have been his posterity. The wealth from his own property was denied him simply because we as a government usually do one-size-fits-all.
It is an interesting question of why we harm our own people, why we sometimes insist they have to prove their own innocence, and why we fail our own simply because the Federal Government is too large, too inflexible to be creative, to be just, and to be fair.

One recent comment about Gene. His family raised on this property sugar beets. I am not a farmer, but it does not take a rocket scientist, either, to understand you cannot raise a root crop in a wetlands. Some day I wish the Federal Government would learn that as well.

DELPHI

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

Ms. KAPTUR. Mr. Speaker, tonight I rise on behalf of both current and retired Delphi workers in my district and around our Nation who are suffering from the financial woes of the largest automotive parts manufacturer in the country. Unfortunately, these Delphi workers are but the latest victims in a series of tragedies for the American worker. Our workers are current and noncurrent pensioners, the bankruptcy and subsequent reorganization of Delphi is the fallout from regrettable trade agreements like NAFTA and CAFTA, and the accompanying influence of some elected officials who are for globalization big business at the expense of the American people, big business built on low wages, no benefits, and no worker safety.

Job loss is also due to major auto firms’ leadership and executive boards who failed to make fuel efficient vehicles that Americans and the world want to buy. So our workers suffer.

Delphi’s most recent proposal is to lower wages from $27 an hour to $22 an hour through 2007, and then to $16.50 monthly, and that will greatly impact me since I took an early retirement and do not have the full 30-year retirement benefit. Raymond Stahl of Vermillion, Ohio said, “I retired from the GM assembly plant at Lordstown, Ohio in December of 1987, with the promise I would have complete health care coverage for life. Well, I will now have to pay $21 monthly, and that will greatly impact me since I took an early retirement and do not have the full 30-year retirement benefit.”

Andrew Briscoe, another Ohioan, said, “I worked very hard for 20 years at the Delphi Packard Electric to get to a point where I can make a comfortable living for myself and my son. Now Delphi Packard Electric wants to cut my pay and benefits to a level that a young man or woman might make just coming out of high school.”

Mr. Speaker, workers who dedicate years of service to a company should be able to count on a decent retirement and measure of economic security. This Congress must step up with meaningful pension reform to help secure pensions and encourage companies to continue providing them.

The Pension Benefit Guaranty Corporation should have been reinfused with funds long ago with its $23 billion deficit, and we ought to be renegotiating trade agreements like NAFTA and CAFTA, and the accompanying influence of some elected officials who are for globalization big business at the expense of the American people, big business built on low wages, no benefits, and no worker safety.

On Friday, Delphi filed a motion in bankruptcy court asking a judge to void its labor contracts. But how can you ask American workers to compete with a country like Japan which keeps its markets closed, the second largest market in the world? How can you ask our workers to compete with poverty level wages in Mexico and China? And how can you ask our workers to compete when big firms outsource everything to avoid paying workers what they justly deserve?

Late last year, Congressman George Miller, ranking member of the Education and Workforce Committee, took the initiative to hold hearings on this subject.

I want to make sure this evening that many of the workers’ voices from my district are heard, like Mary Pat Bishoff of Marblehead, who said, “My husband is 69 and has 22 years in at Delphi. He got sick and has been off since October. With only 5 years left on our first mortgage and 8 years on the second, we had to refinance and take them up to 30 years just to survive. This will force us to pay $733.11 a month instead of the $152.11 we were paying. We are faced with a decision as so many others are, should he retire and lose his pension? If he stays and they cut pay, that means sick pay will also go down and we will lose our home.” What kind of a choice is that?

David Saylor of Port Clinton said, “I retired from the GM assembly plant at Lordstown, Ohio in December of 1987, with the promise I would have complete health care coverage for life. Well, I will now have to pay $21 monthly, and that will greatly impact me since I took an early retirement and do not have the full 30-year retirement benefit.”

Raymond Stahl of Vermillion, Ohio said, “They are shutting down the plant I work at and are moving it. Now I am out of a good paying job, and at my age it is going to be hard to even get another job let alone one that pays so well. America comes first, not overseas.”

Don Young, Chairman.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. FORTENBERRY) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without debate, referred to the Committee on Appropriations and ordered to be printed:


Hon. J. Dennis Hastert,
Speaker of the House, H223 Capitol, Washington, DC.

Dear Mr. Speaker: Enclosed are copies of resolutions adopted on April 5, 2006 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

Chairman.

Don Young, Chairman.

RESOLUTION—DOCKET 2748—LOWER KAWEAH DISTRIBUTORY SYSTEM, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Lower Kaweah Distributory System, California, published as House Document No. 367, 81st Congress, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of flood damage reduction, and related purposes in the Lower Kaweah Distributory System, California.

RESOLUTION—DOCKET 2749—CEDAR RIVER, TIME CHECK AREA, CEDAR RAPIDS, IOWA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Iowa and Cedar Rivers, published as House Document No. 166, 89th Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, and related purposes along the Cedar River in Cedar Rapids, Iowa.

RESOLUTION—DOCKET 2750—NAVIGATIONAL SAFETY, DELAWARE RIVER, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Delaware River and its tributaries, Pennsylvania, New Jersey, and New York, published as House Document 179, 73rd Congress, 2nd Session, the report of the Chief of Engineers on the Delaware River published as House Document 322, 97th Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interests of navigational safety.

RESOLUTION—DOCKET 2751—GOOS BAY, OREGON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Goos Bay, Oregon, published as House Document 219, 80th Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interests of navigational safety.
States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on Coos Bay, Oregon, dated December 31, 1970 and published as House Document 452, 87th Congress, 2nd Session, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time, with particular reference to providing increased project dimensions and an additional turning basin to accommodate existing and prospective traffic.

RESOLUTION—DOCKET 2752—Vancouver Lake, Clark County, Washington
Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Columbia and Lower Willamette Rivers below Vancouver, Washington, and Portland, Oregon, published as House Document 452, 87th Congress, 2nd Session, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of erosion control, ecosystem restoration, and related purposes in the vicinity of Vancouver Lake, Clark County, Washington.

RESOLUTION—DOCKET 2753—Ten Mile River, Connecticut and New York
Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Housatonic River, Connecticut Federal Navigation Project as Recommended by Congress 449, 70th Congress, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of shoreline protection, flood control, ecosystem restoration, streambank erosion protection, and other related purposes in the vicinity of Ten Mile River, Dutchess County, New York and Litchfield County, Connecticut.

RESOLUTION—DOCKET 2754—Long Beach, Back Bay Shore, New York
Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Atlantic Inlet to East Rockaway Inlet, Long Beach Island, New York, dated April 5, 1996, and other pertinent reports to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of storm damage reduction, navigation, ecosystem restoration, and related purposes on areas of Long Beach Island, New York, affected by tidal inundation from Reynolds Channel, Hempstead Bay, and other tidal inlets and waterways.

There was no objection.

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

There was no objection.

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

Mr. GARRETT of New Jersey. Mr. Speaker, I commend my colleague from Utah who just spoke previously, a fellow member of the Congressional Constitutional Caucus, who had indicated that we come to this floor on a regular basis to address what the Founding Fathers intended with the American public and the other Members of this body, their intention for the framework of the Constitution and the framework of the government of the various levels.

James Madison stated in Federalist Papers No. 45 that the role of the Federal Government is defined and determined, whereas that of the States and the people, their powers are broad and numerous.

To remind this body, the caucus' function primarily is to focus upon the 10th amendment to the Constitution, which in essence says that all powers not specifically delegated to the Federal Government are retained by the States and the people respectively.

When you read that and when you think about that, it is really pretty simple what the founders were trying to do there. And when the Constitution was ratified in 1787, they probably thought it was pretty simple, too. They thought they had probably in place a plan that would be existing for future generations would understand that the role of the Federal Government would be limited, that the sovereignty of the States and of the people would be respected. They probably thought to themselves that there is probably no better way that they could have written it even more clearly than they did; that future Congresses should follow suit, should be ones to limit what the Federal Government does, and to retain to the people and the States what their responsibilities are.

Unfortunately, if you simply look out any of the windows of this building on this growing city that we have before us in Washington, D.C., you see representative of what is a growing Federal Government in our life. I am sure that our founding fathers would be disappointed in the largesse of the government, the excessive spending, the number of line items that is now in the budget. As a matter of fact, the budget is something that we were just debating and discussing on the floor of this House for a number of hours. I serve on the Budget Committee and have the opportunity to discuss it there as well.

What would our Founding Fathers think if they were to see our spending levels today? Would they ask the question that I think we all should be asking: Is it inconsistent the size and scope that the government has grown to today? Is it inconsistent in the nature of the spending that the government has grown to today?

If the Founding Fathers were with us today, I think they would give us a reason to be involved with the media. We are actually in a 24/7 media cycle in this country now with the advent of all the communications that we have, whether it is in press and press releases or whether it is going on the radio or TV or e-mail. Many Members use this as an opportunity simply to go back to their district and to brag about all the money that the Federal Government is spending, all the new areas that they are enveloping as far as their responsibilities, just as the one that the gentleman from Utah who just spoke previously, he was just talking about as far as the delineation of wetlands and how it impacts upon the people back at home.

Maybe this is exactly what our Founding Fathers feared, that we have grown far too far away from where the money comes from and where it is spent. Their goal was that the money should be spent closest to the people. That way, the people would have the greatest voice in how it was going to be spent. Unfortunately, we have just the opposite today. The inverse is true instead.

Let me just give you a couple examples that come to mind. Think about your local board of education and the schooling. Parents know who their teachers are, parents know who the principals are, parents know who the board of education is in their town that run their schools. But do parents know who the bureaucrats are down here in Washington, D.C. that are involved in the education dollars that go back to those schools? People back at home know about the pothole in their front streets, people back at home know the name of their local mayor who may be responsible for making sure that street is paved. But do people know who the bureaucrats are in the U.S. Department of Transportation who are responsible for the transportation dollars that may or may not get back to their town to fix their potholes, but may instead be spent on bridges to nowhere?

Maybe this is exactly what our Founding Fathers were thinking of when they were looking at a government so far away across a broad ocean in England, and realizing that that English government was no longer connected to our government here, and so that is why they put the limits on it that they did.

Let me just sound down with other examples, with the growing deficit that we have today, with the subpar service that we have in such agencies as FEMA, and ad infinitum as far as this...
goes, as far as the overgrowth and the problems that they have.

I just simply ask that our Members do this, and I think that the American public should be asking that their Members do as well: Is what we do the best for the schools? Is what we do the best for medicine? Best for kids? Best for bridges? Best for all other services? Is it in line with what our constitutional framework says and what our Founding Fathers intended?

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

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

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

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

IT IS TIME TO BEGIN SETTING PRIORITIES

Mr. CONAWAY. 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. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I have recently introduced H. Res. 690, which would require this body to begin setting priorities. That is something the Federal Government, and Congress in particular, do not do a very good job at. In fact, we are really lousy at it, but it seems to me if we are able to set priorities on new spending, then we ought to be able to practice what H. Res. 690 would do which is require the Federal Government I believe can in fact have a fundamental negative impact on the way our children and grandchildren will live.

I said I am a grandfather. I’ve got six wonderful grandkids and one additional one on the way which will be born in November, if everything goes well. Which grandfather or grandmother among us would gather up their grandchildren, take them down to the nearest bank, and then loan them $15 million to borrow every single dollar in your bank. I want to say these six grandkids in my case, I want my six grandchildren to sign that note. I am going to take the money and spend it, but you are going to need to look to them to collect it. Well, there is not a grandparent worth their salt that would do that on an individual basis, but somehow collectively as a group we think that is okay because that is exactly what we are doing as we continue to spend money that our children will have to probably not pay back but will at least have to pay the debt service on and that impacts their way of life in a negative way.

Every politician worth their salt will step before this microphone and say we need to cut Federal spending. It rolls off your tongue very easily. Both sides of the aisle say this on various occasions, but we rarely practice what we preach.

I would like to point out tonight one program that I think would go away and no one would even notice that it is gone. We have in this country appropriated for 2006 the money to provide an America’s Job Bank. This is an Internet-based listing of job openings nationwide. It is maintained by good folks at the Department of Labor. Since this was established, the Internet of course has grown exponentially and has created such private enterprise-based sites as monster.com and careerbuilder.com which provide thousands and thousands and thousands of listings every day; and, in fact, this America’s Job Bank is a duplication.

Now the duplication only costs us $15 million, and that is a standard politici
can still use it. Well, $15 million is a lot of money for District 11 and is a program that I would include in those that ought to go away.

As I mentioned, I have introduced H. Res. 690. We are working with the Rules Committee to try to implement this rule for the 110th Congress, and I would encourage my colleagues to support it. The reason I am doing it is I have got six grandchildren and one more on the way, and I cannot think of a better reason why we should not begin to do a better job in setting priorities for spending at in this Congress.

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

(Mr. Shimkus 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 gentle- woman from the Virgin Islands (Mrs. Christensen) is recognized for 5 minutes.

(Mrs. Christensen addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING THE EFFORTS OF GEORGIANA COLES

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the unused time of the gentle- woman from the Virgin Islands (Mrs. Christensen).

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

There was no objection.

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

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to recognize the efforts of Georgiana Coles, a resident in my district. She was honored on April 20 for her work not only as a successful business leader but also as a dedicated land preservationist. She will be honored by the Heritage Conservancy, a nonprofit land and historic preservation society, for her significant contributions to preserving vast stretches of pristine open space in Bucks County, Pennsylvania.

My district, Mr. Speaker, is renowned for its landscape as well as its history. It is rumored that Oscar Ham- mertein composed the lyrics to “Oh What A Beautiful Morning” for his musical “Oklahoma” while looking over the bucolic acreage of his farm in Bucks County. However, today, continued development threatens to uproot those same pastures and fields that inspired Hammerstein’s lyrics.

Georgiana Coles and her family own a highly successful nursery in my dis- trict that covers over 800 beautiful acres. Over time, the Coles family has expanded their operations, not simply to expand their business but to protect prime land from development. By pur- chasing 180 acres of the Bradshaw Farm in Solebury Township, as well as
132 acres in Buckingham Township for preservation. Georgiana Coles has demonstrated her unquestionable dedication to preserving Bucks County’s natural history.

I want to recognize Georgiana Coles for her hard work and continued dedication to the preservation of open space. I and the residents of the 8th Congressional District of Pennsylvania thank her.

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

(Mr. KILDEE 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 Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

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

REAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, the President is preparing to release the nation’s national security strategy. It is a tough and smart strategy to rebuild our military, equip and train our first responders and other service members in equipment and manpower so that we can project power to protect America wherever and whenever necessary.

We have all heard the stories of parents using their own money to purchase body armor for their own children serving in Iraq. I personally asked Secretary of Defense Rumsfeld about the shortage of body armor, about the lack of adequately armored vehicles, and the holdups in development of equipment to counter roadside bombs that have killed and maimed so many of our troops. Despite his assurances, there are still problems and young Americans are still paying the price.

Under Real Security, Democrats will guarantee all of our troops have the protective gear, equipment, and training they need and are never sent to war without accurate intelligence and a strategy for success.

I have been to Iraq now three times; and I visited our wounded troops here at home, there, and in Germany. I have spoken at the funerals of my constituents who have been killed in Iraq, and I have sat with their families as they have mourned. These experiences have reinforced my sense of commitment to ensuring the well-being of America’s soldiers and their families and our veterans.

Democrats will enact a GI bill of Rights for the 21st century that guarantees our troops, active, reserve and retired, our veterans and their families, receive the pay, health care, mental health services and other benefits they have earned and deserve.

Our active military are stretched to the breaking point, but our Guard and
Reserves have also been ground down by multiple deployments and falling enlistment and reenlistment. This has, in turn, added to the stress on the active Army and Marines.

As part of our Real Security plan, Democrats will strengthen our military, including the National Guard in partnership with our Nation’s Governors to ensure it is fully manned, properly equipped, and available to meet missions at home and abroad.

The next pillar of Real Security is a broad strategy to win the war on terror. Four and a half years after 9/11 Osama bin Laden is still at large, and al Qaeda has morphed into a worldwide amalgam of discrete cells that are more difficult to track down.

When Democrats are in charge, we will make the elimination of Osama bin Laden our first priority. We will destroy al Qaeda and other terrorist networks, and we will finish the job in Afghanistan and end the threat posed by the Taliban. We propose to double the size of our special forces, increase our human intelligence capabilities, and ensure that our intelligence is free from political pressure.

Despite their vow to drain the swamp, the administration has done little to eliminate terrorist breeding grounds by combating the economic, social, and political conditions that allow extremism to thrive. Democrats will fight terrorism with all means at our disposal by leading international efforts to uphold and defend human rights and renew the long-standing alliances that have advanced our national security objectives.

Under Real Security, we will confront the specter of nuclear terrorism by greatly accelerating the pace at which we are securing nuclear material that could be used to make a nuclear weapon or a dirty bomb. Our goal is to secure loose nuclear material by 2010. We will also redouble our efforts to stop nuclear weapons development in Iran and North Korea. While Democrats understand that no option can be taken off the table, we are committed to a muscular diplomacy as the best option for curbing Pyongyang and Teheran’s nuclear ambitions.

The third pillar of Real Security is homeland security. In the wake of 9/11, there were numerous commissions and investigations at the Federal, State and local level, as well as a multitude of private studies. All of them have pointed to the broad systemic and other flaws in our homeland security program. Almost 2 years ago, the independent bipartisan 9/11 Commission published its report, but most of its recommendations have yet to be implemented.

As part of Real Security, Democrats will immediately strengthen the recommendations from the 9/11 Commission, including securing national borders, ports, airports, and mass transit systems. We will implement the screening of 100 percent of containers and cargo bound for the U.S. in ships or airplanes at the point of origin, and we will take steps to better safeguard America’s nuclear and chemical plants and our food and water supplies.

Democrats will prevent the outsourcing of critical components of our national security infrastructure, such as ports, airports, and mass transit to foreign interests that could put America at risk. Under Real Security, Democrats would provide firefighters, emergency medical workers, police officers, and other workers on the front lines with the training, staffing, equipment and cutting-edge technology they need.

While the immediate threats to our national security come from terrorists, we face other dangers as well. Democrats are committed to a security strategy that will protect America from ecological terrorism and pandemics, including the avian flu, by investing in health infrastructure and training public health workers.

The fourth pillar, and the one that will have the immediate effect on our security, is to chart a new course in Iraq. The year 2006 is that year of significant transition to full Iraqi sovereignty, with the Iraqis assuming primary responsibility for securing and governing their country with a responsible redeployment of U.S. forces. Democrats will insist that the Iraqis make the political compromises necessary to unite their country and defeat the insurgency, promote regional diplomacy, and strongly encourage our allies in other nations to play a constructive role.

As a part of Real Security, Democrats intend to hold the administration accountable for its manipulated prewar intelligence, poor planning, and contract abuses that have placed our troops at greater risk and wasted billions of taxpayer dollars.

Our security will remain threatened as long as we remain dependent on Middle East oil. The fifth pillar, and the one with the most far-reaching ramifications for our country and the world, is to achieve energy independence for America by 2020.

Under Real Security, Democrats will increase production of alternate fuels from America’s heartland; biofuels, geothermal, clean coal, fuel cells, solar, wind, tidal, and fuel and nuclear technology and manufacturing, enhance energy efficiency and conservation incentives. All this we will do, and more, to meet the real national security needs of the country.

And now, I would like to turn to some of my colleagues who have been leaders on national security issues. I would like to begin by introducing my colleague from California (SUSAN DAVIS) to hear her thoughts on one of the five pillars.

Mrs. DAVIS of California. Mr. Speaker, I want to applaud my colleague, Mr. SCHiFF, for bringing us all together this evening so we can talk about real security for the American people.

Mr. Speaker, America has the absolute finest military in the world, and that wouldn’t be possible without the people who wear the uniform. I want to commend those to know that it doesn’t matter to me whether they call themselves a Democrat, a Republican, an Independent, or anything else. I stand here tonight to simply tell Americans that there are indeed Democrats in Congress who are strong on national security. We get it. We have a plan to get America back on track.

Let me be just clear at the outset. Support for the troops has no party affiliation, and that is definitely true here in Congress. There are hundreds of us, Democrats and Republicans alike, who want to do right by the troops who are in harm’s way right this minute all around the globe. I am convinced, however, that the Democratic plan to protect America is the path this Nation must embrace and not just for that reason. I say that because the Democratic plan for a 21st century military focuses on the same resource that the military itself focuses on, and that is the people. It is about the people who volunteer to wear the uniform.

I have been very proud to serve in Congress as a Member of the House Armed Services Committee since I was first elected to represent the people of San Diego. As anyone from San Diego can tell you, we are the epitome of a military town. San Diegans have a deep and long-standing relationship with the military that gives our community a very unique level of interaction and familiarity with the Armed Services. San Diego’s operational bases provide a valuable network of military resources that, taken together, equate to bottom-line military readiness. We host the Pacific fleet’s largest concentration of carriers, cruisers, destroyers, amphibious ships and submarines, and our regional training and support facilities supplement these resources superbly.

But at the end of the day, while these are valuable assets, what it really comes down to is the people. Outside their uniforms and off the battlefield, these brave men and women serve double duty. They are our neighbors, they are our Little League coaches, they are our PTA presidents, and they are our community volunteers. Our military servicemembers are extraordinary people who lead ordinary lives, just like you and me.

For those people and communities who are not as familiar with the military, I think it may be easy sometimes to think of them in a more desensitized, mechanical way, almost as if the troops themselves are made of the same steel and weaponry they use to accomplish their missions and protect themselves with. But they couldn’t be more wrong. Our troops are a mirror image of the American people themselves. They find strength in their convictions as Americans. They are
strong in their education and training and they are strong in their diversity and their mutual respect for one another.

Mr. Speaker, you may wonder why I would choose to spend so much time this evening talking about the human characteristics of our military personnel in the context of a Democratic plan to protect America. But the people who make America’s military great are really the heart of the Democratic plan. Americans expect their elected leaders to take care of the troops, and that is exactly what Americans and what Democrats here today are prepared to do.

First, that means having enough people. This administration ignored the advice of respected senior military leaders by sending too few troops to Iraq. No matter how you look at it, that was a serious miscalculation. It impaired America’s ability to accomplish its mission quickly. Democrats will insist on 21st century military forces that are large and strong enough to meet any challenge America may face in the future without creating neverending states of deployment.

A 21st century military also demands fully equipped and supplied our troops, and that is exactly what the Democratic plan would do. Democrats will fight to ensure America’s troops are never underequipped. The Democratic plan is a plan that would emphasize the body and vehicle armor our troops need before they find themselves in harm’s way. Moreover, we must rebuild and replace the equipment that has been used in Iraq and Afghanistan so our troops can continue to rely on it with confidence in the future.

The Democratic plan also means a renewed investment in research and development. We simply must invest in technology today that will lead to advancements for the battlefield that will be protecting our servicemembers, which we need and that once deployed and coming home, particularly for the guard and reserve, that they will not see these kind of endless deployments. That has been very important and it has been really hard for the families to sometimes get a really good handle on that.

Mr. SCHIFF. I imagine that you have had the experience that I have with some of my constituents in talking to their families, those that are serving in Iraq and the concerns that they have, and in talking with the soldiers when they return about whether they had the up-armored vehicles that they needed, and finding out from them firsthand that, notwithstanding protestations to the contrary by the Pentagon, that in fact they often didn’t have up-armored vehicles. I still have people coming back telling me of the inadequacy of materiel they have to work with and to keep them safe.

But I think if you are so much for all your leadership on this issue. You do a tremendous job on behalf of your constituents in the San Diego area and in the armed services area for all the rest of our country. Thank you.

Mr. SCHIFF. I would like to turn now to Mr. Speaker, to one of my closest friends and colleagues here, DAVID SCOTT of Georgia. We cofounded, along with STEVE ISRAEL, the Democratic Study Group on National Security. He has been a strong voice and a great leader on national security issues. We are very grateful for your joining us this evening.

The gentleman from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, it is an honor to be on the floor with Mr. SCHIFF. I commend his leadership on the national security issue. It is so important for the American people to be able to understand and know wholeheartedly that Democrats are the strongest party on national security. Our record speaks to it, all the way from Franklin Delano Roosevelt who shepherded us through World War II and built up our Army, to Truman, all the way up to John Kennedy. No stronger President have we had on national security.

Democrats are very strong on national security. I want to spend my remarks here speaking from my own experience. I have been overseas visiting our troops on four different trips, to Iraq, Afghanistan, Pakistan and to Lithuania, into Germany, visiting them at Ramstadt Hospital and the air force base. I have been to Camp Victory, on the edge of Baghdad or at the Andy veterans’ center, as well as with our group on national security to which every Thursday we bring in the experts. We bring them in whether they are Republicans or Democrats, from Newt Gingrich to Sam Nunn to Andrew Young. We have had people there with experience because we want the American people to know that this Nation is secure, has been secure, and will be secure in the future in the hands of Democrats.

I want to spend a few moments in talking about where we are in this 21st-century of our military. We have the finest military in the world, but since 9/11 our Nation’s Armed Forces have become overextended. There is no mistake about it. Some of our recruiting goals have not been met.

But under Democrats we will make sure, and we have already begun the process to make sure, that our Armed Forces are not overextended and to ensure we have policies and procedures in place to help us meet our recruitment goals.

As you well know, Mr. SCHIFF, we have an all-volunteer Army. The draft is no longer applicable, nor will it be in the foreseeable future. With the advances in technology, we are going to be competing at a high level with private industries and others to get those high-caliber individuals to volunteer. Even the M-16 rifle is basically a computer and we must have those who are well equipped, well prepared. So we have to go out and compete for those soldiers, and we have to realize this 21st century means.

The men and women of America’s Armed Forces and first responders here at home have met every challenge with skill, with bravery, and with selfless dedication. They along with veterans, military retirees, and the families of those who have given their lives to defend our country deserve our utmost gratitude; and we give it to them with our support. That is why we Democrats are launching our effort here. We want to make sure that America knows this.
country will be safe with us, that we have the record and we have the program.

Much has been said and, yes, we have criticized the President. We have criti-
cized the Republicans because it is due, because they have failed—failed in
failure and bad planning. We know that now. And bad intelligence. But I assure
you, if Democrats are in control, we will never send our troops into harm’s
way with inaccurate intelligence and not equipped with the body armor that they
needed to do their job.

It is important for the American peo-
ple to know what we are doing now and what we plan to do. The whole world
sees what is wrong step by step with our policies. I want to point out to the
American people some facts they may not know about what Democrats are
doing now and what our record has been.

We are committed to strengthening
our military, but we have been fighting to make sure member on the Appropri-
ations Committee that we do not have the equipment to sustained
the body armor and their Humvees did
not have the equipment to prevent the detonation of explosive de-

Device. It was Democrats who offered
amendments to shift $322 million from
reconstruction for safety equipment for
U.S. troops in Iraq. It was Democratic
Senator Chris Dodd of Connecticut who led
that fight, and to shift $4.6 million from
Iraqi reconstruction for support and safety of our troops, in-
cluding critical funding for repairing and replacing the critical equipment
for combat in Iraq. That was Mr. OSEY, our ranking member on the Appropria-
tions Committee that led that fight.

Although both of those efforts were
at the need, when they needed that
armor, that is when Democrats stepped
forward. It was Republicans who re-
jected those amendments. But we
Democrats did succeed in requiring the
Department of Defense to at least re-
burse those servicemembers for the cost
of their protective safety and health equipment that had to be pur-
chased by them and their families.

You remember the newscasts. We had
our soldiers searching through dung
heaps, land fields and junkyards in Iraq
and the Middle East trying to find
metal to protect themselves. It
brought tears to my eyes to think that
this Republican administration would
send our young men and women in
harm’s way and not have them armed
with body armor. They were writing
back home in the middle of saying,
send me some money so I can buy
something to protect myself.

Never again can we let that happen, and it is
we Democrats that are providing the
way on this. I want to make sure we cover one
other point.

We are going to vote on a budget at
some point. Luckily, they didn’t have
the votes tonight; but just to show you
cut after cut after cut, $1.5 billion cut
to veterans. The Democrats will treat
our veterans with the respect they de-
serve, and we will put together a GI
Bill of Rights. We will get rid of the
military tax on widows. We will in-
crease the benefits, and we will make
doing that? Can you imagine, for polit-
ic reasons, any of them disclosing
anything on.

It is important for the American peo-
ple to know what we are doing now and what we plan to do. The whole world
sees what is wrong step by step with our policies. I want to point out to the
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plants. The private sector is looking for guidance from the Department. We need to be sure that they have it. We must ensure that hazardous cargo is carried safely through our communities.

Also, we must guarantee that our local cops, firemen, and EMT’s have the training, staffing, equipment, and technology they need so that they can talk to each other during an emergency. As you know, we saw with 911 that a lot of the individuals involved in that situation about communication with each other and many of them lost their lives because of it.

Now, when the small child called the emperor out, he knew the child was right, but thought the procession goes on. He carries himself proudly and his assistants acted like they were keeping his invisible robe off the ground.

The Department’s procession absolutely cannot go on. I ask my colleagues across the aisle to stop carrying this invisible robe and join us in recognizing that the Department of Homeland Security has been without clothes for a long, long time. It is a time that we outfitted the agency so that it can fulfill its mission. Our Nation and its citizens deserve no less.

Mr. SCHIFF. I thank the gentleman, and I particularly appreciate your talk about common sense changes that have to be made to protect this country. Does it make sense, I ask our ranking member, to have a policy where you have to take off your shoes at the airport to get through the metal detector, but 50 percent of the cargo on the plane you are flying on is commercial and 98 percent of that is never checked for an explosive? You can ship a bomb the size of a piano that will never get opened in a crate under that same plane, but you have to take your shoes off. Does that make sense?

Mr. THOMPSON of Mississippi. None of it makes sense. The other thing is, we have the technology available to us to do many of these things. We have to have the will to produce the resources necessary to acquire the technology in order for that to occur.

We have tried in our committees to fully fund all of the screening programs, not just at airports, but we are talking about screening cargo coming into our country. But we can’t get the support on the Republican side of the aisle to move in that direction.

We have two government agencies, Department of Energy and Department of Homeland Security, charged with radiation screening of certain activities. We can’t even get support to merge the two programs. They are operating in ports separate and apart. So clearly, there are a number of things, Congressmen SCHIFF, that we need to do.

Mr. SCHIFF. And that last point, I think is the first point. The President, I am sure you recall, during the first debate with Senator KERRY, was asked what is the top national security threat facing the country? And he said, nuclear terrorism. Senator KERRY agreed. I think they were both right.

But if that is true, and the most likely suspect for nuclear terrorism is al Qaeda, then the most likely delivery device is not a crate. And why that crate is going to come into one of our ports. And why we have not mobilized the resources to implement that portal technology, why we are spending as much as we are on a more distant threat in terms of national missile defense, is approximate.

The other thing is, the threat of a snugged in dirty bomb or crude nuclear weapon is not in our Nation’s national security interest.

Mr. SCHIFF. Mr. M OORE, we thank you for this time, is we don’t have the will to produce the resources that come to this country, as you know, without any inspection. To inspect it when it gets to our shores, if it is a dirty bomb or anything like that, is unacceptable. We have to do the inspections on board as a minimum at the points of origin rather than when they get to this country. If we don’t, we are in for a rude awakening.

The point I want to make, and I want to thank you for this time, is we clearly have to support financially the safeguards that are required. We have the technology. We have to make sure that we put the resources to support the technology.

Mr. SCHIFF. I thank the gentleman very much for all his leadership in improving our Homeland Security.

Mr. MOORE of Kansas. Mr. SCHIFF, the distinguished gentleman from California, I want to thank you for your leadership in putting together this little seminar and this presentation this evening on national security and how important it is for our country.

I want to talk for just a few minutes about the importance of national security in the context of energy independence for our Nation. Some of our viewers this night, Mr. SCHIFF, will be old enough to remember back in the late 1970s the oil embargo by the name of Jimmy Carter who was President of United States. And one night President Carter was sitting addressing the people of America on national television. He had on a cardigan sweater. He was sitting in front of the fireplace and talking about the long lines at the gas pumps. And he was talking about the need for our country to develop energy independence and a comprehensive energy policy to reduce our dependence on foreign oil.

I think President Carter was right then, and I faulted every Republican and Democrat since President Carter for not doing what he said we needed to do back then. And especially, since September 11 of 2001, and 5 years into this administration we still are very dependent, heavily dependent on foreign oil, and we need to find for America energy independence.

Mr. SCHIFF. Mr. McCAIN, is not just a concern about long lines at the gas pumps or the high cost per gallon of gasoline. This now has become a national security issue, and it is an issue that we, as a Nation, must deal with.

This issue, Mr. SENS, should not be about Republicans and Democrats. This should be about us taking care of our people and our country. And we all must come together to do this, and I think it is highly important, that we reduce our dependence on foreign oil and find an independent way to do this.

President Bush mentioned in his State of the Union this year, for the first time, I believe, trying to develop some way to reduce our dependence on foreign oil and enter energy independence. But he didn’t make any proposals, and I think what we need are some solid proposals to do that.

As the former Senator, for example, for conservation. We need to develop hybrid automobiles, hydrogen fuel cells. We need to look and develop solar energy, wind energy, ethanol biodiesel. We need to reduce our dependency on Middle East oil and increase our dependence on Midwest farmers who can provide the crops necessary to produce some of the fuels I am talking about, alternatives and renewable sources of energy here. Energy independence, in fact, again, has become a national security issue.

We must reduce our dependence on foreign oil. We cannot and must not be held hostage by foreign nations who control our supply of oil. We must do this as Americans, again, not as Republicans and Democrats, but as Americans because our country needs this and demands this.

Mr. SCHIFF. Mr. MOORE, we thank you for you tremendous leadership on this issue and for joining us this evening.

Now it gives me great pleasure to yield time to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who I would say is a rising star in the Congress, but she was a rising star in the Congress, but she was a rising star. She is now a full star in the firmament. The rise has already been complete. But we are so grateful for your leadership, and I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. SCHIFF. I too want to join my colleagues tonight in thanking you for putting this together because one of the things that we have been trying to do is bring the mainstream—Democrats in the House of Representatives is roll out our vision for the direction that America should go.

Clearly, the vast majority of Americans today believe that we are going in the wrong direction, and in terms of homeland security and protecting our Nation’s borders, that is one of the number one priorities.
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And what I would like to talk a little bit about tonight is an issue that is extremely important, given that my State is a peninsula, and that is port security, because I represent the people of Florida’s 20th district, which is south Florida, including Miami-Dade County, the Port of Miami, and they both serve as a gateway to millions of tons of cargo and people every year.

In 2005, in fact, almost 5.8 million tons came into the United States through the Port of Miami. Nationally, though, only 6 percent of cargo is screened. That is a shocking statistic. That means that just in the Port of Miami alone, over 5.4 tons of goods were left unsuspected before they entered our supply chain. That is just an unbelievably alarming statistic.

The administration claims to have cargo security programs, such as the automated targeting system, that mitigate security risks. That mitigates them, that the remaining 94 percent of cargo entering our country without physical inspection may pose.

However, the Government Accountability Office, a third party validator, recently released a report pointing out shortfalls in these systems. Multiple deadlines have been missed, and key controls are still not in place to ensure the adequate implementation of such programs.

These facts were true when the Bush administration approved the sale of operations at six major U.S. ports, including the Port of Miami, to the United Arab Emirates. That agreement, had it gone through, outsourced American security to a country with a classified security level to have accountability, and unfortunately we have to have competence and we have to have the discipline to keep America safe, and the Republican administration and Congress is not accomplishing this objective.

Before I close, I want to share with you yet another alarming statistic. And I notice that when you began your remarks you referred to the removal of shoes as we go through our magnetometers in our Nation’s airports.

When I went to the Port of Miami, the staff there talked to me about the disparity in air and port security. In the last 5 years, since 9/11, we have spent, this Republican Congress has spent $138 billion more on air security, which is a good thing. But comparatively they have spent less than $700 million on port security. Essentially, they have rested the sum total of our increase in national security on taking our shoes off as we go through the magnetometer. That is about the only thing that most people could say they noticed was a difference between before 9/11 and post-9/11 national security.

Again, I commend you on your effort to pull us together tonight.

Mr. SCHIFF. I thank the gentleman and I am tremendously grateful for your leadership and participation tonight.

Mr. Speaker, I want to thank my colleague from Maryland, CHRIS VAN HOLLEN, for his patience this evening. It has been a long evening already, and I have been keeping him and my other colleagues from the beginning of the recess. He has done a tremendous job in his tenure here in the Congress. He has already established himself as a superlative leader on national security and other issues, education. Without any further ado I turn over my time to Mr. VAN HOLLEN for such time as he may consume.

Mr. VAN HOLLEN. I thank my colleague from California, Mr. SCHIFF. And again, I know you for your leadership on issues of national security in this Congress for our country.

I think we all understand that in order to successfully conduct the important work of our Nation, we must have management systems in place. We must have systems of checks and balances to make sure that those people who are making critical decisions for our country are held accountable, and nowhere is that more important than in the world of security. We have to have competence and we have to have accountability, and unfortunately we have seen a lack of both those qualities in the decisions on national security made by this administration.

It is Basic Management 101 that if you reward failure you are going to get more failure, and if you want success you have to reward success. If you look at the way this administration has approached national security, they have kind of got that principle backwards.

In fact, they have essentially rewarded and acknowledged those in the administration who got it wrong and criticized those who got their facts right.

Let us just go back to General Shinseki, who proposed early on that we would need, he said, a couple hundred thousand troops on the ground in post-war Iraq in order to maintain stability. He was dismissed by then-Deputy Secretary of Defense Paul Wolfowitz of being “way off the mark.”’

We have had thousands of troops on the ground, and as you, Mr. SCHIFF, noted early on, it is the consensus of most military experts that one of the reasons we failed in the immediate post-war period to maintain stability was the lack of enough troops on the ground. General Shinseki was right. He was dismissed by the administration.

Mr. Wolfowitz received the plum job as president of the World Bank. I do not know what kind of message that sends.

How about the costs of the war? Well, Secretary Wolfowitz said: “We are dealing with a country that can finance its own reconstruction and relatively soon.” Well, we know today that Iraq has still not come back up to its prewar oil production, and the predictions that were made by the chief economic policy adviser to the President, Lawrence Lindsey, who at the time said he thought the cost of the war would run about $10 billion to $20 billion, look good from today’s vantage point.

At the time we need to remind people that others in the administration, like former Secretary of Defense William S. Cohen’s, dismissed those projections as being too high, and said very, very high.

We have seen a recent study by the Columbia University economist and former Nobel Prize winner in economics, Joe Stiglitz, who projects that this war could be up to $2.5 trillion in costs.

But perhaps most dangerous from the vantage point of national security have been the failures with respect to the intelligence and the abuse of intelligence. And we need an intelligence system where the facts inform the policy, rather than a system where political exigencies shape and distort the facts. But we have seen the administration ignore many of the professionals in the government who actually called it right in many instances.

If you look back now over the national intelligence estimates and you look at what the people in INR, Intelligence Research at the State Department, were saying; if you look at what...
the folks at the Department of Energy were saying, a lot of them questioned these conclusions that were being jumped to with respect to the presence of weapons of mass destruction. They questioned both those agencies, the fact that these aluminum tubes were somehow part of an Iranian nuclear program. They said they did not believe that. And yet in its selective use of intelligence, the administration ignored those. They relegated those opinions to mere footnotes and essentially put forward the other information.

And you mentioned today a very disturbing revelation has come to light with respect to the selective use of intelligence. And I just want to quote from the Los Angeles Times. This is in many other papers. It turns out, according to the information put forward by Patrick Fitzgerald, the special prosecutor, “President Bush personally authorized leaking long classified information in the summer of 2003 to buttress administration claims, now discredited, that Saddam Hussein was attempting to acquire weapons of mass destruction for Iraq.”

Before the war, they selectively leaked information in a way that misinformed the American public; and then when they were essentially caught doing that, they further selectively leaked information to try to hide that fact when revelations were brought to light.

This has very serious consequences for our security because our credibility around the world depends on people whom we go to believing that the information that we have is true and that it is solid. When Adlai Stevenson was at the United Nations in the Cuban Missile Crisis and he said the Soviets were putting missiles into Cuba and had the information to support it, our credibility as a Nation was enhanced. As a result, the failures and abuse of intelligence, our credibility around the world has been degraded. It makes it much harder to persuade others about the seriousness of the threats in Iran and North Korea.

Now, the 9/11 Commission made a number of recommendations as to how we could deal with this particular issue; and one of the recommendations they made was to bolster intelligence oversight reform. Let us hold people accountable for their decisions. Let us not reward failure because we will get more failure. Let us not reward and ignore mistakes; we will get more mistakes. But when it comes to intelligence oversight reform, what grade did they give to the Republican Congress and the administration? A “D.” A “D.”

We have said, we Democrats, as part of our proposal, we are going to strengthen the oversight process. We are going to hold people accountable, and we are going to implement all of the recommendations of the 9/11 Commission, including the recommendations to improve the oversight of intelligence so we can end the abusive intelligence, restore our credibility around the world, because that credibility is essential to the national security of this country.

I thank the gentleman from California for his leadership on this issue, and I hope we will continue to have this conversation because I think is so important to our country.

Mr. SCHIFF. I thank the gentleman for his leadership and his eloquence and the tremendous job that he also does as we serve together on the Judiciary Committee.

I am now pleased to yield to JAY INSLEE from the great State of Washington, who has been a pioneer in the area of energy independence.

Mr. INSLEE. Thank you. And I have a simple message. We Democrats want to strike a preemptive blow against our enemies in the Middle East. And the single, most effective preemptive blow that we can do is to deprive them of the resources with which to attack us. We know where the money came from to finance the attack on September 11. It came from our addiction to oil that must stop.

And now we have a President who said he wants to break our addiction to oil, and we welcome his language about this. But we cannot run our cars on rhetoric. We cannot run a national energy independence program on rhetoric. We need real policies. And we are offering here.

We have offered to the country the New Apollo Energy Act, H.R. 2828. That is H.R. 2828. If folks want to look at it, they are welcome to see the most comprehensive plan that will really deliver a situation where we send less money to Middle Eastern sheiks and more money to middle-American farmers. That is a policy that we will embrace, and we will be more secure than we are today.

I thank you for letting me have my few words today.

Mr. SCHIFF. Mr. Speaker, I want to thank my colleagues this evening for all their comments and their leadership. Over the next several weeks, we will be unveiling in greater detail each of the pillars of security: how we intend, as Democrats, to rebuild the 21st-century military; how we intend to stem the cancer of Osama bin Laden and al Qaeda; how we intend to beef up our homeland security and repair a lot of the broken pieces of our homeland security policy that make us continue to be vulnerable; how we will make Iraq in 2006 a year of transition to full Iraqi sovereignty; and how, as Mr. INSLEE points out, we can achieve energy independence, something vital to the present and this Nation’s future.

I want to thank my colleagues for their leadership, DAVID SCOTT for all his great work, CHRIS VAN HOLLEN, JAY INSLEE and the other speakers tonight. We look forward to continuing this dialogue with the American people.
TITLE VII—HURRICANE RESPONSE

SEC. 701. Homeowners assistance for Coast Guard personnel affected by Hurricanes Katrina or Rita.

SEC. 702. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners’ documents.

SEC. 703. Temporary authorization to extend the duration of vessel certificates of inspection.

SEC. 704. Preservation of leave lost due to Hurricane Katrina or Rita.

SEC. 705. Reports on impact to Coast Guard.

SEC. 706. Reports on impacts on navigable waters caused by Hurricane Katrina.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

SEC. 801. Implementation of international agreements.

SEC. 802. Regulatory measures for reducing pollution from recreational boats.

SEC. 803. Integration of vessel monitoring system data.

SEC. 804. Foreign fishing incursions.

TITLE IX—TECHNICAL CORRECTIONS

SEC. 901. Miscellaneous technical corrections.

SEC. 902. Correction of references to Secretary of Transportation and Department of Transportation-related matters.

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,633,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,903,821,500, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) $1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, in connection with activities that constitute the Integrated Deepwater Systems; and

(C) $284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For flight training, 125 student years.

(5) For persons injured in the line of duty, 125 student years.

(6) For environmental compliance and restoration of navigable waters of the United States, $120,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $119,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE-DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active-duty personnel of 45,500 for fiscal year 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 250 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts provided to the Coast Guard from another Federal agency for reimbursement of expenditures for Hurricane Katrina, there are amounts authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating the following amounts for nonreimbursable expenditures:

(1) For the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including search and rescue efforts, $300,000,000.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, related to damage caused by Hurricane Katrina, $200,000,000.

(b) CONSTRUCTION WITH OTHER FUNDING.—The amounts authorized to be appropriated by subsection (a) are in addition to any other amounts authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating under any other provision of law.

(c) AVAILABILITY.—The amounts made available under subsection (a) shall remain available until expended.

SEC. 104. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There is authorized to be appropriated for each of fiscal years 2006 and 2007 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a World Wide Web-based risk management system to help reduce accidents and fatalities.

TITLE II—COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(d) As used in this section ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”

SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by adding the section heading to read as follows:

“§149. Assistance to foreign governments and maritime authorities”;

(2) by inserting before the undesignated text the following:
“(a) Detail of Members to Assist Foreign Governments.—” and
(3) by adding at the end the following new subsection:

(b) Technical Assistance to Foreign Maritime Authorities.—The Commandant, in coordination with the Secretary of State, may provide, through regular Coast Guard operations, technical assistance (including law enforcement and maritime safety and security training) to foreign navies, coast guards, and other maritime authorities.

(2) CLERICAL AMENDMENT.—The item relating to section 14 in the beginning of chapter 7 of such title is amended by inserting after the item relating to section 767 the following:

“149. Assistance to foreign governments and maritime authorities.”.

SEC. 203. OFFICER PROMOTION.
Section 257 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(1) The Secretary may waive subsection (a) to the extent necessary to allow officers designated therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

SEC. 204. COAST GUARD BAND DIRECTOR.
(a) Band Director Appointment and Grade.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b)—

(B) by striking “(1)” and inserting “(1) in subsection (b) and inserting “an individual so designated”; and

(2) in the second sentence, by striking “a member so designated” and inserting “an individual so designated”; and

(3) in subsection (d) by striking “A member” and inserting “An individual”;

and

(b) in subsection (c)—

(1) by striking “of” in section 724 of title 14, United States Code, is amended—

(1) in subsection (a) by inserting after the first sentence the following: ‘‘Secretary to possess the necessary qualifications;’’; and

SEC. 205. AUTHORITY FOR ONE-STEP TURNEY DESIGN-BUILD CONTRACTING.
(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new subsection:

“§ 8677. Turnkey selection procedures

(a) Authority to Use.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction authorized by subsection (a).’’

(b) Definitions.—In this section, the following definitions apply:

(1) The term ‘‘turnkey construction’’ includes the construction, procurement, development, conversion, or extension of any facility.

(2) The term ‘‘facility’’ means a building, structure, or other improvement to real property.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 767 the following:

“677. Turnkey selection procedures.”.

SEC. 206. REVERSE RECALL AUTHORITY.
Section 712 of title 14, United States Code, is amended—

(1) in subsection (a) by striking “during a” and inserting “during a, or to aid in prevention of an imminent

(2) in subsection (a) by striking “or catastrophe, act of terrorism (as defined in section 215 of the Homeland Security Act of 2002 (6 U.S.C. 101(15)))” and inserting “catastrophe, act of terrorism, or transportation security incident as defined in section 7021 of title 46;”

(3) in subsection (a) by striking “thirty days any four-month period” and inserting “90 days in any 4-month period;”

(4) in subsection (a) by striking “sixty days in any two-year period” and inserting “120 days in any 2-year period;” and

(5) by adding at the end the following:

“(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), an individual shall begin on the first day that a member reports to active duty, including for purposes of training.”.

SEC. 207. REVERSE OFFICER DISTRIBUTION.
(a) Section 724 of title 14, United States Code, is amended—

(1) in subsection (a) by inserting after the first sentence the following: ‘‘Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve;’’; and

(b) in subsection (b) by striking all that precedes paragraph (2) and inserting the following:

“(b)(1) The Secretary shall make, at least once each year, a computation to determine the number of Reserve officers in an active status authorized to be in service in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages computed as provided in section 724(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.”.

SEC. 208. EXPANDED USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.
(a) Use of Motorized Vehicles.—Section 826 of title 14, United States Code, is amended—

(1) by inserting before the undesigned text the following:

“(a) MOTOR BOATS, YACHTS, AIRCRAFT, AND RADIO STATIONS.—”;

and

(2) by adding at the end the following new subsection:

(b) MOTOR VEHICLES.—The Coast Guard may utilize the services of fire and police departments, or any other public or private agencies or organizations designated by the Secretary or the Commandant.

(b) APPROVAL OF FACILITIES.—Section 830(a) of such title is amended by striking “radio station” each place it appears and inserting

“radio station, or motorized vehicle utilized under section 826(b).”.

SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.
(a) Fellowships Authorized.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“§ 198. Coast Guard history fellowships

(a) Fellowships.—The Commandant of the Coast Guard may prescribe regulations under which the Commandant may award fellowships for Coast Guard history to individuals who are eligible under subsection (b).

(b) Eligible Individuals.—An individual shall be eligible under this subsection if the individual is a citizen of the United States and—

(1) is a graduate student in United States history;

(2) has completed all requirements (or for a doctoral degree other than preparation of a dissertation; and

(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

(c) Limitations.—The Commandant may award up to 2 fellowships annually. The Commandant may not award fellowships under this section that exceeds $25,000 in any year.

(d) Regulations.—The regulations prescribed under this section shall include—

(1) the criteria for the award of fellowships;

(2) the procedures for selecting recipients of fellowships;

(3) the basis for determining the amount of a fellowship; and

(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during any academic year.”.

SEC. 210. ICEBREAKERS.
(a) Operation and Maintenance Plan.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate a plan—

(1) for operation and maintenance after fiscal year 2006 of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY, that includes reliance on the services of the Coast Guard by any other Federal agency; and

(2) for the long-term recapitalization of these assets.

(b) Necessity Measures.—The Secretary shall take all necessary measures to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions, including the necessary funding for operation and maintenance of such vessels, until it has implemented the long-term recapitalization of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY in accordance with the plan submitted under subsection (a).

(c) Reimbursement.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

(d) Authorization of Appropriations.—The Secretary is authorized to use funds appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section with respect to the polar icebreakers referred to in subsection (a).

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.
Section 3 of title 14, United States Code, is amended by inserting “if Congress so directs in
the declaration” after “Upon the declaration of war”.

SEC. 212. LIMITATION ON MOVING ASSETS TO ST. ELIZABETH’S HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeth’s Hospital until the Administrator of General Services submits to the Committee on Commerce, Science, and Transportation and the Committee on Transportation and Infrastructure of the House of Representatives the following:

(A) and (B) within the District of Columbia (other than those referred to in subparagraphs (C) through (C) and inserting the following:

“§216. HANGAR AT COAST GUARD AIR STATION BARRIERS POINT.

Not later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the Senate a report containing the findings, recommendations, and conclusions that were used to determine that construction of an enclosed hangar at Air Station Barriers Point, Hawaii. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

SEC. 217. PROMOTION OF COAST GUARD OFFICERS.

(a) In General.—Section 211(a) of title 14, United States Code, is amended to read as follows:

“(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

(A) Graduates of the Coast Guard Academy.

(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

(E) Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate.

(F) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.

(G) The Secretary shall ensure that a sufficient number of individuals are assigned to carrying out subsection (f).

SEC. 218. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Definition.—Section 801 of title 10, United States Code, is amended—

(1) by striking paragraph (11); and

(2) by adding at the end the following:

“(C) a commissioned officer of the Coast Guard designated for special duty (law).”.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 14.—Section 727 of title 14, United States Code, is amended by striking “law specialist” and inserting “judge advocate.”

(2) SOCIAL SECURITY ACT.—Section 426(a)(2) of the Social Security Act (42 U.S.C. 656(a)(2)) is amended by striking “law specialist” and inserting “judge advocate.”
(1) PLAN SUBMITTED WITH APPLICATION FOR DEEPWATER PORT LICENSE.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended—
(1) by redesigning subparagraphs (K) and (L) as subparagraphs (L) and (M), respectively; and
(2) by inserting after subparagraph (J) the following:
‘‘(K) the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be serviced by the deepwater port.’’;
(2) INFORMATION TO BE PROVIDED.—When the Coast Guard is operating as a contributing agency in the Energy Regulatory Commission’s shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.
(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury or the Secretary of the Treasury, if the Coast Guard is operating shall submit a report on the implementation of this section to the Committee on Committee, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 305. USE OF MARITIME SAFETY AND SECURITY TEAMS. Section 70106(b)(8) of title 46, United States Code, is amended by striking ‘‘other security missions’’ and inserting ‘‘any other missions of the Coast Guard’’.

SEC. 306. ENHANCED CIVIL PENALTIES FOR VIOLATION OF PROVISIONS ENACTED BY THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004. (a) CONTINUING VIOLATIONS.—The section enumerated 70119 of title 46, United States Code, as redesignated and transferred by section 802(a)(1) of the Coast Guard and Maritime Transportation Security Act of 2004 (118 Stat. 1078), relating to civil penalty, is amended—
(1) by inserting ‘‘In general.—’’ before ‘‘Any’’;
(2) by striking ‘‘violation,’’ and inserting ‘‘day during which the violation continues,’’; and
(3) by adding the end the following:
‘‘(b) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this section shall not exceed $50,000.’’;
(b) APPLICATION OF CIVIL PENALTY PROCEDURES.—Section 207 of title 46, United States Code, is amended by striking ‘‘this subtitle each place it appears and inserting ‘‘this subtitle or subtitle VII’’.

SEC. 307. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY. Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295(f)) is amended—
(1) by striking ‘‘and’’ at the end of paragraph (2).
(2) by striking the period at the end of paragraph (3) and inserting ‘‘;’’; and
(3) by adding at the end the following:
‘‘(4) any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.’’;

SEC. 308. REPORTS FROM MORTGAGEES OF VESSELS.—Section 12120 of title 46, United States Code, is amended by striking ‘‘owners, masters, and charterers’’ and inserting ‘‘owners, masters, charterers, and mortgagees’’.

SEC. 309. DETERMINATION OF THE SECRETARY. Section 70105(c) of title 46, United States Code, is amended—
(1) by redesigning paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
(2) by inserting after paragraph (2) the following:
‘‘(3) DENIAL OF WAIVER REVIEW.—
‘‘(A) IN GENERAL.—The Secretary shall establish a review process before an administrative law judge for individuals denied a waiver under paragraph (2).
‘‘(B) SCOPE OF REVIEW.—In conducting a review under the process established pursuant to subparagraph (A) the administrative law judge shall be governed by the standards of section 706 of title 5. The substantial evidence standard in section 70105(c)(2)(K) of title 5 shall apply whether or not there has been an agency hearing. The judge shall review all facts on the record of the agency.
‘‘(C) CLASSIFIED EVIDENCE.—The Secretary, in consultation with the National Intelligence Director, shall issue regulations to establish procedures by which the Secretary, as part of a review under this paragraph, may be submitted by the Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.
‘‘(D) REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.—
‘‘(i) REVIEW.—A review conducted under this section, if the decision of the Secretary was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (42 U.S.C. App.), such information may be submitted by the Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.
‘‘(ii) SECURITY CLEARANCES.—Pursuant to existing procedures and requirements, the Secretary, in coordination (as necessary) with the heads of other affected departments or agencies, shall ensure that administrative law judges reviewing negative waiver requests under this section are provided access to the classified information upon which the denial of a waiver was based.
‘‘(iii) UNCLASSIFIED SUMMARIES.—As part of a review conducted under this section the judge shall review all facts on the record of the decision of the Secretary to grant or deny a waiver, and the administrative law judge, in consultation with the Secretary, shall issue regulations to establish procedures for the disclosure of unclassified summaries of classified information to the individual adversely affected by the decision a waiver request was denied.
‘‘(E) NEW EVIDENCE.—The Secretary shall establish a process under which an individual adversely affected by the decision of the Secretary to grant or deny a waiver may submit new evidence in support of a waiver request. The Secretary, in consultation with the Secretary of Labor, shall issue regulations to establish procedures and requirements, the Secretary shall provide to the individual adversely affected by the decision a waiver request was denied.

SEC. 310. SETTING, RELOCATING, AND RECOVERING ANCHORS. Section 12105 of title 46, United States Code, is amended by adding at the end the following:
‘‘(e) GENERAL INSPECTION EXEMPTION.—Section 1302(g)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295(g)(1)) is amended by striking ‘‘common carrier’’ and inserting ‘‘transportation services’’.

SEC. 311. INTERNATIONAL TONNAGE MEASURE OF VESSELS ENGAGED IN THE ALEUTIAN TRADE. (a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:
‘‘(2) Except as provided in paragraphs (3) and (4) of this subsection, all vessels engaged in the following fish tender operations are exempt from section 3301(1), (6), (7), (11), and (12) of this title:
‘‘(A) A vessel of not more than 500 gross tons as measured under section 14302 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.
‘‘(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.’’;
(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of title 46, United States Code, and section 8104(o) of that title are each amended by striking ‘‘or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title’’ and inserting ‘‘or less than 500 gross tons as measured under section 14302 of this title’’.

SEC. 312. RIDING GANGS. (a) IN GENERAL.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following:
‘‘§ 8106. Riding gangs
‘‘(a) IN GENERAL.—The owner or managing operator of a freight vessel of the United States on voyages covered by the International Convention for Safety of Life at Sea, 1974 (32 U.S.T. 4711) shall—
‘‘(1) ensure that—
‘‘(A) subject to subsection (d), each riding gang member on the vessel—
‘‘(B) is a United States citizen or an alien lawfully admitted to the United States for permanent residence;
‘‘(C) each riding gang member is identified on the vessel’s crew list;
‘‘(2) ensure that—
‘‘(A) the owner or managing operator attests in a certificate that the background of each riding gang member has been examined and found to be free of criminal information indicating a material risk to the security of the vessel, the vessel’s cargo, the ports the vessel visits, or other individuals onboard the vessel;
‘‘(B) the background check consisted of a search of all information reasonably available to the owner or managing operator in the riding gang member’s country of citizenship and any other country in which the riding gang member works, receives employment referrals, or resides;
‘‘(C) the certificate required under paragraph (A) is kept on the vessel and available for inspection by the Secretary; and
‘‘(D) the information derived from any such background check is made available to the Secretary upon request;
‘‘(3) ensure that each riding gang member, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members; and

(1) by redesigning paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
(2) by inserting after paragraph (2) the following:
‘‘(3) DENIAL OF WAIVER REVIEW.—
‘‘(A) In general.—The Secretary shall establish a review process before an administrative law judge for individuals denied a waiver under paragraph (2).’’;

SEC. 314. TRAINING, CERTIFICATION, AND WATCHKEEPING FOR NAVIGATIONAL TRAINING, CERTIFICATION, AND WATCHKEEPING FOR SEAFARERS, 1978;
“(5) prevent from boarding the vessel, or cause the removal from the vessel at the first available port, and disqualify from future service on board any other vessel owned or operated by that owner or operator, any riding gang member—

(A) who has been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;

(B) whose license, certificate of registry, or merchant mariner’s document has been suspended or revoked under section 7704; or

(C) who otherwise constitutes a threat to the safety of the vessel;

(6) ensure and certify to the Secretary that the sum of—

(A) the number of riding gang members on board a freight vessel, and

(B) the number of individuals in addition to crew permitted under section 3304, does not exceed 12;

(7) ensure that every riding gang member is employed on board the vessel under conditions that meet or exceed the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law; and

(8) assist that each riding gang member—

(A) is supervised by an individual who holds a license issued under chapter 71; and

(B) work in connection with individuals who hold merchant mariners documents issued under chapter 73 who are part of the vessel’s crew.

(b) PERMITTED WORK.—Subject to subsection (f), a riding gang member on board a vessel to which subsection (a) applies who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence may not perform any work on board the vessel other than—

(1) work in preparation of a vessel entering a shipyard located outside of the United States; or

(2) technical in-voyage repairs, in excess of $10,000, that meet or exceed the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law; and

(b)(2) [omitted].

(c) WORKDAY LIMIT.—

(1) IN GENERAL.—The maximum number of days in any calendar year that the owner or operator of a vessel to which subsection (a) applies may employ on board riding gang members who are neither United States citizens nor aliens lawfully admitted to the United States for permanent residence may not perform any work on board the vessel other than—

(a) work in preparation of a vessel entering a shipyard located outside of the United States; and

(b) technical in-voyage repairs, in excess of $10,000, that meet or exceed the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law; and

(2) CALCULATION.—For the purpose of calculating the 60-workday limit under this subsection, a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence shall be counted against the limit if—

(a) customarily performed by original equipment manufacturers’ technical representatives;

(b) performed by a manufacturer’s warranty on specific machinery and equipment; or

(c) required by a contractual guarantee or warranty on actual repairs performed in a shipyard located outside of the United States.

(d) EXCEPTIONS FOR WARRANTY WORK.—

(1) IN GENERAL.—Subsections (b), (c), (e), and (f) do not apply to a riding gang member employed by a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence that meets or exceeds the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law; and

(2) CITIZENSHIP REQUIREMENT.—Subsection (a)(1)(A) applies only to a riding gang member described in paragraph (1) who is on the vessel when it calls at a United States port.

(e) RECORDKEEPING.—In addition to the requirements of subsection (a), the owner or manager of a vessel to which subsection (a) applies shall ensure that all information necessary to ensure compliance with this section, as determined by the Secretary, is entered into the vessel’s official logbook required by chapter 113.

(f) FAILURE TO EMPLOY QUALIFIED AVAILABLE U.S. CITIZENS OR RESIDENTS.—

(1) IN GENERAL.—A person, in connection with—

(a) the operation of a vessel to which subsection (a) applies; or

(b) a riding gang member on board a vessel to which subsection (a) applies and who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence to perform work described in subsection (b) unless the owner or operator determines, in accordance with procedures established by the Secretary to carry out section 8106(b)(1)(C), that there is not a sufficient number of United States citizens or individuals lawfully admitted to the United States for permanent residence who are qualified and available for the work for which the riding gang member is to be employed.

(2) CIVIL PENALTY.—A violation of paragraph (1) is punishable by a civil penalty of not more than $10,000 for each day during which the violation continues.

(3) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty under this subsection shall not exceed—

(A) $50,000 if the violation occurs in fiscal year 2006;

(B) $75,000 if the violation occurs in fiscal year 2007; and

(C) $100,000 if the violation occurs after fiscal year 2007.

(4) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, the history of prior offenses, the ability to pay, and such other matters as justice may require.

(5) COMPROMISE, MODIFICATION, AND REMITTANCE.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.

(b) RIDING GANG MEMBER DEFINED.—Section 2101 of such title is amended by inserting after paragraph (15)(A)—

(26)—

‘‘(26) ‘‘riding gang member’ means an individual who—

(A) has not been issued a merchant mariner document under chapter 73; or

(B) does not—

(i) watchtending, automated engine room duty watch, or personnel safety functions; or

(ii) cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made ready to receive cargo.’’;

(c) AUTHORIZATION OF JUNIOR RESERVE PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Camden County High School to employ, as administrators and instructors for the pilot program, retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers not on active duty who request that employment and who are approved by the Secretary and Camden County High School.

(2) AUTHORIZED PAY.—

(A) IN GENERAL.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if the individual was considered to have been ordered to active duty during the period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during the period of employment;

(B) PAYMENT TO SCHOOL.—The Secretary shall pay to Camden County High School an amount equal to one half of the amount described in subparagraph (A) from funds appropriated for such purpose.

(C) NOT DUTY OR DUTY TRAINING.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active-duty or inactive-duty training.

SEC. 402. TRANSFER.

Section 602 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1065) is amended—

(1) in subsection (b)(2) by striking “to be conveyed” and all that follows through the period and inserting “to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana).”; and

(2) in subsection (e)(1)(A) by inserting “or, in the case of the vessel described in subsection (b)(2) only, for humanitarian purposes” before the semicolon at the end.

SEC. 403. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation in areas between $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal
Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, or its designee, shall conduct a 3-year pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-range vessel tracking information. To the Commandant of the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 405. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 406. REPORTS.

(a) ADEQUACY OF ASSETS.—

(1) REVIEW.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard’s missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the findings of the review and any recommendations to enhance mission capabilities in those areas referred to in paragraph (1).

(b) AREAS OF REVIEW.—The report under subsection (a) shall include information and recommendations on the following assets:

(1) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(2) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(3) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(4) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

(c) ADEQUACY OF ACTIVE-DUTY STRENGTH.—

(1) REVIEW.—The Commandant of the Coast Guard shall review the adequacy of the strength of active-duty personnel authorized under section 703 of title 32, United States Code, to carry out the Coast Guard’s missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways, and coastal security, marine environmental protection, and fisheries law enforcement.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the findings of the review and any recommendations to enhance mission capabilities in those areas referred to in paragraph (1).

SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning date for the Coast Guard Cutter Mackinaw, the Commandant of the Coast Guard shall convey without consideration all right, title, and interest of the United States in and to that vessel to the Icebreaker Mackinaw Maritime Museum, Inc., located in the State of Michigan if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, to which the vessel was exposed before conveyance, except for claims arising from the use by the Government under subparagraph (C).

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment under the conditions of the contract delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, no sooner than June 15, 2006, and not later than 30 days after the date on which the vessel is decommissioned.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel’s operability and function for purposes of a museum.

SEC. 408. DEEPWATER REPORTS.

(a) ANNUAL DEEPWATER IMPLEMENTATION REPORT.

Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Government Accountability Office, shall submit to the House of Representatives a report on the status of the Deepwater program, including information on the purchase of specific assets and the program’s effects on the Deepwater program and Coast Guard vessel performance and cost of operation.

(b) DEEPWATER ACCELERATION REPORT.

Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the acceleration of the Deepwater program and the Secretary’s response to recommendations made in the Government Accountability Office’s report, entitled “Deepwater Acquisitions: Early Completion Is Uncertain”.

(c) OTHER EXCESS EQUIPMENT.

The Secretary of the department in which the Coast Guard is operating, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Deepwater program and the Secretary’s response to recommendations made in the Government Accountability Office’s report, entitled “Deepwater Acquisitions: Early Completion Is Uncertain”.

(d) INDEPENDENT ANALYSIS OF DEEPWATER PLAN.

The Secretary shall conduct an independent analysis of the Deepwater program to ensure that the program’s performance and cost of operation will meet the performance goals of the Coast Guard; and to conduct an independent analysis of the Deepwater program to ensure that the program’s performance and cost of operation will meet the performance goals of the Coast Guard.

SEC. 409. HELICOPTERS.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a description of the potential impact on Coast Guard acquisitions of requiring that the Coast Guard acquire only helicopters, including information on the purchase of specific assets and the program’s effects on the Deepwater program and Coast Guard vessel performance and cost of operation.
or any major component of a helicopter, that are constructed in the United States.

(2) INDUSTRIAL IMPACT.—The study shall include—

(A) identification of additional costs or added benefits that would result from the additional restrictions described in subsection (a) on acquisitions from nondomestic sources, including major industries in affected States.

(B) the contractor's impact on the United States

(C) constraints on the Integrated Deepwater Systems Program and its platform elements, including delivery interruptions in the program and the subsequent mission impact of these delays.

(D) identification of reasonable executive authorizations to waive such additional restrictions that the Secretary considers essential in order to ensure continued mission performance of the United States Coast Guard.

(C) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study and any recommendations of the Secretary regarding such results to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 410. NEWTON CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—Of the amounts provided under title 102 of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), as appropriated for the Deepwater Oil Pollution Remediation Program, the Environmental Protection Agency shall conduct a study of public health and safety concerns related to pollution of Newtown Creek, New York City, New York, including the seepage of oil into Newtown Creek from 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 411. REPORT ON TECHNOLOGY.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the availability and effectiveness of software technology systems for port security and the data evaluated, including data that has the ability to identify shippers, inbound vessels, and their cargo for potential threats to national security before it reaches United States ports, specifically the software already tested or being tested at Joint Harbor Operations Centers; and

SEC. 412. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Maritime Administration $400,000 to carry out an assessment for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 413. HOMESTEAD.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study to assess the current homeport arrangement of the Coast Guard icebreaker HEALY to determine whether an alternate homeport would enhance the Coast Guard's capabilities to carry out the recommendations to maintain dedicated, year-round icebreaker capability for the Arctic that was included in the report prepared by the National Academy of Sciences and entitled: "Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment." (b) REPORT.—Not later than one year after the date of enactment of this Act, the Commandant shall submit the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 414. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

Section 142 of the Oil Pollution Act of 1990 (33 U.S.C. 1222a) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) WIND ENERGY FACILITY.—

"(1) IN GENERAL.—An offshore wind energy facility may not be constructed in the area commonly known as 'Nantucket Sound' unless the construction of such facility is approved by the Commandant of the Coast Guard.

"(2) INFORMATION.—A person proposing to build an offshore wind energy facility in the area commonly known as 'Nantucket Sound' shall provide to the Commandant of the Coast Guard and the Governor of any adjacent coastal State a plan for the siting and construction of the facility, including the location, size, and design of each wind turbine that will be part of the facility, and the conditions to onshore sites, any other offshore components, and such other information as the Commandant may require.

"(3) LIMITATION ON APPROVAL.—The Commandant may not approve the construction of a facility described in paragraph (1) if—

"(A) within 90 days of receipt of the plan for the facility under paragraph (2), the Governor of an adjacent coastal State makes a written determination that the Governor opposes the proposed location for the facility and submits the determination to the Commandant; or

"(B) the Commandant determines that the facility creates a hazard to navigation.

"(4) ADJACENT COASTAL STATE DEFINED.—In this section, the term 'adjacent coastal State', as used with respect to a proposed wind energy facility, is any coastal State that—

"(A) would be directly connected by a cable to the facility; or

"(B) is located within 15 miles of the proposed location of the facility.

"(e) PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a security plan under section 7092c(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, unless the Secretary conducts a vulnerability assessment under section 7092b(b) of such title.

SEC. 416. WESTERN ALASKA COMMUNITY DEVELOPMENT CORPORATION PROGRAM.

(a) ESTABLISHMENT OF CORPORATION.

There is established the Western Alaska Community Development Corporation.

(b) ROYALTY PROGRAM.

(1) ESTABLISHMENT OF CORPORATION.

There is established the Western Alaska Community Development Corporation.

(iii) to allocate poverty and provide economic and social benefits for residents of western Alaska; and

(iv) to achieve sustainable and diversified local economies in western Alaska.

(b) PROGRAM ALLOCATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the annual allowable catch, guideline harvest level, or other annual catch limit allocated to the program in each directed fishery of the Bering Sea and Aleutian Islands shall be approved by the Secretary, or established by Federal law, as of March 1, 2006, for the program.

The percentage for each fishery shall be either a directed fishing allocation of 10 percent or, if directed fishing and non-target needs based on existing practice with respect to the program as of March 1, 2006, for each fishery.

(ii) EXCEPTIONS.—Notwithstanding clause (i)—

(D) the allocation under the program for each region shall be limited to the same percentage of each species allocated to the program under subparagraph (B) that was authorized by the Secretary to harvest annually through the Coastal Villages Region Fund.

(E) the villages of Sitka, Kake, and Klawock through the Coastal Villages Region Fund.

(F) the villages of Atka, Atka, False Pass, Nelson Lagoon, Nikolai, and Saint George through the Aleutian Pribilof Island Community Development Association.

(G) the villages of Nondina, Nome, Savoonga, Shaktoolik, Stebbins, Teller, Tenakee, Teller, Togiak, Togiak, Toksook Bay, Tuntutuliak, and Tununak through the Coastal Villages Region Fund.

(H) the villages of Atka, Atka, False Pass, Nelson Lagoon, Nikolai, and Saint George through the Aleutian Pribilof Island Community Development Association.

(I) the villages of Dillingham, Egegik, Ecuk, Ekwok, King Salmon, Manokotak, Nako, Potts Point, Port Heiden, Portage Creek, South Naknek, Toksook Bay, Tuntutuliak, and Uagash through the Bristol Bay Economic Development Corporation.

(J) the village of Saint Paul through the Central Bering Sea Fisherman's Association.

(K) the villages of Chevak, Cherok, Eek, Goodnews Bay, Husky Bay, and Knik, Koniag, Kwikillingon, Mekoryuk, Nakasuk, Nakasuk, Newtok, Nightmute, Oscurville, Platinum, Quinahak, Scammon Target Corporation, and Tukum through the Coastal Villages Region Fund.

(L) the villages of Breig Mission, Dimeh, Egegik, Gambell, Golovin, Hotan Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, and White Mountain through the Norton Sound Economic Development Corporation.

(M) the villages of Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, and Nunam
(E) Eligibility Requirements for Participating Entities.—To be eligible to participate in the program referred to in subparagraph (D) shall meet the following requirements:

(i) Board of Directors.—The entity shall be governed by a board of directors. At least 75 percent of the members of the board of directors shall be resident fishermen from the entity’s member villages. The board shall include at least one director selected by each such member village.

(ii) Functions.—The entity shall elect a representative to serve on the panel established by subparagraph (G).

(iii) Membership.—The entity may make up to 20 percent of its annual investments in any combination of the following:

(A) For projects that are fishery-related and that are located in one or more of their regions.

(B) On a pooled or joint investment basis with one or more other entities participating in the program for projects that are fishery-related and that are located in one or more of their regions.

(C) For matching Federal or State grants for projects or programs in its member villages without regard to any limitation on the Federal or State share, or restriction on the source of any non-Federal or non-State matching funds, of any grant program under any other provision of law.

(iv) Fishery-Related Investments.—The entity shall make the remainder percent of its annual investments in fisheries-related projects or for other purposes consistent with the practices of its member prior to March 1, 2006.

(v) Annual Statement of Compliance.—Each year the entity, following approval by its board of directors and signed by its chief executive officer, shall submit a written statement to the Secretary and the State of Alaska that summarizes the purposes for which it made investments under clauses (iii) and (iv) during the preceding year.

(vi) Other Panel Requirements.—The entity shall comply with any other requirement established by the panel under subparagraph (G).

(F) Entity Status, Limitations, and Regulation.—The entity—

(i) shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity’s ownership, harvesting, or processing limitations in any program allocations, and notwithstanding any other provision of law;

(ii) shall comply with State of Alaska law requiring any program to be administered by the entity’s member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;

(iii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the Secretary may determine (if State law prevents the Secretary of Commerce from making the determination), and implement an appropriate reduction of up to 10 percent of the entity’s allocation for each species and subparagraph (C) for all or part of such 10-year period.

(iv) Reallocation of Reduced Amount.—If the Secretary determines that the entity has not maintained or improved its overall performance with respect to the criteria, the allocation to such entity under the program shall be extended by the State for the next 10-year period. In this case, the entity may determine (if State law prevents the Secretary of Commerce from making the determination), and implement an appropriate reduction of up to 10 percent of the entity’s allocation for each species and subparagraph (C) for all or part of such 10-year period.

(v) Annual Statement of Compliance.—The entity shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity’s ownership, harvesting, or processing limitations in any program allocations, and notwithstanding any other provision of law;

(vi) shall comply with State of Alaska law requiring any program to be administered by the entity’s member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;

(vii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the Secretary may determine (if State law prevents the Secretary of Commerce from making the determination), and implement an appropriate reduction of up to 10 percent of the entity’s allocation for each species and subparagraph (C) for all or part of such 10-year period.

(G) Administrative Panel.—

(i) Establishment.—There is established a community development quota program panel. The panel shall consist of 6 members. Each entity participating in the program shall select one member of the panel.

(ii) Functions.—The panel shall—

(A) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or through the Coast Guard, the North Pacific Council, the Secretary, or the State of Alaska, as the case may be; and

(B) coordinate and facilitate activities of the entities under the program.

(iii) Unanimity Required.—The panel may act only by unanimous vote of all 6 members of the panel, not later than 120 days after there is a vacancy in the membership of the panel.

(iv) Decennial Review and Adjustment of Entity Allocations.—(i) In addition, during calendar year 2012 and every 10 years thereafter, the State of Alaska shall evaluate the performance of each entity participating in the program based on the criteria described in subparagraph (ii). The panel shall establish a system to be applied under this subparagraph that allows each entity participating in the program to assign a numerical value to the following criteria to reflect the particular needs of its villages:

(A) Changes during the preceding 10-year period in population, poverty level, and economic development in the entity’s member villages.

(B) The overall financial performance of the entity, including fishery and nonfishery investments by the entity.

(C) Employment, scholarships, and training supported by the entity.

(D) Achieving of the goals of the entity’s community development plan.

(E) Other investments.

(F) Annual Statement of Compliance.

(i) The Secretary of Commerce may review a panel’s determination and, if the Secretary so determines, modify the panel’s decision.

(ii) The panel shall submit to the Secretary a statement describing the practices of its member prior to March 1, 2006.

(iii) Preventive of Harmful Interference.—The panel may make recommendations to the Secretary of Commerce, acting through the Commandant of the Coast Guard, for preventing any person from operating through the Commandant of the Coast Guard, may transfer $1,000,000 to the National Telecommunications and Information Administration for the purposes of awarding, not later than 120 days after such date of enactment, a competitive grant to design and develop a prototype device that can be a Class A automatic identification system transponder (International Electronic-Technical Commission standard 62287) with a

Portability of an entity participating in that program to harvest its share of such allocations.


(A) by striking “for the cost of loans” and inserting “to subsidize gross obligations for the principal amount of direct loans, not to exceed a total of $200,000,000,”; and

(B) by striking “and inserting “the purchase of all or part of ownership interests in processing vessels, shoreside fish processing facilities, permits, quota, and cooperative rights."

(ii) Quota Share Allocation.

(a) In General.—The Secretary of Commerce shall modify the voluntary Three-Piece Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands, as well as the purposes of awarding, not later than 120 days after such date of enactment, a competitive grant to design and develop a prototype device that can be a Class A automatic identification system transponder (International Electronic-Technical Commission standard 62287) with a
wireless maritime data device approved by the Federal Communications Commission with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of the transponder, on frequency channels adjacent to the frequency channels on which the transponder operates, or eliminating or eliminating any harmful interference between the transponder and such wireless maritime data device. The design, development, and construction of such wireless maritime data devices are the sole responsibility of the manufacturer.

(b) IMPLEMENTATION OF AIS.—It is the sense of the Senate, not later than 60 days after the date of enactment of this Act, that the Federal Communications Commission, when implementing the disposition of its rulemaking on the Automatic Identification System and license use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0175 MHz (RM-10821, WT Docket Number 04-344), the implementation of this section shall not delay the implementation of an Automatic Identification System as required by section 70114 of title 46, United States Code, and international convention.

SEC. 420. VOYAGE DATA RECORDER STUDY AND REPORT.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall study—

(1) the carriage of a voyage data recorder by a vessel described in section 2101(22)(D) of title 46, United States Code, carrying more than 399 passengers; and

(2) standards for voyage data recorders, methods for approval of models of voyage data recorders, and procedures for annual performance testing of voyage data recorders.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult, at a minimum, with manufacturers of voyage data recorders and operators of potentially affected passenger vessels.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, providing the following information on the United States purse seine fleet referred to in subsection (a):

(1) The number and identity of vessels in the fleet using foreign citizens to meet manning requirements pursuant to this section and any marine casualties involving such vessel.

(2) The number of vessels in the fishery under United States jurisdiction during the three years in which the report is submitted, the percentage ownership or control of such vessels by non-United States citizens, and the nationality of such ownership or control.

(3) Description of any transfers or sales of United States flag vessels in the previous calendar year, and the disposition of such vessel, including whether the vessel was scrapped or sold, and, if sold, the nationality of the new owner and location of any fishery to which the vessel will be transferred.

(4) Landings of U.S. vessels by vessels under flag in the 2 previous calendar years, including an assessment of landing trends, and a description of landing percentages and totals.

(A) delivered to points in Samoa and any other port in a State or territory of the United States; and

(B) delivered to ports outside of a State or territory of the United States, including the identity of the port.

(5) An evaluation of capacity and trends in the purse seine fleet fishing in the area covered by the South Pacific Regional Fisheries Treaty and any transfer of capacity from such fleet or area to other fisheries, including those governed under the Western and Central Pacific Fisheries Conventions and the Inter-American Tropical Tuna Convention.

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the National Forest System lands in the State of Alaska described in subsection (b) and improvements situated on such lands is transferred without consideration from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) AREAS REFERRED TO.—The areas referred to in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—The area described in the Guard Island Lighthouse receipt dated January 4, 1901, comprising approximately 8.0 acres.

(2) ELDRIDGE ROCK LIGHT STATION.—The area described in the December 20, 1975, listing of the Eldridge Rock Light Station on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—The area described as the remaining National Forest System lands transferred without consideration to the Secretary of Agriculture by the Secretary of Interior, comprising approximately 1.07 acres.

(4) CAPE HINCHINBROOK LIGHT STATION.—The area described in the survey dated November 1, 1957, prepared for the Coast Guard for the Cape Hinchinbrook Light Station comprising approximately 57.4 acres.
Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. The transfer shall not be considered as a donation to an eligible entity pursuant to section 306(b) of the National Historic Preservation Act (16 U.S.C. 470c-7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of the transfer pursuant to this section, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site of the light station.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131 et seq.) and any State law or implementing regulation to address required under any applicable Federal or State law or implementing regulation to address required under subsection (d), the Secretary of the Interior shall for lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive Order dated January 4, 1901, as it affects the Tree Point Light Station, dated September 24, 2004, on terms and conditions that provide for:

(A) maintenance and preservation of the structures and improvements;
(B) the protection of wilderness and national monument resources;
(C) public safety; and
(D) the other terms and conditions considered appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—The Secretary of Agriculture may take such actions as are authorized under section 119(b) of the National Historic Preservation Act (16 U.S.C. 470b-7(b)) with respect to Tree Point Light Station if:

(1) no entity is identified under subsection (d) within 3 years after the date on which administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this section; or
(2) any easement or other special use authorization granted under subsection (d) is terminated or revoked.

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of administrative jurisdiction pursuant to this section, the following public land withdrawals or reservations, if any, related to lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive Order dated January 4, 1901, as it affects the Tree Point Light Station site only.
(2) Executive Order No. 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any remediation responsibilities of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing laws. The Commandant of the Coast Guard and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. MISCELLANEOUS LIGHT STATIONS.

(a) ST. ELIAS LIGHT STATION.—For purposes of section 416(a)(2) of the Coast Guard Authorization Act of 1998 (112 Stat. 3435), the Cape St. Elias Light Station shall comprise approximately 700 acres and include all access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled “Cape St. Elias Light Station”, dated September 14, 2004, the Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public viewing.

(b) POINT WILSON LIGHTHOUSE.—Section 325(c)(3) of the Coast Guard Authorization Act of 1993 (107 Stat. 2432) is amended—

(1) by striking “and” at the end of subparagraph (B);
(2) by redesignating subparagraph (C) as subparagraph (D); and
(3) by inserting after subparagraph (B) the following:

“(C) all housing units and related structures associated with Point Wilson Light Station.”

SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The land public referred to in subsection (a) consists of approximately 10 acres in fee, along with additional acres at the Tree Point Light Station.

(c) T RANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Subject to subsection (f) and paragraph (2), administrative jurisdiction over the public land described in subsection (b), and over all improvements located thereon, is transferred without reimbursement from the department in which the Coast Guard is operating to the Secretary of the Interior until the Coast Guard has completed all response or restoration action necessary under subsection (d)(1).

(2) RESPONSE AND RESTORATION.—The transfer under paragraph (1) may not be made to the Secretary of the Interior until the Coast Guard has completed all response or restoration action necessary under subsection (d)(1).

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response or restoration action required under any applicable Federal or State law or implementing regulation to address:

(1) a release or threatened release on or originating from public land described in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum product, or derivative that is located on such land on the date of enactment of this Act; or
(2) any other release or threatened release on or originating from public land described in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that results from any Coast Guard activity occurring after the date of enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) IN GENERAL.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) to apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

SEC. 505. MAINTENANCE OF NAVIGATION FUNCTIONS.—The transfer by subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;
(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for safety and navigational purposes.

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, and will not maintain or operate any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating.

The Coast Guard may enter, at any time, the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

SEC. 601. SHORT TITLE.

This title may be cited as the “Delaware River Protection Act of 2006”.

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASES INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Port and Waterway Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASES INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 19 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.”.

SEC. 603. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) with respect to a vessel other than a vessel referred to in subparagraph (A), $1,900 per gross ton; or

“(B) with respect to a vessel greater than 3,000 gross tons from the amount from the amount specified in subparagraph (A), $22,000,000; or

“(C)”.

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(1) A vessel described in subparagraph (B), $16,000,000; or
(ii) with respect to a vessel of 3,000 gross tons or less that is—

(1) a vessel described in subparagraph (A), $6,000,000; or
(2) a vessel described in subparagraph (B), $4,000,000.

(2) OTHER VESSELS.—Section 1004(a)(2) of such Act (33 U.S.C. 2704(a)(2)) is amended—

(A) by striking "$6,000,000; or

and inserting "$5,000,000; and

(B) by striking "$5,000,000; and inserting "$4,000,000.

(3) LIMITATION ON APPLICATION.—In the case of an amount occurring before the 90th day following the date of enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

"(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President, by regulations issued not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006 and not less than every 3 years thereafter, shall establish the liability limits described in subsection (a) to reflect significant increases in the Consumer Price Index.

(c) REPORT.—

(1) INITIAL REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on liability to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report shall include, a minimum, the following:

(A) an analysis of the extent to which oil discharges from vessels and nonvessel sources have or are likely to result in removal costs and damages (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for which no defense or liability exists under section 1002 of such Act and that exceed the liability limits established in section 1004 of such Act, as amended by this section; and

(B) an analysis of the impacts that claims against the Oil Spill Liability Trust Fund for amounts exceeding such liability limits will have on the Fund.

(C) Based on analyses under this paragraph and taking into account other factors impacting the Fund, recommendations on whether the liability limits described in paragraph (2) should be increased in order to prevent the principal of the Fund from declining to levels that are likely to be insufficient to cover expected claims.

(d) ADJUSTMENT UPDATES.—The Secretary shall provide an update of the report to the Committee referred to in paragraph (1) on an annual basis.

SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

Not later than one year after the date of enactment of this Act and not less than annually thereafter, the National Contingency Area Command established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State agencies.

SEC. 605. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) by striking "(h)(4)(B) (33 U.S.C.

2701(c)(4)(B)) by striking "RIVERA," and inserting "RIVERA and the TV ATHOS 1;" and

(2) by adding at the end the following:

"SEC. 7002. SUBMERGED OIL PROGRAM.

"(a) PROGRAM.—

(1) ESTABLISHMENT.—The Under Secretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil in the Delaware River and Bay region. The program shall include the following elements:

(A) The development of methods to remove, disperse, or otherwise diminish the persistence of submerged oil.

(B) The development of improved models and capacities for predicting the environmental fate, transport, and fate of such oil.

(C) The development of techniques to detect and monitor submerged oil.

(2) REPORT.—Not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the activities carried out under this subsection and actions proposed to be carried out under this subsection.

(b) DEMONSTRATION PROJECT.—

(1) REQUIREMENT.—The Commandant of the Coast Guard, in conjunction with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating techniques and management practices to remove submerged oil from the Delaware River and other navigable waters.

(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

(c) CLARIFICATION.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

"(Sec. 7002. Submerged oil program.)

SEC. 606. ASSESSMENT OF OIL SPILL COSTS.

(a) ASSESSMENT.—The Comptroller General shall conduct an assessment of the cost of response activities and claims related to oil spills from vessels that have occurred since January 1, 1990, for which the total costs and claims paid was at least $1,000,000 per spill.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under subsection (a). The report shall summarize the following:

(1) The costs and claims described in subsection (a) for each year covered by the report.

(2) The source, if known, of each spill described in subsection (a) for each such year.

(3) An analysis of the extent to which oil discharges from vessels and nonvessel sources have or are likely to result in removal costs and damages (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for which no defense or liability exists under section 1002 of such Act and that exceed the liability limits established in section 1004 of such Act, as amended by this Act.

(4) A demonstration project for the purpose of developing and demonstrating techniques and management practices to remove submerged oil from the Delaware River and other navigable waters.

(5) The costs and claims described in subsection (a) for each year covered by the report.

(c) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under subsection (a). The report shall summarize the following:

(1) The costs and claims described in subsection (a) for each year covered by the report.

(2) The source, if known, of each spill described in subsection (a) for each such year.

(3) An analysis of the extent to which oil discharges from vessels and nonvessel sources have or are likely to result in removal costs and damages (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for which no defense or liability exists under section 1002 of such Act and that exceed the liability limits established in section 1004 of such Act, as amended by this Act.

(4) A demonstration project for the purpose of developing and demonstrating techniques and management practices to remove submerged oil from the Delaware River and other navigable waters.

(5) The costs and claims described in subsection (a) for each year covered by the report.

(d) ADJUSTMENT UPDATES.—The Secretary shall provide an update of the report to the Committee referred to in paragraph (1) on an annual basis.

SEC. 607. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the "Committee").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of 27 members who are appointed by the Commandant of the Coast Guard and who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(A) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these port authorities, one of whom at least one may not be a representative of a shipping company that transports oil or petroleum products.

(B) Two members who represent operators of oil refineries adjacent to the Delaware River and Delaware Bay.

(C) One member who represents operators of oil refineries that transport crude oil or other petroleum products from ports on the Delaware River and Delaware Bay, of whom at least one may not be a representative of a shipping company that transports oil or petroleum products.

(D) One member who represents the Committee, including a ranking of priorities, for measures to improve prevention and response to oil spills, including a ranking of priorities, for measures to improve prevention and response to oil spills described in paragraph (1).

(e) MEETINGS.—The Committee—

(1) shall hold its first meeting not later than 60 days after the date of enactment of this Act; and

(2) shall meet at least once each year.

(f) RESPONSIBILITIES.—

(1) IN GENERAL.—The Committee shall provide advice and recommendations on measures to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay to the Commandant, the Governors of the States of New Jersey, Pennsylvania, and Delaware, the Secretary of Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REPORT.—Not later than 18 months after the date that the Commandant completes appointment of the members of the Committee, the Committee shall provide a report to the entities referred to in paragraph (1) with the recommendations of the Committee, including a ranking of priorities, for measures to improve prevention and response to oil spills described in paragraph (1).
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(2) shall meet thereafter at the call of the Chairman.

(e) APPOINTMENT OF MEMBERS.—The Com-  (c) REIMBURSEMENT AMOUNT.—The amount of  mander shall appoint the members of the Com-  the reimbursement that an eligible person may be  mittee to vacancies by unanimous written nomi-  paid under this section with respect to a qual-  nations by notice published in the Federal Register.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Com-  (f) In the case of qualified property that is a  mittee shall elect, by majority vote at its first  dwelling (including a condominium unit but ex-  meeting, a Chairman and one of the members as  cluding a manufactured home), the amount shall  the Chairman and one of the members as the  be:

Chairman. The Vice Chairman shall act as  (A) the amount equal to the greater of—  Chairman in the absence of or incapacity of the  (i) 85 percent of the fair market value of the  Chairman in the event of vacancy in the of-  dwelling on August 28, 2005 (as determined by  fice of the Chairman);

the Secretary); or  (ii) the outstanding mortgage, if any, on the  (B) the amount determined under paragraph  dwelling on that date; minus (1); or

(B) the proceeds, if any, of insurance referred  (ii) the outstanding mortgage, if any, on the  to subsection (b)(3)(B).

dwelling on that date; minus

(2) In the case of qualified property that is a  (B) if the owner leases such underlying prop-  manufactured home that shall be:

erty, the amount determined under paragraph  (A) the amount equal to the greater of— (1); or

(A) if the owner leases such underlying prop-

erty under this section expires on April 1, 2007.

(TITLE VII—HURRICANE RESPONSE)

SEC. 701. HOMEOWNERS ASSISTANCE FOR COAST GUARD VESSEL OR OTHER ASSET AFFECTED BY HURRICANES KATRINA OR RITA.

(a) IN GENERAL.—Notwithstanding any other  (A) the amount equal to the greater of— provision of law, the Secretary of the depart-  (i) the amount determined under paragraph  ment in which the Coast Guard is operating may temporarily extend the duration or the validity of a certifi- (1); or

cate of inspection or a certificate of compliance  (ii) the amount of rent payable under the lease  issued under chapter 33 or 37, respectively, of such property for the purposes of this section if for that title.:

(1) of August 28, 2005, the property was a one-  (C) carries oil of any kind as fuel for main-  (2) the individual is a resident of Alabama,  tromed or disposal of property by the Ad- Mississippi, or Louisiana;

ministrator, or the response of the Coast Guard to such im-

(b) ELIGIBLE PERSONS.—A person is eligible  pacts.

for reimbursement under this section if the person  (a) EXPRESSION OF AUTHORITY.—The author-

is a civilian employee of the Federal Government  ity provided under this section expires on April 1, 2007.

or member of the uniformed services who—

SEC. 702. TEMPORARY AUTHORIZATION TO EX-  (1) was assigned to, or employed at or in con-  TEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

nection with, a Coast Guard facility located in  (a) LICENSING AND CERTIFICATES OF REG-  the State of Mississippi, Alabama, or Texas, ISTRY.—Notwithstanding section 7106 and 4141 on or before August 28, 2005;

on title 46, United States Code, the Secretary of  (2) incident to such assignment or employ-  the department in which the Coast Guard is op- ment, owned and occupied property that is  erating is operating may temporarily extend the duration of a merchant mariner’s  a principal residence, by a person  document issued for an individual under  who is eligible for reimbursement under this section.

(e) SUBJECT TO APPROPRIATIONS.—The author- (f) After the date of enactment of this Act, the  ity to pay reimbursement under this section is secretaries of the Senate and the Committee on  subject to the availability of appropriations.

on August 28, 2005, the property was a one-  SEC. 702. TEMPORARY AUTHORIZATION TO EX-  two-family dwelling, manufactured home, or  TEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

condominium unit in the State of Louisiana,  (a) LICENSING AND CERTIFICATES OF REG-  Mississippi, Alabama, or Texas that was owned ISTRY.—Notwithstanding section 7106 and 7107 and occupied, as a principal residence, by a per- on title 46, United States Code, the Secretary of  son who is eligible for reimbursement under this  the department in which the Coast Guard is op-  section.

(f) After the date of enactment of this Act, the  erating is operating may temporarily extend the duration of a merchant mariner’s  (a) LICENSING AND CERTIFICATES OF REG-  document issued for an individual under  ISTERY.—Notwithstanding section 7106 and 7107 on title 46, United States Code, the Secretary of  on title 46, United States Code, the Secretary of  the department in which the Coast Guard is op- the department in which the Coast Guard is op- erating is operating may temporarily extend the 2007.

a merchant mariner’s document issued for an  duration of a merchant mariner’s document  individual under title 77 of that title for up to one year if—

(2) the individual is a resident of Alabama,  (1) the records of an individual are located at  Mississippi, or Louisiana;

(1) IN GENERAL.—Notwithstanding section 7302 on the Coast Guard facility in New Orleans that  (b) MERCHANT MARINERS’ DOCUMENTS.—Not- was damaged by Hurricane Katrina;

withstanding section 7302 of title 46, United States  (2) the individual is a resident of Alabama,  Code, the Secretary of the department in which  Mississippi, or Louisiana;

(1) the records of an individual are located at  (3) the records of an individual were damaged  the Coast Guard facility in New Orleans that  or lost as a result of Hurricane Katrina.

was damaged by Hurricane Katrina;  (b) ELEMENTS.—Each report required by sub- (2) the individual is a resident of Alabama,  section (a) shall include the following:

(2) the individual is a resident of Alabama,  (1) A discussion and assessment of the impact  Mississippi, or Louisiana;

(3) the records of an individual were damaged  (b) MERCHANT MARINERS’ DOCUMENTS.—Not- or lost as a result of Hurricane Katrina.

on the impact of Hurricane Katrina on the facili- (2) A discussion and assessment of the impact  ties, aircraft, vessels, and other assets of the Coast  of Hurricane Katrina on Coast Guard oper- Guard, including an assessment of such impact on ations and strategic plans.

on the facilities, aircraft, vessels, and other assets  (3) A statement of the number of emergency  of the Coast Guard, including an assessment of  drills held by the Coast Guard during the 5-year

(2) the individual is a resident of Alabama,  (b) MERCHANT MARINERS’ DOCUMENTS.—Not- Mississippi, or Louisiana;

(3) the records of an individual were damaged  (2) A discussion and assessment of the impact  on the facilities, aircraft, vessels, and other assets  or lost as a result of Hurricane Katrina.

of Hurricane Katrina on Coast Guard oper- (b) MERCHANT MARINERS’ DOCUMENTS.—Not-
(a) REPORTS REQUIRED.—(1) INTERIM REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) a discussion and assessment of the impacts, and associated costs, of Hurricane Katrina on—

(A) the navigable waterways of the United States;

(B) facilities located in or on such waterways;

(C) aids to navigation to maintain the safety of such waterways; and

(D) any other equipment located in or on such waterways related to a mission of the Coast Guard.

(2) An estimate of the costs to the Coast Guard of responses described in paragraph (1) and an assessment of the vulnerability of such resources to natural disasters in the future.

(3) A discussion and assessment of the environmental impacts in areas within the Coast Guard’s jurisdiction of Hurricane Katrina, with a particular emphasis on any releases of oil or hazardous chemicals into the navigable waterways of the United States.

(4) A discussion and assessment of the response of the Coast Guard to the impacts described in paragraphs (1) through (3), including an assessment of environmental vulnerabilities in natural disasters in the future and an estimate of the costs of addressing such vulnerabilities.

(c) DELEGATION OF RESPONSIBILITIES.—In this section, the term “navigable waterways of the United States” includes waterways of the United States as described in Presidential Proclamation No. 5929 of December 27, 1988.

§ 803. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws and other laws. The Secretary of Commerce for Oceans and Atmosphere shall provide for educating the owners and operators and other sectors of the United States on whom such agreements are binding, including international laws and agreements, including international cooperation, to improve enforcement on a bilateral, regional, or international basis.

§ 804. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall undertake outreach programs for educating the owners and operators of such vessels about the pollution associated with such engines and support voluntary programs that reduce such pollution and encourage the early replacement of older two-stroke engines.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) a discussion and assessment of the impacts, and associated costs, of Hurricane Katrina on—

(A) the navigable waterways of the United States;

(B) facilities located in or on such waterways;

(C) aids to navigation to maintain the safety of such waterways; and

(D) any other equipment located in or on such waterways related to a mission of the Coast Guard.

(2) An estimate of the costs to the Coast Guard of responses described in paragraph (1) and an assessment of the vulnerability of such resources to natural disasters in the future.

(3) A discussion and assessment of the environmental impacts in areas within the Coast Guard’s jurisdiction of Hurricane Katrina, with a particular emphasis on any releases of oil or hazardous chemicals into the navigable waterways of the United States.

(4) A discussion and assessment of the response of the Coast Guard to the impacts described in paragraphs (1) through (3), including an assessment of environmental vulnerabilities in natural disasters in the future and an estimate of the costs of addressing such vulnerabilities.

(d) CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.—Effective August 9, 2004, section 302 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1049) is amended by striking “4301(a)(1)” and inserting “‘4301(a)(2)”.

(e) TECHNICAL CORRECTION OF PENALTY.—Section 4311(b) of title 46, United States Code, is amended by striking “4301(a)” and inserting “4301(a)(2)”.

(f) DETERMINING ADJACENCY OF POTABLE WATER.—Section 385(i) of title 46, United States Code, is amended by adding paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (F) of such section.

(g) RENEWAL OF ADVISORY GROUP.—Effective August 9, 2004, section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1049) is amended by inserting “September 30, 2005” and inserting “September 30, 2005”.

(h) TECHNICAL CORRECTIONS RELATING TO REFERENCES TO NATIONAL DRIVER REGISTER.—(1) AMENDMENT INSTRUCTION.—Effective August 9, 2004, section 608(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1058) is amended in the matter preceding subparagraph (A) by striking “7302” and inserting “7301(c)”. (2) OMITTED MATERIAL.—Section 7301(c) of title 46, United States Code, is amended—

(A) by inserting “section” before “30204(a)(5)”; and

(B) by inserting “section” before “30204(a)(6)(A)”. (3) EXTRANEOUS U.S.C. REFERENCE.—Section 7301(c) of title 46, United States Code, is amended by striking “23 U.S.C. 401 note”. (4) VESSEL RESPONSE PLANS FOR NON-TANK VESSELS.—(1) CORRECTION OF VESSEL REFERENCES.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended by striking “tank” each place it appears and inserting “nontank”.

(2) PUNCTUATION ERROR.—Effective August 9, 2004, section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1068) is amended by inserting closing quotation marks after “each tank vessel”. (3) PUNCTUATION ERROR.—Section 5006(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(c)) is amended by inserting a comma after “October 1, 2001”.

(4) CORRECTION TO SUBTITLE DESIGNATION.—(1) Redesignation.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(2) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following: “VII. MISCELLANEOUS.....7011-.70119”. (5) CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), relating to firearms, arrests, and seizure of property and to enforcement by State and local officers, are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such title (118 Stat. 1078), relating to in rem liability for civil penalties and to certain civil and administrative penalties, are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.

(3) Section 70120a, as redesignated by paragraph (2) of this section, by striking “section 70120” and inserting “section 70121”, and redesignated by paragraph (2) of this section, by striking “section 70120” and inserting “section 70119”.

TITLES IX—TECHNICAL CORRECTIONS

SEC. 901. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of title 14, United States Code, is amended by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(b) CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.—Effective August 9, 2004, section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1037) is amended by inserting “of title 14” after “chapter 17”.

(c) RECOMMENDATIONS TO CONGRESS BY COMMANDER OF THE GUARD.—Section 93(b)(1) of title 14, United States Code, is amended by redesignating paragraph (y) as paragraph (24).
(5) In the analysis at the beginning of the chapter by striking the items relating to sections 70117 through the second 70119 and inserting the following:

"70117. Firearms arrests, and seizure of property.

70118. Enforcement by State and local officers.

70119. Civil penalty.

70120. In civil penalty for civil penalties and certain costs.

70121. Withholding of clearance.

(m) AREA MARITIME SECURITY ADVISORY COMMITTEE.

(1) The Secretary of Homeland Security, after immediately below "Department of Veterans Affairs-

(2) in section 2902(b) by inserting "Secretary of Homeland Security," after "Secretary of the

(3) in sections 5520a(k)(3), 5595h(5), 6308(b), and 9001(10) by striking "of Transportation"

each place it appears and inserting "of Homeland Security-

(b) FINANCIAL MANAGEMENT.

(1) in section 1908(b) by striking "of Transportation" and inserting "of Homeland Security-

(2) in section 3232(b) by striking "of Transportation" and inserting "of Homeland Security-

(3) in section 3527(b)(1) by striking "of Transportation" each place it appears and inserting "of Homeland Security-

(4) in section 3711(b) by striking "of Transportation" and inserting "of Homeland Security-

(c) PUBLIC CONTRACTS.

—Section 3732 of the Revised Statutes (41 U.S.C. 11) is amended by striking "of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating-

(d) SHIPPING.

—Section 14(a)(1) of the Dingell-phillips Act (46 U.S.C. 6705(a)(1)) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security-

(2) in section 3325(b) by striking "Commerce, the Interior, and Transportation,

and inserting "of Commerce and the Interior and the Commandant of the Coast Guard-

(i) OIL POLLUTION.

—The Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended—

(1) in section 5001(c)(1)(B) (33 U.S.C. 2733(c)(1)(B)) by striking "Commerce, the Interior,

and Transportation,

and inserting "Commerce and the Interior and the Commandant of the Coast Guard-

(ii) DRUG INTERDICTION REPORT.

—Section 12 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (42 U.S.C. 4623) is amended—

(1) in section 6302(e) (42 U.S.C. 4623(e)) by striking "of Transportation" and inserting "of Homeland Security-

(iii) CONGRESSIONAL RECORD

—Title 46, United States Code, is amended—

(1) in subsection (a) by striking "of Transportation" each place it appears and inserting "of Homeland Security-

(2) in section 3711(b) by striking "of Transportation" each place it appears and inserting "of Commerce and the Interior and the Commandant of the Coast Guard-

(3) in section 7010(a) (33 U.S.C. 2701(a)) by striking paragraph (3) and all that follows through the end of the subsection and inserting the following:

(4) CHAIRMAN.

—A representative of the Coast Guard shall serve as Chairman-

(5) in section 7010(c)(6) (33 U.S.C. 2701(c)(6)) by striking "other such matter as the Depart-

ment of Transportation as the Secretary of Transportation may designate,-

and inserting "such agencies as the President may designate-

(m) MEDICAL CARE.

—Section 109(g)(4)(B) of Public Law 87-493 (42 U.S.C. 2651(g)(4)(B)) is amended by striking "of Transportation,

and inserting "of Homeland Security-

(n) SOCIAL SECURITY ACT.

—Section 205(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking "of Transportation-

and inserting "of Homeland Security-

(o) MERCHANT MARINE ACT, 1920.

—Section 1029(e)(2)(B) of the Merchant Marine Act (46 U.S.C. 13329(e)(2)(B)) is amended—

(1) Notwithstanding any other provision of law, no part of a report of a marine casualty in-

vestigation conducted under section 6307 of this title, including findings of fact, opinions, rec-

ommendations, deliberations, or conclusions, shall be admissible as evidence or subject to dis-

covery in any civil or administrative pro-

ceedings, other than an administrative pro-

ceeding initiated by the United States-

(b) Any member or employee of the Coast Guard investigating a marine casualty pursuant to section 6307 of this title shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary. The Secretary shall not with-

hold permission for such employee or member to testify, orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means-

(3) in subsection (b) by redesignating by this section, by striking 'subsection (a)' and inserting "subsections (a) and (b)'; and

(4) in subsection (d) as redesignated by this section, by striking 'subsection (a)' and inserting "subsections (a), (b), and (c)'-

(j) MORTGAGE INSURANCE.

—Section 205 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking "of Transportation,

and inserting "of Homeland Security-

(k) ARCTIC RESEARCH.

—Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4306(b)(2)) is amended—

(1) by redesignating subparagraphs (1) through (K) of subsections (B) through (L), respectively, and

(2) by inserting after subparagraph (H) the following:

"(I) the Department of Homeland Security-

(h) CONSERVATION.

—Section 1212(a) (16 U.S.C. 1212(a)) is amended—

(1) in section 1092(e)(2)(B) of the Biscayne National Monument and Florida Bay Protection Act of 1996 (16 U.S.C. 460kk(k)(2)) is amended by striking "Secretary of Transportation, to represent the United States Government, and inserting Commandant of the Coast Guard-

(2) in section 312(c) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 1431(c)) is amended by striking "of Transportation" and inserting "of Homeland Security-

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the Senate amendment, and modifications committed to conference:

DON YOUNG,

FRANK A. LOBIONDO,

HOWARD COBLE,

PETER HOEKSTRA,

PETE SIMMONS,
Section 101(2) of the House bill authorizes $1,903,821,000 for the Coast Guard’s Acquisition, Construction and Improvement Program. The Senate amendment accounts for approximately $1.6 billion for the Integrated Deepwater Systems program (Deepwater). Of the funding authorized for Deepwater in 2006, H.R. 389 authorizes an amount of $316,300,000 for the acquisition and construction of new vessels, aircraft, facilities, and support systems and an amount of $284,369,000 for the sustainment of the Coast Guard’s legacy vessels and aircraft. Section 101(3) of the House bill authorizes an amount of $24,400,000 for the Coast Guard’s program to research and develop technologies, measures, and procedures to enhance the Coast Guard’s capabilities to carry out all of the Service’s many missions. Section 101(5) of the House bill authorizes an amount of $135,900,000 for the Federal share of costs associated with alteration or removal of bridges that have been identified by the Coast Guard as obstructions to navigation.

The Conference substitute authorizes funds for FY 2006 and FY 2007 and contains different authorization levels than those that are included in the House bill. The Conference substitute authorizes $5,586,400,000 for the Coast Guard, down from $5,633,900,000 for the Senate. The Conference substitute authorizes $1,014,080,000 for retired pay, a mandatory expenditure.

The Conference substitute authorizes funds for the Coast Guard in FY 2006 as follows:

| Operation and Maintenance | $3,635,300,000 |
| Acquisition, Construction and Improvement | $1,903,821,000 |
| Research, Development, Test and Evaluation | $24,000,000 |
| Retired Pay | $1,611,080,000 |
| Bridge Alteration | $37,400,000 |
| Environmental Compliance and Restoration | $12,000,000 |
| Coast Guard Reserve Training | $119,000,000 |

The Conference substitute authorizes an amount of $39 million for the creation of an additional Coast Guard Helicopter Interdiction Tactical Squadron (HITRON). Currently, only Coast Guard HITRON squadron is based in Jacksonville, Florida. The Conference substitute authorizes funds for the Coast Guard to purchase the HITRON squadron to pursue and apprehend vessels in the Caribbean Sea and in the Eastern Pacific Ocean.

The Conference substitute authorizes funds for the Coast Guard in FY 2006. Paragraph (1) of that section authorizes a funding level of $5,586,400,000 for the Coast Guard’s Operating Expenses Account including an amount of $39 million to establish a second Helicopter Interdiction Tactical Squadron (HITRON) on the west coast.
utilized to continue work on the Chelsea Bridge in Boston, Massachusetts.

The conferees recommend that the Coast Guard re-evaluate the categorization of both the Leeville Bridge and the Kerner Ferry Bridge in Louisiana. The Leeville Bridge provides the only access to Port Fourchon and Grand Isle, and has been struck 11 times in the past year, and the Kerner Ferry Bridge has experienced several vertical clearance problems. These bridges are currently categorized as non-hazards to navigation, therefore making them ineligible for funds under the Truman-Hobs Act.

The conferees are aware of the efforts of the Institute of Marine and Coastal Sciences at Rutgers University to develop a High Frequency Radar network for U.S. coastal waters. This technology was used in local search and rescue tests. The demonstration projects funded by the Coast Guard Research and Development Center in 2004. The conferees urge the Coast Guard to work with Rutgers to establish a regional pilot project in the Mid-Atlantic. The goal of the project should be to make CODAR an operational search and rescue tool.

The conferees are aware that the Coast Guard Cutter ACACIA is scheduled to be decommissioned in 2006. The conferees urge the Coast Guard to replace the ACACIA with a vessel capable of maintaining commercial shipping in the Great Lakes and particularly northern Lake Michigan. The need to ensure the availability of a ship that can assist in icebreaking is particularly important because the Canadian government has decommissioned one of its buoy tenders, which will increase demands on U.S. icebreakers. Therefore, the Coast Guard should ensure that an icebreaking tug shall continue to be home ported on northern Lake Michigan and shall have the necessary funding for operations and maintenance of such vessel. The conferees recommend that the United States Coast Guard Captains of the Port be made aware that vessels that use certain valves manufactured by TankTech have been banned in Denmark and Italy because of safety concerns with those valves. That ban has been upheld by the European Union Commission based on tests at EU-approved laboratories. The American Bureau of Shipping is currently considering whether to remove these valves from all vessels that they class. Additionally, the conferees recommend that the United States Coast Guard work more closely with its European Union maritime counterparts to establish a system that evaluates the performance of those valves to ensure uniformity of test results.

Section 102. Authorized levels of military strength and training

Section 102 of the House bill authorizes a Coast Guard end-of-year strength of 45,500 active duty military personnel for FY 2006. This level maintains the personnel level that was authorized at the end of FY 2005. The section also authorizes average military training student loads for FY 2006 at the same level as was authorized in FY 2005. At the end of FY 2005, 39,717 active duty personnel were serving in the Coast Guard. The section also authorizes average military training student loads for FY 2006 as follows:

<table>
<thead>
<tr>
<th>Training/Student years</th>
<th>2,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flight</td>
<td>125</td>
</tr>
<tr>
<td>Professional</td>
<td>150</td>
</tr>
<tr>
<td>Officer Acquisition</td>
<td>1,200</td>
</tr>
</tbody>
</table>

Section 102 of the Senate amendment is substantively similar to the House bill, except that it authorizes these personnel levels for FYs 2006 and 2007.

The Conference substitute adopts the House provision.

Section 103. Authorization of funding related to Katrina

Section 103 of the House bill authorizes $90,000,000 (above the amount authorized for the Coast Guard in Section 101) in FY 2005 for the Coast Guard’s emergency hurricane response expenses, emergency repairs, deployment of personnel, to support costs of evacuation, and other costs resulting from the immediate and long-term relief efforts related to Hurricane Katrina.

Section 702 of the Senate amendment similarly authorizes funding above the amount authorized in Section 106 of the House bill. The Section specifically authorizes $200,000,000 for the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including for search and rescue efforts, clearing channels, emergency response to oil and chemical spills, and increased costs due to higher than expected fuel costs. Also, $300,000,000 is authorized for the acquisition, construction, renovation, and improvements of aids to navigation, shore and offshore facilities, and vessels and aircraft related to damage caused by Hurricane Katrina.

The Conference substitute adopts the Senate provision with a technical amendment. The Conference substitute adopts the Senate provision with an amendment that includes a substantial authorization of $300,000,000 for the Coast Guard’s Operating Expenses account and $200,000,000 for the Acquisition, Construction and Improvements account for non-reimbursed expenditures associated with the Coast Guard’s response to Hurricane Katrina and stipulates that amounts appropriated under this authorization are to remain available until expended.

Section 104. Web-based data management

The House bill does not contain a similar provision.

Section 104 of the Senate amendment provides an authorization of $1,000,000 for the Coast Guard to continue their development of a web-based risk management system that links occupational health and safety databases to reduce accidents and fatalities.

The Conference substitute adopts the Senate provision.

TITLE II—COAST GUARD

Section 201. Extension of Coast Guard vessel anchorage and movement authority

Section 201 of the House bill amends section 508(b)(1)(A) of title 14, United States Code, (relating to the Coast Guard’s authority to establish security areas to ensure the safety and security of naval vessels) to redefine the term ‘navigable waters of the United States’ to include territorial waters out to 12 nautical miles from shore. This amendment updates existing law to reflect the expansion of U.S. territorial seas from 3 nautical miles to 12 nautical miles from shore that was made by Presidential Proclamation Number 5928 on December 27, 1986.

Section 202. International promotion and technical assistance

Section 202 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

Section 203. International training and technical assistance

Section 203 of the House bill authorizes the Commandant of the Coast Guard to conduct international training and to provide technical assistance to navies, coast guards and maritime authorities during regular Coast Guard operations without requiring a specific request from a third-party U.S. Government official. Section 207 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.
Section 401 of the Senate amendment is identical to the House provision, except for a minor technical change.

The Conference substitute adopts the House provision.

Section 208, Expansion of use of auxiliary equipment to support

COAST GUARD MISSIONS

Section 208 of the House bill authorizes the Coast Guard to cover personal motorized vehicles of members of the Coast Guard Auxiliary, in limited circumstances, under Coast Guard claims procedures when an Auxiliary member is towing, under official Coast Guard commands, trailers that carry government owned boats and other equipment. Currently, an Auxiliary member is only eligible for liability coverage under Coast Guard claims procedures when the member uses his own vehicle to tow his own boat or Auxiliary equipment that has been designated for Coast Guard use.

Section 401 of the Senate amendment is substantively similar to the House provision. The Conference substitute adopts the House provision with a clarifying amendment.

Section 209, Coast Guard History Fellowships

Section 209 of the House bill authorizes the Secretary to develop regulations to award Coast Guard History Fellowships to graduate students who agree to prepare their doctoral dissertations on issues related to the history of the Coast Guard. The Senate amendment did not contain a similar provision.

The Conference substitute adopts the House provision with an amendment that limits the total amount of any fellowship to $25,000 per year and the number of fellowships awarded in each year to no more than two.

Section 210, Icebreakers

Sec. 210 of the House bill requires the Secretary to submit, not later than 90 days after the date of the enactment of the Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the Polar Regions of Antarctica after FY 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency. The plan must be implemented after FY 2006, subject to the availability of appropriations.

Sec. 210 of the Senate amendment requires the Coast Guard to submit necessary changes to maintain, at a minimum, its current vessel capacity for carrying out icebreaking in the Arctic and Antarctic regions and for the long-term recapitalization of such vessels. It authorizes $100,000,000 for the Department in which the Coast Guard is operating to carry out this section.

The Conference substitute adopts a provision that requires the Coast Guard to submit to Congress not later than 90 days after enactment a plan to operate and maintain the POLAR STAR, POLAR SEA, and HEALY fleet after FY 2006 and for the long-term recapitalization of the Coast Guard’s polar icebreaking fleet. The provision further directs the Coast Guard to take all measures necessary to maintain current operational capabilities to carry out icebreaking operations in the Arctic, the Antarctic, the Great Lakes, and the southeast. Lastly, the provision includes an authorization of $100,000,000 for FY 2006 to carry out these obligations with respect to the Coast Guard’s polar icebreaking fleet.

The conferences are extremely concerned by the Administration’s continued proposals to divert funds to operate Coast Guard icebreakers from the Coast Guard’s budget to that of another Federal agency. Such a transfer of funds from the Coast Guard’s civil service employees would impair the Coast Guard’s capability to operate and maintain these vessels in the future without any reliable source of funding. The conferences strongly agree with the recommendations of the National Academy of Sciences Interim report that the United States retains icebreaking capabilities to assert significant geo-political, security, economic, and scientific interests in the Arctic and Antarctic.

Section 211, Operation as a service in the Navy

Section 211 of the House bill removes the automatic trigger in current law whereby the Coast Guard will operate as a service in the Navy upon the declaration of war. It retains the provision in current law whereby the Coast Guard will operate as a service in the Navy when the President directs.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with language that clarifies that the Coast Guard shall operate as a service in the Navy only upon positive action by Congress or the President.

Section 212, Limitation on transfer to St. Elizabeths Hospital

Section 215 of the House bill provides that the Coast Guard may not move any of its personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans to provide road access to the West Campus 296 and for the design of facilities for at least one federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that adds several items to the scope of the plans that are required to be submitted to Congress.

Section 213, Cooperative arrangements

The House bill does not contain a comparable provision.

Section 201 of the Senate amendment would require the Secretary of the Department of Homeland Security to submit to Congress reports on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches as well as entering into cooperative agreements for carrying out Coast Guard missions.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the Senate provision with a modification that the conferences direct the Coast Guard to examine Naval Station Everett and Naval Station Pascagoula for such potential arrangements.

Section 214, Biodiesel feasibility report

The Conference substitute adopts the comparable provision.

Section 204 of the Senate amendment would require the Secretary of the Department of Homeland Security to submit a report on the feasibility of using biodiesel fuel in both new and existing vehicles and vessels. The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the comparable provision.

Section 215, Boating Safety Director

The Senate amendment does not contain a comparable provision.

Section 209 of the Senate amendment would require the Secretary to submit, not later than 90 days after the date of the enactment of the Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Administrator of General Services to submit to Congress not later than 90 days after the date of enactment of the Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the transfer of Federal employees to the National Academy of Sciences.

Section 216, Hangar at Coast Guard Air Station Barbers Point

The Senate amendment does not contain a comparable provision.

Section 409 of the Senate amendment would require the Secretary of the Department of Homeland Security to submit a report on the feasibility of constructing an enclosed hangar at Coast Guard Air Station Barbers Point. The current situation is not enclosed and is not large enough to house a single C-130. Due to the resulting exposure, aircraft are experiencing corrosion.

The Conference substitute adopts the Senate amendment.

Section 217, Promotion of Coast Guard Officers

The Senate amendment does not contain a comparable provision.

Section 410 of the Senate amendment would require the Secretary of the Department of Homeland Security to redesignate Coast Guard ‘‘law specialists’’ as ‘‘judges advocates.‘‘ The Coast Guard is currently the only military service that does not use the title ‘‘judge advocate’’ for its military attorneys.

The Conference substitute adopts the Senate amendment.

Title III—Shipping and Navigation

Section 301, Treatment of ferries as passenger vessels

Section 301 of the House bill amends the definition of ‘‘passenger vessel’’ to include ferries that carry passengers with or without charge.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the Senate provision.

Section 302, Great Lakes pilotage annual rate

Section 302 of the House bill requires the Secretary of the Department of Homeland Security to study the feasibility of establishing a full rulemaking process on the Great Lakes shipping season. Annual adjustments lend stability to the shipping system by avoiding the much larger increases that have occurred recently when multiple years of adjustments are made.

The Senate amendment does not contain a comparable provision.

The Conference substitute includes a provision that requires the Secretary of the Department of Homeland Security to study the implementation of a full rulemaking process on Great Lakes pilotage rates annually based on an annual review of base pilotage rates that are established not less than every 5 years following a full rulemaking process. It is not, however, the intent of the conferences that the adjustments of annual rates be subject to a full rulemaking process.

Section 303, Certification of vessel nationality in drug smuggling cases

Section 303 of the Senate amendment modifies the definition of ‘‘passenger vessel’’ to include ferries that carry passengers with or without charge.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the Senate amendment.

Section 205 of the Senate amendment would require the Secretary of the Department of Homeland Security to study the feasibility of using biodiesel fuel in both new and existing vehicles and vessels. The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the Senate amendment.
registry from a foreign country before authorizing jurisdiction over a vessel. The revised language requires only that the United States receive a response from a foreign government regarding the claim of registry. Therefore, this amendment would allow the U.S. to prove that a flag State, which the defendant alleged has jurisdiction, does not have the right to make an arrest if the flag State's response to a U.S. inquiry, responds that it can neither confirm nor deny a suspect vessel's nationality.

Section 210 of the Senate amendment contains a substantively similar provision with a technical change that clarifies that the response of a foreign nation may be made by radio, similar oral or electronic means and is conclusively proved by certification of the Secretary of State or the Secretary's designee.

The Conference substitute adopts the Senate provision with a technical amendment.

Section 304. LNG tankers

Section 304 of the House bill requires the Secretary of Transportation to develop a program to promote the transportation of liquefied natural gas (LNG) by the maritime transportation sector. The provision also amends the Deepwater Port Act to direct the Secretary to require the processing of licenses for LNG facilities that would be supplied by U.S.-flagged LNG vessels.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment that amends the Deepwater Port Act to require an applicant for a deepwater port license to include, as part of the application, information regarding the vessels that are reasonably expected to service the port upon construction. The provision also requires the Coast Guard to provide the same information to the Federal Energy Regulatory Commission as part of the Coast Guard’s contribution to the Environmental Impact Statement for landside liquefied natural gas and liquefied petroleum facilities.

Section 305. Use of maritime safety and security teams

The House bill does not include a comparable provision.

Section 704 of the Senate amendment pro- vides that the Secretary may use maritime safety and security teams to implement any mission of the Coast Guard.

The Conference substitute adopts the Senate provision with a technical amendment.

Section 306. Enhanced civil penalties for violations of the Maritime Transportation Security Act

The House bill does not include a comparable provision.

Section 704 of the Senate amendment would amend section 70119 of title 46, United States Code, to permit the Secretary to assess substantial separate and continuing civil penalties on operators of vessels and facilities to comply with MTSA. The total fines per violation would not exceed $50,000 during FY2006, $75,000 during FY2007, and $100,000 after FY2007. The Conference substitute adopts a provision that makes each day during which a violation of Chapter 701 of title 46, United States Code, is committed, a separate violation and caps a civil penalty for a violation at no more than $50,000. Additionally the conferees agree that the Secretary shall have the prerogative to take action against the nature, circumstances, and extent of the violation in assessing the penalty.

This section will add a dimension of enforcement to the law. However, a violation of the maritime transportation security act will be considered a civil penalty for each day an owner-operator remains non-compliant beyond the first day on which the violation was cited. Currently, the only alternative means of enforcement is for the Secretary to order cessation of vessel or facility operation until the owner or operator corrects the outstanding violation. This provision will expand the enforcement options available to the Secretary under MTSA, consistent with other similar provisions for a first-time violation for each day a violation remains outstanding.

Section 307. Training of cadets at United States Merchant Marine Academy

Section 307 of the Senate bill authorizes cadets at the Merchant Marine Academy to train aboard foreign-flagged liquefied natural gas (LNG) vessels if the Secretary determines that such training is in the interest of the United States.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

Currently, cadets at the Academy are prohibited from training aboard foreign-flagged vessels; however, there are no U.S.-flagged LNG vessels in operation. Future national energy strategies will likely place increased emphasis on the transport of LNG to U.S. shores. This provision is necessary to ensure merchant mariners with previous training and experience aboard LNG vessels. This authority will allow Merchant Marine Academy cadets to train aboard foreign-flagged LNG vessels so that U.S.-flagged LNG vessels come into operation.

Section 308. Reports from mortgagees of vessels

Section 411 of the House bill authorizes the Secretary to provide mortgagees in addition to those required of owners, masters and charterers. Section 12120 of Title 46, United States Code, authorizes the Secretary to require reports from mortgagees of vessels engaged in the Aleutian trade. The Conference substitute adopts the House provision.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

Section 309. Determination of the Secretary

Section 413 of the House bill would preclude the Secretary from considering any felony conviction that occurred more than 7 years prior to the date of the Secretary’s determination when evaluating whether an individual poses a terrorism risk for the United States for the purpose of obtaining a transportation security card. This provision also specifies that an appeal of a denial of an application for a transportation security card must include an opportunity for a hearing before an administrative law judge.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Secretary of the Department of Transportation to establish a review process before administrative law judges to consider an appeal of a denial of an application for a transportation security card.

Nothing in this section provides authority for the Secretary or the Administrative Law Judge to make a separate determination as to the qualifications of a crewmember who has previously obtained admission to the United States or removed from the United States under the Immigration and Nationality Act. Those determinations are made under the Immigration and Nationality Act and not section 70105 of title 46, United States Code.

Section 310. Setting, relocating, and recovery of anchors

Section 415 of the House bill prohibits the use of a vessel that has not been documented under U.S. law with a registry endorsement to move anchoring or other mooring equipment of a mobile offshore drilling unit located above or on the outer Continental Shelf.

Section 271 of the Senate amendment contains a similar provision that additionally prohibits the movement of merchandise or personnel to or from a point in the United States or to or from a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed or attached to the seabed but not actively explor- ing for and gas reserves.

The Conference substitute adopts a provision that prohibits the use of a vessel that does not hold a registry endorsement to set, move or recover equipment of a mobile offshore drilling unit located over the outer Continental Shelf or to transport merchandise or personnel to or from a point in the United States or to or from a mobile offshore drilling unit located over the outer Continental Shelf.

Section 311. International tonnage measurement of vessels engaged in the Aleutian Trade

Section 416 of the House bill would amend Chapter 33 of title 46, United States Code, to apply the current exemption from Coast Guard inspection for certain fish tender vessels that are 500 gross tons or less, as measured under the United States tonnage system, to vessels engaged in the Aleutian trade to such vessels that are 2,500 gross tons or less, as measured under the International Tonnage Convention.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

Under current law, fish tender vessels that are not more than 500 gross tons, as measured under regulatory tonnage, or an alternate tonnage to be promulgated by the Secretary, are exempt from Coast Guard inspection requirements. However, the Coast Guard has never promulgated the rule to establish an equivalent alternate tonnage under the international measurement system. As a result, the Aleutian trade fleet has experienced confusion and complications as vessel owners seek to proceed with fleet modernization plans that call for the replacement of current vessels with new vessels that have been measured under the International Tonnage Convention. This provision will alleviate the delay in implementing regulations establishing alternate tonnages as part of the transition from traditional regulatory tonnage to the international measurements system.

The conferees recommend that the Coast Guard and the Secretary take swift action to complete the regulatory process to adopt alternate tonnage systems for all vessel classes in the U.S. fleet.

Section 312. Riding gangs

Section 423 of the House bill would authorize foreign citizens who are not considered seamen and who do not carry out watchstanding functions aboard a vessel to enter U.S.-flagged U.S.-flagged vessels while underway. The provision also requires that any such foreign personnel
must possess a valid transportation security card that is required for maritime workers under section 70105 of title 46, United States Code.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provi-
section 214 of the Senate amendment in-
requires the Coast Guard to continue existing
The House bill does not include a comparable provision.

Section 404 of the House bill directs the

Section 215 of the Senate amendment in-

The Senate amendment does not include a compar-
comparable provision.

The Conference substitute adopts the
permits the vessel to be used for humani-

Section 402 of the House bill authorizes the

Section 401 of the Senate amendment in-

The Senate amendment does not include a
comparable provision.

The Senate amendment contains a similar provision, but requires the Commandant to deliver the vessel to the City between June 10, 2006 and June 30, 2006.

The Conference substitute adopts the Sen-

Section 409 of the House bill requires the

Section 216 of the Senate amendment re-

The Conference substitute adopts the

The Senate amendment does not include a
comparable provision.

The Senate amendment contains a similar provision, but requires the Commandant to deliver the vessel to the City between June 10, 2006 and June 30, 2006.

The Conference substitute adopts the Sen-

Section 408 of the Senate bill requires the

The Senate amendment does not include a compar-
comparable provision.

The Conference substitute adopts a provi-

acquired, a projection of the remaining operational lifespan of each legacy asset, a detailed justification for each modification to the original Deepwater plan to meet the Service’s requirements, a description of any and an explanation of the costs that will be required above the estimated costs of the original Deepwater program resulting from such modifications.

Section 409. Helicopters

Section 410 of the House bill would limit the number of HH-65 helicopters that the Coast Guard is allowed to acquire to no more than four and prohibit the Commandant from acquiring such helicopters until 90 days after the submission to Congress of a determination by the Commandant that the cost of acquiring used HH-65 helicopters and the cost to modifying those helicopters or airframes to meet the same design, construction, and equipment standards that apply to the current fleet of HH-65 helicopters is more cost-effective than an acquisition or leasing of a similar number of MH-68 helicopters.

The Senate amendment does not contain a comparable provision.
The Conference substitute adopts a provision that requires the Coast Guard to carry out a study to assess the current homeport for the Coast Guard cutter HEALY in Anchorage, Alaska. The Senate amendment does not contain a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to conduct a study to assess the current homeport for the Coast Guard cutter HEALY and to assess whether that site or alternative homeporting arrangements would enhance the Coast Guard’s capabilities to meet its missions in the Arctic. The study must be performed by an agency of the National Academy of Sciences (Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment). The Senate amendment does not contain a comparable provision.

The Conference substitute provides that the Coast Guard to report the findings of the study to Congress not later than one year after the enactment of this Act.

Section 410. Report on technology

Section 411 of the House bill requires the Commandant of the Coast Guard to report to Congress on the pollution of Newtown Creek in the city of New York, New York caused by oil seepage.
The Senate amendment does not contain a comparable provision.
The Conference substitute adopts the House provision with a modification to require the Environmental Protection Agency to carry out the study rather than the Coast Guard.

Section 411. Report on technology

Section 412 of the House bill requires the Commandant of the Coast Guard to carry out a study to assess the potential impacts, including costs and benefits, of a requirement that the Coast Guard only acquire helicopters or major helicopter components built in the United States. The conference substitute adopts an existing Senate provision that states whether a proposed wind energy facility would create an obstruction to navigation in any case in which a person requests the Commandant to take action to require the permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 405).
The Senate amendment does not contain a comparable provision.
The Conference substitute adopts a provision that prohibits the construction of an offshore wind energy facility in Nantucket Sound unless approved by the Commandant of the Coast Guard.

Section 412. Helicopters

Section 413 of the House bill requires the Commandant of the Coast Guard to prepare a report that includes an assessment of the availability and effectiveness of technologies associated with implementing such technologies already tested or in testing at the present time.
The Senate amendment does not contain a comparable provision.
The Conference substitute requires that the construction of an offshore wind energy facility in the Nantucket Sound unless approved by the Commandant.

Section 413. Report on technology

Section 414 of the House bill requires the Commandant of the Coast Guard to submit a report that includes an assessment of the availability and effectiveness of technologies that evaluate and identify inbounds vessels and track potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers, as well as the costs associated with implementing such technology at all United States ports.
The Senate amendment does not include a comparable provision.
The Conference substitute adopts a provision that is substantively similar to the House-passed provision.

Section 414. Assessment and planning

Section 415 of the House bill authorizes the Commandant of the Coast Guard to carry out an assessment and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska and to assess the pressing economic needs of the region.
The Senate amendment does not contain a comparable provision.
The Conference substitute adopts a provision that authorizes the Commandant of the Coast Guard to carry out an assessment of the impact of an Arctic Sea Route on the indigenous people of Alaska and to assess the pressing economic needs of the region.

Section 415. Assessment and planning

Section 416 of the House bill would prohibit the Commandant of the Coast Guard from approving a security plan under section 70109(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania until the Secretary conducts a vulnerability assessment under section 70109(b) of such title.
The Senate bill does not contain a comparable provision.
The Conference substitute adopts the House provision.

Section 416. Eligibility to participate in Western Alaska Community Development Quota Program

Section 417 of the House bill authorizes an amount of $400,000 to be appropriated to the Coast Guard to carry out an assessment and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.
The Senate amendment does not contain a comparable provision.
The Conference substitute adopts the House provision with an amendment to authorize the funding to the Maritime Administration to carry out the assessment and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

Section 417. Homeport

Section 418 of the House bill requires, subject to the availability of appropriations, the Commandant of the Coast Guard to homeport the Coast Guard cutter HEALY in Anchorage, Alaska. The Senate amendment does not contain a comparable provision.
The Conference substitute adopts a provision that requires the Coast Guard to conduct a study to assess the current homeport for the Coast Guard cutter HEALY and to assess whether that site or alternative homeporting arrangements would enhance the Coast Guard’s capabilities to meet its missions in the Arctic. The provision further requires the Commandant to report the findings of the study to Congress not later than one year after the enactment of this Act.

Section 418. Opinions regarding whether certain facilities create obstructions to navigation

Section 419 of the House bill requires the Commandant of the Coast Guard to provide an opinion in writing that states whether a proposed wind energy facility would create an obstruction to navigation in any case in which a person requests the Commandant to take action to require the permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 405).
The Senate amendment does not contain a comparable provision.
The Conference substitute adopts a provision that provides that the construction of an offshore wind energy facility in Nantucket Sound unless approved by the Commandant.

Section 424 of the House bill would prohibit the Commandant of the Coast Guard from approving a security plan under section 70109(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania until the Secretary conducts a vulnerability assessment under section 70109(b) of such title.
The Senate bill does not contain a comparable provision.
The Conference substitute adopts the House provision.

Section 424. Eligibility to participate in Western Alaska Community Development Quota Program

Section 426 of the House bill clarifies that if the Secretary of Commerce in its member villages. Any remaining investments with other CDQ groups in their member villages.

The Conference substitute establishes the requirements that each of the six CDQ groups must meet to maintain eligibility in the CDQ program. Each group must be governed by a board of directors, at least 75 percent of the members of which are resident fishermen from the CDQ group’s member villages, and have at least one director from each of its member villages. Each CDQ group must select a representative to serve on the CDQ panel.

The Conference substitute allows each CDQ group to make up to 10 percent of its total annual investments: (I) on non-fishery projects in its member villages; (II) on pooled or joint investments with other CDQ groups in their member villages; (III) for the purpose of matching Federal or State grants for projects or programs in its member villages. Any remaining...
investments must be in fishery related projects or for purposes consistent with the current practices of the CDQ groups. It also requires each CDQ group to submit an annual report to the Secretary of Commerce and the State of Alaska which summarizes its investments for the previous year.

The Conference substitute requires each of the six CDQ groups to comply with any excessive share limitations in the BSAI fisheries only to the extent of their proportional ownership in any other entities. This provision is intended to address the inherent conflict between excessive share limitations in the fisheries and the CDQ program’s goal to expand the economic base of the adjacent communities through investment in the fisheries.

The excessive share limitations imposed by the North Pacific Council, Secretary, and Congress are intended to prevent for-profit entities and individuals from acquiring excessive shares of fishing privileges in the fisheries. The excessive share concept stems from National Standard Four of the Magnuson-Stevens Act. It pre-dates the CDQ program and fails to take into account the unique characteristics of the CDQ program.

The Conference substitute would therefore exempt CDQ groups from the “excessive share” requirements of the American Fisheries Act, the commercial fishing rules, and other applicable regulations. Under the “excessive share” rule, any entity is attributed with the entirety of another entity’s harvesting or processing capacity if it owns at least 10 percent of the other entity. Under the substitute, if a CDQ group owns 25 percent of another entity, only 25 percent of the other entity’s fishing capacity would be attributed to the CDQ group.

The Conference substitute requires each CDQ group to comply with State of Alaska law for the purpose of ensuring that the group is responsible and accountable for its own investments. The group must submit an annual report to the Secretary of Commerce and the State of Alaska which summarizes its investments for the previous year.

The Conference substitute requires each CDQ group to comply with State of Alaska law for the purpose of ensuring that the group is responsible and accountable for its own investments. The group must submit an annual report to the Secretary of Commerce and the State of Alaska which summarizes its investments for the previous year.

The Conference substitute requires the Secretary to base the CDQ program on the decennial review of the CDQ program by the State of Alaska. The decennial review must be conducted in 2012. The CDQ Panel establishes a system to be used by the State of Alaska for purposes of (I) the CDQ Program, which CDQ group to assign relative values to certain criteria in order to match the relative weights of the criteria to the specific needs identified by the panel; (II) the overall performance of each CDQ group, including its fishery and non-fishery investments; (III) the employment, scholarships, and training supported by the CDQ group; (IV) the achievement of the goals of the entities Community Development Plan. Each CDQ group would weigh these criteria to reflect the needs of its member villages.

The Conference substitute would adopt a provision that requires the Secretary of Commerce to provide for a hearing. If the State applies the CDQ program’s regulations to a CDQ group, the Secretary must make a determination on the record and after an opportunity for a hearing. If the Secretary makes a determination, the Secretary may determine an appropriate reduction of up to 10 percent of each species for all or part of the next 10-year period.

The Conference substitute requires the Secretary to make each performance determination on the record and after an opportunity for a hearing. If the Secretary makes a determination, the Secretary may determine an appropriate reduction of up to 10 percent of each species for all or part of the next 10-year period. If, on the other hand, the Secretary determines that a CDQ group has failed to maintain or improve its performance as measured by the criteria, then at least 90 percent of the CDQ group’s allocation of each species under is automatically extended, and the State may determine an appropriate reduction of up to 10 percent of each species for all or part of the next 10-year period. If State law prevents the State from making this determination then the Secretary may make the appropriate reduction. Any reductions imposed by the Secretary of Commerce under this section must be in accordance with the decennial review conducted by the State of Alaska.

The Conference substitute requires each CDQ group to comply with State of Alaska law for the purpose of ensuring that the group is responsible and accountable for its own investments. The group must submit an annual report to the Secretary of Commerce and the State of Alaska which summarizes its investments for the previous year.

The Conference substitute requires each CDQ group to comply with State of Alaska law for the purpose of ensuring that the group is responsible and accountable for its own investments. The group must submit an annual report to the Secretary of Commerce and the State of Alaska which summarizes its investments for the previous year.

The Conference substitute requires the Secretary to comply with the decennial review conducted by the State of Alaska.

The Conference substitute establishes a community review panel to review the decisions of the CDQ groups. The Secretary must give each member village of the CDQ group the opportunity to review the decisions of the CDQ group. The panel must give each member village the opportunity to review the decisions of the CDQ group. The panel must give each member village the opportunity to review the decisions of the CDQ group. The panel must give each member village the opportunity to review the decisions of the CDQ group.

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The Conference substitute requires the Secretary to comply with the decennial review conducted by the State of Alaska.
for approval of models, and procedures for annual performance testing.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to conduct a study that examines the costs and benefits of carriage of a voice data recorder aboard vessels with 400 or more passengers. The Coast Guard is required to submit the findings of the study to Congress not more than 1 year after enactment and to include a description of any regulatory or legislative language if it is deemed appropriate and necessary.

Section 421. Distant water tuna fleet

The Senate amendment does not contain a comparable provision.

Section 231 of the Senate amendment would permit U.S.-flag purse seine fishing vessels that operate out of American Samoa and that fish exclusively for highly migratory species under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America to utilize non-United States licensed and documented personnel to meet manning requirements for a 48-month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

The Conference substitute adopts a provision that would permit such U.S.-flag vessels to utilize foreign citizens that hold a valid U.S. license issued in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 95) as applicable. This provision maintains the requirement that the vessel’s master be a U.S. citizen licensed by the Coast Guard and provides that this exemption applies only when no U.S. licensed and documented personnel area available. The substitute maintains the sunset and geographical restrictions that were included in the Senate amendment.

TITLE V—LIGHTHOUSES

Section 501. Transfer

Section 501 of the House bill transfers administrative jurisdiction from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating over several National Forest System lands in the State of Alaska upon which are located certain Coast Guard facilities, and over improvements situated on the lands, without requiring consideration and directs the Secretary of Interior to select an eligible entity under the National Historic Lightstation Act (25 U.S.C. 137) to take custody of the structures and surrounding lands once the Coast Guard has determined that the land is excess property.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 502. Misty Fiors National Monument and Wildlife Refuge

Section 502 of the House bill permits the Secretary of the department in which the Coast Guard is operating to transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration, if the Secretary determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard. The Commandant of the Coast Guard, however, may reserve rights to operate and maintain Federal aids to navigation at the site.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 503. Miscellaneous light stations

Section 503 of the House bill specifies that, for purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 19 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as originally described in the map entitled ‘Cape St. Elias Light Station,’ dated September 14, 2004. That law authorized the Commandant of the Coast Guard by the Secretary of the General Services Administration, as appropriate, to convey all right, title, and interest of the United States to Cape St. Elias Light Station to the Cape St. Elias Light Keepers Association; however, it did not clearly describe the property to be conveyed. This provision provides a description of this property.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that transfers section 525(c)(3) of the Coast Guard Authorization Act of 1993 (Public Law 103–206; Stat. 3452) to include several housing units and its appurtenances at the property that was transferred in association with the National Wildlife Refuge in the State of Washington under that Act.

Section 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge

Section 504 of the House bill revokes the reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1938, as amended by Public Land Order 655, dated January 9, 1979, consisting of approximately 85 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida. Administrative jurisdiction over this land, and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimburse-ment. However, any Federal aids to navigation located on the land shall continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes, and the Coast Guard may remove, replace, or install any Federal aids to navigation at the Refuge as may be necessary.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that prohibits the transfer of the property until the Coast Guard has completed all response and restoration activities at the site.

TITLE VI—DELAPWARE RIVER PROTEC- TION AND MISCELLANEOUS OIL PROVI-SIONS

Section 601. Short title

Section 601 of the House bill states that the legislation may be referred to as the “Delaware River Protection Act of 2006.”

The Senate amendment does not contain a comparable provision.

The Conference substitute states that this title may be referred to as the “Delaware River Protection Act of 2006.”

Section 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

Section 602 of the House bill establishes a requirement to notify the Coast Guard of a release of an object from a vessel or facility that creates an obstruction to navigation. Individuals who fail to “promptly” notify the Coast Guard of a loss of such an object will be subject to civil penalties under the Ports and Waterways Safety Act.

Under Subchapter C of title 33, Code of Federal Regulations, owners of sunken or submerged vessels that could obstruct navigation in U.S. waters must mark and report the presence of the object. However, there is no current statutory or regulatory requirement that an owner of an object, other than a vessel, notify the Coast Guard and release it into the navigable waterways of the United States. This provision will address that discrepancy and will improve the Coast Guard’s capabili- ties to maintain safe and efficient navigation on U.S. waterways.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 603. Limits on liability

Section 603 of the House bill amends the Oil Pollution Act of 1990 oil spill liability limits to reflect the change in the Consumer Price Index (CPI) since the Act’s passage in 1990. The provision would increase the liability limits for single-hull tank vessels to $1,200 per gross ton and for double-hull tank vessels to $1,900 per gross ton; and for non-tank vessels to $1,200 per gross ton and for nontank vessels to $1,900 per gross ton. This amount is equal to twice the adjusted level approximately $525 per gross ton) based on the increase in the CPI from 1990–2004. The provision requires the President to adjust the liability limits within three years of the enactment of the Act and every three years thereafter.

OPA established liability limits for tank vessels at a level of $1,200 per gross ton. Under OPA, liability for cleanup costs and damages resulting from oil spills rests with a “responsible party” who is either the owner or operator of a vessel. In the event of a spill, the responsible party must pay reasonable and necessary response costs and damages to claimants who are injured by the spill. Damages may include natural resources damages, damages to real or personal property, damages for loss of use of personal property, and damages for lost revenue or profit caused by a spill, and damages for the cost of government response necessitated by the spill.

The President is required to adjust these limits every three years according to changes in the Consumer Price Index (CPI). Despite this requirement, such adjustments have been made. The Secretary of the Department of Homeland Security has recently delegated this authority to the Coast Guard.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to increase liability limits for single-hull tank vessels to $3,000 per gross ton; for double-hull tank vessels to $4,000 per gross ton; and for nontank vessels to $550 per gross ton. These adjustments are based on the projected increase in the end-of-year CPI figure for calendar year 2006. The substitute also requires the Coast Guard to report a period within 45 days of enactment of the Act on the extent to which response resources have or are likely to result in response costs and damages that exceed these

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new limits, the impact on the Oil Spill Li-
ability Trust Fund, and recommendations on
whether the liability limits need to be fur-
ther adjusted. This report is to be updated
annually.

Section 604. Requirement to update Philadelphia
area contingency plan

Section 604 of the House bill requires the
Philadelphia Area Committee to annually up-
date the contingency plan to include the most
recent environmental sensitivity data that has
been collected by State and Federal agencies.

The Senate amendment does not contain a
comparable provision.

The Conference substitute adopts the House
provision.

Section 605. Submerged oil removal

Section 605 of the House bill requires the
National Oceanic and Atmospheric Admin-
istration (NOAA), in conjunction with the
Coast Guard, to establish a submerged oil re-
search program to research methods to de-
tect, monitor and remove submerged oil
and improve modeling capabilities to better
predict the movement and behavior of sub-
merged oil. The program also requires the
Coast Guard to carry out a demonstration
project to demonstrate technologies and
processes to detect and remove submerged
oil from waterways including the Delaware
River. The Senate amendment does not contain
a comparable provision.

The Conference substitute adopts the House
provision with an amendment to limit the
scope of the submerged oil research pro-
gram to the Delaware River and Delaware
Bay region.

Title VII of the Oil Pollution Act estab-
lishes an Oil Pollution Research and Devel-
opment Program. The provision also requires
the Coast Guard to carry out a demonstration
project to demonstrate technologies and
processes to detect and remove submerged
oil within the water column.

The conferees recommend that the efforts of
the research program be focused on de-
veloping methodologies to remove or dimin-
ish the persistence of submerged oil that is
currently found in the Delaware River. Further,
the conferees recommend that the effort of the
demonstration program be concentrated on evaluating
methods and technologies of removing submerged oil of
the type that was released into the Delaware
River as a result of the grounding of
the Athos I.

The Senate amendment contains a comparable provision.

The Committee is tasked with developing
recommendations for Congress on the pre-
vention of and response to future oil spills on
the Delaware River and Bay. The Senate
amendment does not contain a comparable provision.

The Conference substitute adopts the House
provision with an amendment to in-
crease the membership of the advisory com-
mittee.

The conferees do not intend the advisory
committee established under this section to,
incident to any area impacted by the oil spill,
and responsibilities inherent to any existing
advisory committees including the Mariners
Advisory Committee for the Delaware River
and Bay. The conferees establish a sub-
committee established under the Oil Pollution Act of 1990 or
under Chapter 701 of title 46, United States
Code, nor do the conferees wish the advisory
committee to duplicate the work of these other entities.

The Senate amendment contains a comparable provision.

The Senate amendment contains a comparable provision.

The Senate amendment contains a comparable provision.

The Senate amendment contains a comparable provision.

The Senate amendment contains a comparable provision.

The Senate amendment contains a comparable provision.

The Senate amendment contains a comparable provision.

The Conference substitute adopts the Senate
amendment with an amendment to increase the
membership of the advisory committee.

The Senate amendment contains a comparable provision.

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The Senate amendment contains a comparable provision.
the Coast Guard to analyze the impacts of Hurricane Katrina on Coast Guard assets and operations, the Coast Guard’s preparedness for such a storm, the Coast Guard’s capabilities to prosecute during and after the storm, and the financial impacts unbudgeted increases in the price of fuel on Coast Guard operations in FY’s 2005 and 2006.

The Conference substitute adopts the Senate provision.

Section 706. Report on impacts on navigable waterways

The House bill does not contain a comparable provision.

Section 709 of the Senate amendment requires the Coast Guard to submit a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

The Conference substitute adopts the Senate provision.

TITLE VIII—OCEAN COMMISSION

RECOMMENDATIONS

Section 801. Implementation of international agreements

The House bill does not contain a comparable provision.

Section 302 of the Senate amendment requires the Secretary to work with responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization (IMO) to enhance flag state oversight and enforcement of security, environmental, and other agreements adopted within the IMO, including implementation of a code outlining flag state responsibilities and obligations, an audit regime for evaluating flag state performance, measures to ensure that responsible organizations are acting on behalf of flag states, best established performance standards, and cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

The Conference substitute adopts the Senate provision with a technical amendment to clarify that the Secretary shall work with our international partners to accelerate the implementation and enforcement of those international agreements to which those nations are a party.

Section 802. Voluntary measures for reducing pollution from recreational boats

The House bill does not contain a comparable provision.

Section 303 of the Senate amendment requires the Secretary to, in consultation with appropriate federal, state, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and to support voluntary programs to reduce such pollution and encourage the early replacement of older two-stroke engines.

The Conference substitute adopts the Senate provision.

Section 803. Integration of vessel monitoring systems

The House bill does not contain a comparable section.

Section 304 of the Senate amendment requires the Secretary to report on steps that the Coast Guard will take to significantly improve the Coast Guard’s detection and interdiction of foreign fishing incursions into the United States exclusive economic zone by foreign fishing vessels.

The Conference substitute adopts the Senate provision with an amendment to also include incursions in the Bering Sea within the scope of the report.

TITLE IX—TECHNICAL CORRECTIONS

Section 401 of the House bill makes several technical corrections to current law related to the Coast Guard and maritime transportation.

Sections 501–516 of the Senate amendment make several conforming amendments to current law to reflect the transfer of the Coast Guard to the Department of Homeland Security from the Department of Transportation.

Sections 520, 521 of the Senate amendment make several other amendments that are technical or conforming in nature.

The Conference Report makes several technical and conforming amendments to statutes related to Coast Guard and maritime transportation and establishes an effective date for technical amendments that were included in the Senate amendment.

From the Conference substitute, for consideration of the House bill and the Senate amendment, and modifications committed to conference:


From the Conference substitute, for consideration of section 408 of the House bill, and modifications committed to conference:


From the Conference substitute, for consideration of sections 410, 414, and 424 of the House bill, and sections 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference:

- Bennie G. Thompson, Don Young, Frank A. LoBiondo, Howard Coble, Peter Hoekstra, Pete Sessions, Mario Diaz-Balart, Charles W. Boustany, Jr., James L. Oberstar, Bob Filner, Genn Taylor, Brian Higgins, Allyson Y. Schwartz, Don Young, Frank A. LoBiondo, Howard Coble, Peter Hoekstra, Pete Sessions, Mario Diaz-Balart, Charles W. Boustany, Jr., James L. Oberstar, Bob Filner, Genn Taylor, Brian Higgins, Allyson Y. Schwartz.

From the Conference substitute, for consideration of sections 426, 427, and title V of the House bill, and modifications committed to conference:


From the Conference substitute, for consideration of sections 410, 414, and 424 of the House bill, and sections 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference:

- Frank R. Lautenberg, Managers on the Part of the Senate.

THE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. Fortenberry), Under the Speaker’s announced policy of January 4, 2005, the gentleman from Georgia (Mr. Gingrey) is recognized for 60 minutes as the designee of the majority leader. Mr. GINGREY. Mr. Speaker, I am very happy, of course, to be here tonight to take this leadership, to take this leadership hour and talk about something that is really near and dear to my heart but, more importantly, near and dear to the hearts of 41, 42 million seniors in this country who finally, because of the leadership of this Republican leadership and this President, have delivered on a promise that was made years ago. And that delivery, I know a lot about them because as an OB/GYN physician before coming to Congress, I delivered 5,200 babies, but this may be the best delivery that I have ever been a part of. Mr. Speaker, and that is delivering, as I say, on a promise made by former Congresses and other Presidents over the 45-year history of the Medicare program, which has been produced in the form of prescription drug benefit. And what we have done here is add part D, the “D” for “drugs” or, if you want, the “delivery” that we have finally provided to our American seniors.

This prescription drug benefit is a wonderful thing, and, of course, we are going to talk about that tonight. I have a number of my colleagues that have joined me, and we will be getting information from them, from their districts. We will be engaging in colloquy as we go through the hour. Mr. Speaker, talking about the success stories because we do not want to stand up here for an hour and expect people to take our word for this. I think it is very important, Mr. Speaker, that the American people understand the politics of it and that we have from the 11th District of Georgia that I represent or whether they are from the gentlewoman’s Virginia District, Representative Thelma Drake, who is here with us, and others. When we passed the bill in November 2003 and the President signed it into law shortly thereafter in December, we had so much criticism from the other side of the aisle, it was really amazing. Of course, maybe I could understand the politics of it back then because we had finally delivered on a promise that maybe they had made and not delivered on. But we are into the sign-up period, and, in fact, May 15, after that date there is a penalty for late signing up, and yet the other side is still discouraging the 8 million that have not yet signed up. And that is, Mr. Speaker, I think just so disappointing.

I have had for the last 1½ years the criticism from the Democrats about this program being nothing but a giveaway to the pharmaceutical industry, that the program was designed by them, that the government cannot negotiate price controls.

Well, I want to take a few minutes, Mr. Speaker, before yielding to my good friend from Virginia. Listen to this: on March 9, 2000, the Clinton
White House released the following “united vision for a new Medicare prescription drug benefit.” Many parts of this vision closely mirror the Republican-passed plan that the Democrats have been opposing and criticizing for a 1½ years. And I take this text that I am going to read directly from the Clinton White House Web site.

The White House, Office of the Press Secretary: “President Clinton and Senate Democrats united in vision for new Medicare prescription drug benefit for immediate release March the 9th, 2000. Senate Democrats agree on principles for a new Medicare prescription drug benefit. Today Senator Daschle and the Senate Democratic Caucus released a set of prescription drug principles that will guide the current congressional debate over the provision of a new Medicare prescription drug benefit to millions of seniors. These principles state that any new benefit should be: Number one, voluntary. Sound familiar? “Medicare” prescription drug plans who now have dependable, affordable coverage should have the option of keeping that coverage.

“Accessible to all beneficiaries.” Again, sound familiar? “All seniors and individuals with disabilities, including those in traditional Medicare, should have access to a reliable benefit designed to give beneficiaries meaningful protection and bargaining power. A Medicare drug benefit should help seniors and the disabled with the high cost of prescription drugs and protect against excessive out-of-pocket costs.”

The catastrophic coverage in our plan. “It should give beneficiaries bargaining power that they lack today and include a defined benefit, assuring access to medically necessary drugs.” Exactly what this Republican Medicare modernization part D bill does.

“Affordable to all beneficiaries and the program Medicare should contribute enough towards a prescription drug premium to make it affordable for all beneficiaries.” While subsidies should be provided to all to assure the benefit is affordable, low-income beneficiaries should receive extra help with the cost of premium and cost sharing.

“Again, Mr. Speaker and my colleagues, does that sound familiar? That is exactly what this bill does.”

Let me continue because this is just so instructive. Again, this is the Bill Clinton Presidency and Democratic Congress plan back in 2000.

“Administered using private sector entities and competitive purchasing techniques. Discounts should be achieved through competition, not regulation or price controls.”

“They have been griping about this for 1½ years, and the plan calls for private competition and no price controls.

2000

It should mirror practices employed by private insurers in private organizations. Private organizations should negotiate prices with drug manufacturers and handle the day-to-day administrative responsibilities of the benefit.” That is exactly what this plan does and what they have been railing about, again, for the past year-and-a-half. So hypocritical, it is unbelievable.

So I just wanted to bring this press release, this Clinton press release, and show you that the Democrats really wanted to do this, they couldn’t deliver. They could not deliver on the goods, and they can’t stand it. TheyYeah, that is another fact that this President, who they despise, who they detest, and this Republican leadership, who has been in control of this Congress for the last 12 years and is delivering, is getting things done, is not just simply sitting back and throwing bricks and screaming and hollering. And as we get closer and closer to the deadline, the rhetoric will continue to increase.

Well, I just wanted to start the hour. Mr. Speaker, certainly not on a negative tone, because we are very positive about this. I personally as a physician Member am extremely excited that we are leaving tomorrow, most of us will be leaving tomorrow, back to our districts for a 2-week work period.

I am told by our Conference chairperson, the gentle lady from Ohio, Deborah Pryce, that the Republicans, the 231 of us in this body, have scheduled over 200 town meetings over this 10-day period while we go back home and work for our seniors, not against our seniors.

I am excited about it, because I have four of these scheduled in my district, and I am really looking forward to it and looking forward to help get those few, I think I said at the outset that some 27 million of 41 million eligible have now signed up, probably 5 or 6 million of those who have not already have a drug plan. We understand that. They have a plan, whether it is TRICARE, if they happen to be a veteran, or the widow or widower of a veteran, or they are signed up under a company that they worked many years for and retired with not only health insurance benefits, but a prescription drug coverage. They don’t need it. But there are still 6 or 8 million that do, and that is why I am excited to get home and bring the good news to them.

At this point I want to yield to my colleagues. We have several with us here on the floor tonight, Mr. Speaker. The gentleman from Pennsylvania is the first to stand, and I want to recognize him.

I want to say a little bit about him before I turn the microphone over to Dr. Murphy.

Dr. Tim Murphy is a classmate of mine. We worked in the 108th Congress. We have served together now for about 3½ years. He and I actually cochair the Republican Health Care Public Relations Committee. We could probably spend this hour talking about any number of issues regarding health care that the Republicans have done.

But we are going to concentrate, as I said at the outset, and talk about this Medicare modernization. We don’t want to forget that part, because that is almost as important as the prescription drug part.

At this time, I am very proud to yield to my friend from Pennsylvania, Dr. Representative Tim Murphy.

Mr. Murphy, I thank the distinguished doctor from Georgia for yielding to me and for your important information for our colleagues and really for our Nation to understand the importance of the Medicare prescription drug plan.

Some of the things said will bear repeating several times over the next few weeks, and one of the points I want to talk about, as you have discussed as well, is misinformation that is sent out about this plan.

Any time something is new, there is going to be some glitches. All of us, when our children were new, well, we knew as parents we didn’t exactly know everything we were doing and we have had one or two, but we persevered and our children turned out well. No matter what one does in life, when it is something new in learning the ropes of it, it is going to take a little adjustment.

But as we were signing up 27 million seniors at a rate sometimes approaching 400,000 a week, the system wasn’t always perfectly ready for all of them, and there were some glitches, particularly for some folks who were dual eligible.

But the point is HHS or Medicare responded, put extra people on board, worked out some of the glitches, and I am pleased to say that many of the seniors that I talked to are very pleased with this program.

As a matter of fact, I was recently giving a town hall meeting, there must have been 200 people in the audience there, and I asked how many of them have yet to sign up for a Medicare plan? Not a single hand went up. It seems that all of them had looked at the plan at that point, and that Pennsylvania had chosen a number of things.

One gentleman decided to stick with the veterans plan. He liked that. He had served in the military for many years now as a veteran. Another woman was pleased that she could maintain the Pennsylvania PACE plan for low income seniors that worked well for her. Another lady said she was actually saving several hundred dollars so far, and it was only March, with the Medicare prescription drug plan.

It is folks like this who really tell the truth about what is going on. While politicians may be out there trying to scare seniors, it is the seniors themselves that are perhaps the best salesmen saying it is valuable.

It was only a short period ago that the stories that were always in the newspapers were of seniors getting on board busses and going off to Canada to pick up their prescription drugs, or perhaps using mail order systems to...
try to pick up prescription drugs. But I want to point out a couple of things that is important that.

One, a study of the overall costs of traveling off to Canada, it turns out that the overall cost savings was probably only around 1 percent when you looked at it. But AARP and others have said that actually the savings that comes from the Medicare prescription drug plan are at least equal to and sometimes better than traveling across the non’s lines to pick up drugs. Also a very, very important savings factor here is not just a matter of saving money, but saving lives. And in the process of seniors trying to find drugs that are affordable to them, Mr. Speaker, what they are also doing is getting on the Internet or going through mail order houses and trying to pick up prescription drugs from foreign sources and tragically finding that those sources contain counterfeit drugs.

Once used to treat schizophrenia, it turned out to be nothing more than white pills that said the word aspirin on them. Other medications had water in them that was tainted. Other have had paint or foreign substances in them.

The point is, not only were they sometimes toxic in and of themselves, but in not treating the illness, the things that went with that is sometimes having seniors take medications that they could have been allergic to or take medications that certainly, at the very least, were not treating their illness.

But having an affordable prescription drug plan, what we have instead is getting the right medicines to the right people so that they are taking medications that are valuable to them and can help treat their illnesses.

But let me point out, some more things we have to understand, because as people also look at the expense of a prescription drug plan, we have to understand that, unfortunately, the way this system works in the Federal Government, the Congressional Budget Office doesn’t even tell us how much we save. But take a listen at a couple of these points.

First of all, ulcer surgery has become a relic of the past. New drugs, Nexium, Prilosec, other things we have seen advertised, really have ended up treating ulcers so well that surgical procedures to correct ulcers has fallen, and today it is really a thing of the past.

Medicare’s hospitalizations and surgery for heart disease. Drugs that reduce, for example, cholesterol levels and other things that in the past had been an automatic admission to a hospital and bypass surgery and angioplasty we now find are going down.

Medications to treat Alzheimer’s disease. Medications that have also worked out there to improve the cognitive functioning over time and keeping people out of long-term care and nursing care longer.

Also, listen to this, overall new medicines play a significant role in the life expectancy gains made in the U.S. and around the world. Recent research published in the Journal of Health Affairs concludes that new medicines generated 40 percent of the 2-year gain in life expectancy achieved in 52 countries between 1986 and 2000. In other words, the things we have instead is getting the right medicines to the right people, that improve quality of life of children. There is a wide range.

But the main thing is before the Medicare prescription drug plan came into effect, so many seniors, well, it was much like window shopping. You could look in the shop and admire the merchandise, but you couldn’t go in to get it. Now that has changed. And that is a message that we need to be telling across America as we are doing tonight and our colleagues are going to do during this break.

It is of no value, as a matter of fact, it is a negative value and of questionable ethical value I think sometimes if people only spend their time criticizing it. It needs to be in the discussion, the debate, program, as with any program that occurs, whether it is a public or private program, criticizing it, standing on the outside and frightening seniors, frightening seniors into thinking that because there was complexities and difficulties, therefore they should not sign up.

I worry about this, Mr. Speaker. I worry because when I have held town meetings and I have heard seniors say “I heard this is difficult; I don’t think I can understand it so I have been holding off doing it,” my worry is in those circumstances, when the people are just playing politics with patients and frightening seniors away from this program, what is the senior needed medication and they did not get it because someone frightened them away?

The point is, if one dials 1-800-Medicare, they can talk to someone who is helpful. If they go on to web sites, Medicare.gov, they can get the information that they need. They can sit down with a family member or friends. And many drugstores, many pharmacists throughout the Nation will provide the kind of consultation free of charge to help seniors walk through this. If they need their names, address, their Social Security number, the names of the drugs they are on, the dosage levels they take, the prices they pay.

And don’t just compare what it is today when you have the deductibles and copays. Look at what happens to the long-term costs throughout the year and look at those prices and determine which of the many plans available are the best ones for you. That is the message we should be telling seniors.

You know, so often in America we criticize that costs go up when people do not have a choice. Here with Medicare, people do have a choice. They have a choice of looking through many, several plans. They have a choice of doing nothing at all, quite frankly. But it is something that is available to seniors. And the message about this is having the availability of medications which can be lifesaving and life extending and help the quality of life, make the difference between someone who may be bound up in a nursing home and someone who is home. And those are the kinds of stories that Americans need to be talking about.

While there are those criticizing frightening seniors, let’s remember this. Instead of frightening seniors, we should be thinking, before the Medicare prescription drug plan, maybe, just maybe, we could have done so much to help seniors throughout the Nation know this and help our colleagues know this.

There is the deadline coming up next month for seniors to sign up, and it is the deadline before they need their medicines. And many are looking towards that deadline to sign up. Some have waited a little bit and want to see some glitches out of the program. Many of those are being addressed now. I certainly congratulate the Secretary of Health and Human Services for all of the work he has been doing to get this message out.

But we are not done, and as colleagues we need to be working together for the sake of our patients. It’s stop playing political games and really do what is right and decent and honorable for America’s seniors.

I yield back to the gentleman from Georgia, and I thank you so much for sharing the time.
In this press release it says, and this is one of the bullet points, “Consistent with broader reform. The addition of a Medicare drug benefit should be considered as part of an overall plan to strengthen and modernize Medicare. Medicaid is the safety net for the 36 million people who are falling through the cracks and those are the same people who are in the District of Columbia where a lot of Members of Congress have been holding meetings since last fall.

Now, of course I have seen a great number of increase in people once we got into the first of the year after last fall. But I would also like to thank our pharmacists. I have had town hall meetings where pharmacists have come. I have had people in the Second District tell me they go to the pharmacy at their drugstore, leave their information and go out with their pharmacists, come back later and the pharmacist has run the program for them.

Well, as you said, I am a freshman so I was not in Congress or the vote in 2003, but by holding meetings throughout the district I have learned an incredible amount about this program, and I have heard what our seniors are concerned about and certainly I have read the newspaper articles that say it is a confusing program. I would disagree with that completely. But I didn’t know that not only were our seniors hearing from Medicare, they were hearing from me, and they were hearing from all of the 18 companies in Virginia as well. And I think that was one of the concerns in 2003, was would companies step up, would they offer this? And what we have seen overwhelmingly is yes, companies have stood up. Companies have created competition. They have reduced the price on the programs.

Our seniors have not only a voluntary program in this Medicare program, if they choose to do exactly what they are doing and do not want the program to mean that long in mind, that they know there are other options out there for them that are certainly much less expensive. And I know that the underlying premise when this was passed was that if we keep people well our overall health costs would be less. And as a congressman Murphy just told us, it is much cheaper to provide a prescription drug for heart disease than it is to do heart surgery.

We have also heard the stories in 2003 about our seniors who either were not eating, were not heating their homes or were not buying their prescription drugs. I commend Congress for passing this legislation and all the people that have worked to put it in place. 42 million Medicare recipients and of that we know we are at 27, 28 million people right now. Six million do not need to sign up because they have as good or better coverage through a better plan. And our goal between now and May 15 is find the other 6 million people and make sure they know about the program.

Some of the things I have learned in the district, first of all, seniors did not understand that this is available to everyone. There is no income qualification. If you are eligible for Medicare you are eligible for this program.

I had one couple come just to ask me one question and they raised their hands early in the program and the pharmacist said she needed health care coverage through my employer. I am retired. He said, but when I die my wife cannot continue in the program. So what does she need to do? And the answer was she is completely covered. When she loses that coverage, then she can go into Medicare part D with no penalty and she can go in within 60 days of losing that coverage. So little things like that.

One man raised his hands and he said, I was talking to my insurance agent, because it is important to remember that Medicare part D is not a government program. It is private sector projections with a reduced premium because of the Federal Government. He said, my insurance agent told me it was okay to buy a plan that didn’t cover my prescriptions. And I said, no, that is the wrong answer. You can not just buy a plan until then because you get them in the right place. But if you sit down at the computer, and I have done it myself, and I just go to www.medicare.gov and you scroll down very slowly and you do not go off into somewhere on the left-hand side of the screen, you just keep scrolling down. Answer the questions. Put in the information and, most importantly, what are the drugs that you take, and what kind of program do you sign up for. They have all the programs and give you the very best options.

I stopped and visited a friend on New Year’s Eve. She had recently lost her husband and I thought that would probably be a tough time of the year for her. While I was there I asked the question I seemed to ask all seniors today and that is, what are you doing about Medicare part D? When I asked I was surprised that she had no prescription drug coverage. And she said, I only take one prescription. It is $78 a month now and I don’t take it anymore. And I said, well, there are choices out there and maybe you should call or you should write and you should get the information.

She said, I have already done that and she had the chart laid out of three plans that covered her drug. As she talked to me and looked at the plans, it became very apparent that there was one plan that would cost her $25 a month, $35 for her prescription, and she was going to sign up by signing up for that plan and that makes the assumption she won’t take any additional drugs or the course of this year.

I think it is important, and you have talked about the May 15 date, and our seniors I think are well aware that since this is a private sector insurance policy and it has open enrollment, it has penalties. If you do not sign up in time, just like a lot of others insurance products, there will be a penalties after May 15. Our concern throughout the whole year is so important to remember is that if you do not sign up, May 15 enrollment is closed until November 15 and then you
can sign up for January 1. So our seniors could be facing 7 months of not being able to get into the program simply because they didn’t realize that. They didn’t understand what their real choices were.

So if everyone who is working hard to tell them. Thank you for holding this tonight. Thank you for giving me the opportunity to talk. There are lots of success stories in the Second District. And I know you have other Members who want to talk about it as well. So I thank you for giving me the opportunity. I certainly am grateful. I know our seniors are once they are signed into the plan for what this plan offers to them.

When I talk to people my age or their parents, because they will come to our meetings, their first question is, How do I get it? My answer is, You have to be 65. So thank you very much.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman so much for being with us tonight. I want to be able to expand just a little bit on her comments in regard to the penalty, as she explained it very carefully as to why that is necessary part of an insurance program.

By the way, Mr. Speaker, that is the exact same situation that exists with Medicare part B. Medicare part B was there in 1965 but it was the optional part. I think former President Truman was the first person to actually voluntarily enroll in part B, the doctor part where it is premium based, and the individual Medicare beneficiary pays 25 percent of the costs and the taxpayer and Medicare, if you will, pays 75 percent.

I will bet you, Mr. Speaker, I will bet you that 98, 99 percent of seniors voluntarily sign up for part B and they do it within the 6-month window of opportunity because if they go beyond that then just like in this part D, because a person is self-employed, low income, for example, as Representative DRAKE pointed out. If they do not sign up for it and they go beyond the sign-up period, and then all of the sudden they get sick and they go from taking that one drug a month at $78 that she talked about to taking five at $5,000 a month, then they should pay more for their premium. So it is very important and it is not a punitive thing, but it is there to make the program work.

Mr. Speaker, we are again honored by one of our colleagues who has served in this House. I think this is his fourth term, and I am talking about the gentleman from Minnesota who I think very soon after November will be the United States Senator from Minnesota, and I am speaking not more than Representative MARK KENNEDY.

Representative KENNEDY, thank you for being with us tonight. I yield to you at this time.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman for his leadership on this issue and all that he has done to make sure that our seniors understand how important this program is and how it can really benefit them. Too many are out there trying to just dish the program and spread really complicating lies about it and scaring seniors. That is not what we ought to be doing to our seniors.

We ought to be doing it making sure they understand the benefits that can be available to them. Through the efforts of you, so many in the community, as was mentioned, more than 27 million seniors are now enrolled in the Medicare part D prescription drug benefit. They are seeing hundreds, even thousands of dollars of savings. In fact, CMS, the Centers for Medicare and Medicaid Services, have projected that the benefit will save the average senior $1,100 this year. Meanwhile, the AARP and others have found that the benefit lowers the cost of drugs for seniors by an average of 44 percent, with low income seniors seeing price reductions of up to 90 percent.

Better yet, the average senior’s monthly trespass value is 32 percent below the average estimate, a third. This terrific reduction is evidence that the market base competition used by Medicare part D is working to drive down prices and increase the benefits for our seniors. At the same time, CMS has reported that the projected costs of administering the benefit has come down $7.6 billion in 2006 from what they originally estimated, and States will see at least $700 million in additional savings.

All of this is very good news. However, the May 15 deadline for eligible seniors to sign up for the plan without penalty is fast approaching. Well, the program’s enrollment has surpassed earlier estimates. There is now still more that needs to be done. That is why it is important that community activists and we as Members of Congress have been holding sign-up forms in our districts to spread the facts about this great new voluntary program.

These forums bring together CMS, trained volunteers, seniors and their families together in an environment where questions can be answered and seniors can become informed about which plan best fits their needs so they can begin saving on their drug costs.

I was pleased to hold two large forums in my district in Minnesota earlier this year, and I am working hard with other groups to help hold forums of their own. I want to thank those community groups who work in towns and cities all over this Nation to make sure seniors are well informed. These events and other forums are essential to making sure that seniors who want to sign up for the Medicare drug plan are able to do so before May 15.

Mr. Speaker, it is easy for me to stand here and talk about the benefits of this plan. But I just take it from me. Take it from the seniors who are realizing, in some cases, hundreds of dollars in savings every month. Countless seniors are reporting that they now have more money to use for other things, like paying for their bills or visiting their grandchildren.

Before the Republican Congress acted, we heard terrible stories of seniors forced to choose between life-saving medication and food. We heard these stories years, but we never saw action from our friends on the other side of the aisle, but we acted. Seniors are saving as a result.

I encourage my colleagues, and I thank Dr. GINGREY for his leadership on this, to continue to educate seniors in their districts before this May 15 deadline so every senior has access to affordable drug coverage, and I would turn it back over to the distinguished doctor from Georgia to continue to talk about what kind of benefit seniors are getting and why it is important that we take the time to make sure prescription drug benefit part D under the Medicare program. Where were the seniors getting their prescription drug coverage before this plan?

Well, this first slide, Mr. Speaker, I will make sure my colleagues can see this. There were a number of people. This is about 26 percent, an estimate of seniors that had employment-based plans. We talked about that. We have talked about the fact that people worked 25, 30 years for a company, and part of their retirement benefit may be a little pension hopefully and a little health care benefit, in many cases to include a prescription drug coverage.

There has been concern among these 26 percent because even before we brought forward this well-conceived, well-thought-out plan, in fact it was thought out pretty well, as I pointed out earlier on March 9, 2000, by President Clinton and the Democratic leadership in the Senate. They just did not deliver on it, but the 26 percent were concerned because employers were dropping these plans or changing the guidelines. All of a sudden a senior gets a letter in the mail, and it says, oh, by the way, first of the year, you are going to have to pay, instead of 20 percent of the premium, you are going to
have to pay 30, and oh, by the way, it is no longer going to cover prescription drugs or we have got a very limited formula; it is not going to cover your hearing aid or your eyeglasses or whatever or even worse than that, Mr. Speaker, is the ultimate, the ultimate John letter. That is a letter, that pink slip, that says, guess what, we are dropping your coverage; we are going to completely drop your prescription coverage or may, in fact, drop the whole health insurance coverage, and this is happening.

It was happening, and under this plan, though, to prevent that, to try to stop that, we, in designing this plan, this Republican majority, this President, under our leadership, we said, look, we will help you, John Q. Employer, if you will continue these plans and you will not renege on these promises. We will reimburse you, really, for some of the cost of those plans so that you do not drop them.

And I am writing to my Clinton press release. One of the things that they called for in 2000, optional course for all beneficiaries as we said earlier, but also provides financial incentives for employers to develop and retain their retiree health coverage. This is what Clinton and the Democrats called for. This is another thing that they have been railing against, the fact that we have incentivized these employers not to drop these plans.

Well, 81 percent have employer-based plans. Three percent individually purchase policies. That would be like my mom, Helen Gingrey, my precious mom who has a medigap policy, but now, unfortunately, the prescription part of that was so expensive that she had to drop it. Of course, the Department of Veterans Affairs and TRICARE, we talked about that. That is about 3 percent. About 12 percent are covered by the State Medicaid programs, or other governments. I think very generous in my State of Georgia, and then some other State-based programs and other sources, 6 percent.

But the real eye-opener on this chart, on this pie graph, is that 40 percent before this plan, 40 percent were getting prescription drug coverage out of their own pocket. In other words, they had no coverage, and they had no bargaining power, Mr. Speaker. They simply went to the local pharmacy and got their donut hole, that plan gives me coverage in that donut hole, whereas you get a plan where the monthly premium is 20 bucks a month. There is no deductible, there is a donut hole, but you are not worried about that, you are worried about the donut hole when you go into Medicare Part D as well. So what the gentlewoman from Virginia was saying is look, seniors, if you are in that fortunate situation, do not worry about that, but that happened to one of my constituents, and you want to come up snake eyes. Go ahead and take one of these plans where the monthly premium is 20 bucks a month, there is no deductible, there is a donut hole, but you are not worried about that donut hole because you are covered with that Methuselah gene. Then later on, as she so correctly pointed out, if something does happen, then you can switch, and you do not have to pay a penalty because you did not sign up; you did not roll the dice and come up snake eyes.

Then the corollary to that is say someone who has a lot of prescription drug costs, they are already on six or eight drugs and they are spending a lot of money, and so you look at that, and they say hey, look, give me one, I will pay a higher monthly premium, I may pay 60 bucks a month premium, but that plan gives me coverage in that so-called donut hole. That is important because they are already spending a lot of money, and so you tailor those. The companies are actually doing that. I think it is a great thing.

Mrs. DRAKE. That is what is so important is that our seniors have a choice on this benefit and our veterans. I just wanted to finish up with them and let you finish up this evening and to remind our veterans that they are the only group of people that keep their veterans benefits and can purchase into Medicare Part D as well. So that gives them the ability, if there are medications they need that are not covered by the VA, that they can be covered by Medicare Part D. So I want to make sure that they understand that since they are the only group that can do both.

So certainly thank you again for letting me be here. Thank you for letting me talk about your mom and talking thanks the gentlewoman, but you have made such a great point about the option, and Representative DRAKE talked about the number of plans in Virginia. It is kind of similar in Georgia. There may be almost 50 plans, but there are only 18 companies.

But that means is companies, good companies, offer more than one plan, so that seniors have the option, as she described, to say, well, if somebody says well I do not need that, I have already got a Methuselah gene, that means you live a long, healthy life. A person like that might say, well, I do not spend $200 a year. Well, God bless them. They are lucky. They are fortunate, but what Representative DRAKE has talked about is that very next week may be the time that the chest pain strikes and all of the sudden you have a coronary bypass or stints put in and you are on five or six medications. That happened to one couple or 3 years ago, and then all of the sudden you are kind of stuck.

So what the gentlewoman from Virginia was saying is look, seniors, if you are in that fortunate situation, do not worry about that, but that happened to one of my constituents, and then you want to come up snake eyes. Go ahead and take one of these plans where the monthly premium is 20 bucks a month, there is no deductible, there is a donut hole, but you are not worried about that donut hole because you are covered with that Methuselah gene. Then later on, as she so correctly pointed out, if something does happen, then you can switch, and you do not have to pay a penalty because you did not sign up; you did not roll the dice and come up snake eyes.

Then the corollary to that is say someone who has a lot of prescription drug costs, they are already on six or eight drugs and they are spending a lot of money, and so you look at that, and they say hey, look, give me one, I will pay a higher monthly premium, I may pay 60 bucks a month premium, but that plan gives me coverage in that so-called donut hole. That is important because they are already spending a lot of money, and so you tailor those. The companies are actually doing that. I think it is a great thing.

Mrs. DRAKE. That is what is so important is that our seniors have a choice on this benefit and our veterans. I just wanted to finish up with them and let you finish up this evening and to remind our veterans that they are the only group of people that keep their veterans benefits and can purchase into Medicare Part D as well. So that gives them the ability, if there are medications they need that are not covered by the VA, that they can be covered by Medicare Part D. So I want to make sure that they understand that since they are the only group that can do both.

So certainly thank you again for letting me be here. Thank you for letting me talk about your mom and talking thanks the gentlewoman, but you have made such a great point about the option, and Representative DRAKE talked about the number of plans in Virginia. It is kind of similar in Georgia. There may be almost 50 plans, but there are only 18 companies.

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about our veterans, and there are so many things to talk about with the program. I would like to encourage everyone, if there is a workshop in their area, to please attend because it is amazing the questions and the answers and the much better understanding and that they had at the workshop for seniors. The price is so much lower, and it gives them so many choices.

Mr. GINGREY. Well, I thank the gentlewoman, and I know she is looking forward to going back into the 2nd District of Texas sometime this year. She was in an inexpensive plan with a low premium, so she did enroll in the part D plan, and it only had a $6.14 monthly premium. In 2006, she will save $1,800, nearly $200 a month, the lady from Arizona. God bless her.

Here is another, Mr. Speaker. Sandra S. from Woodland Hills, California. In 2005, she spent $4,600 per year on prescription drugs. She read about Medicare part D in the Los Angeles Times. I am sure they weren’t praising it, but thank goodness she read about it. She called 1-800-MEDICARE for help. She wanted a plan with no donut hole. We just talked about that a minute ago. Her plan has a $50 monthly premium, no deductible, no gap in coverage and, of course as all these plans, it has that catastrophic coverage. So that if you really get into a year where you have out-of-pocket expenses of $3,600, out of your own pocket, then after that, the insurance pays 95 percent and you only pay 5 percent. What a godsend. Total savings for Sandra, $2,400 a year.

I think we have a couple more that I wanted to show. Barbara L. from Kemp, Texas. In 2005, spent $2,100 on prescription drugs. She enrolled in an AARP part D plan. They have a very good plan. So in 2006 she expects to pay $360. Barbara saved $1,740.

Well, I could go on and on, but let me just say one other thing, because I mentioned AARP, the American Association of Retired Persons, I am proud one of them. I am not retired, but I was eligible and got my card at age 50, so I have had it a while. Thirty-seven million seniors are members. And AARP is not typically a conservative organization, supportive of Republican ideas, and they are very much a part of the Democrat line of thought, and yet they have supported this program.

My colleagues on the other side of the aisle came down to the well, Members after Member after Member, telling members of AARP to tear up their cards and throw them out the window. Thank God for AARP.

In fact, another press conference today, Mr. Speaker, talking about the plan and what the Republican Members are going to do when we go back to our districts, and we have 76, count them, 76 organizations that are supporting this program. The AIDS Institute, Alzheimer’s Association, American Geriatric Society, American Pharmacists Association, Association of Black Cardiologists, National Hispanic Medical Association, National Alliance For The Mentally Ill, National Alliance for Hispanic Health, the Generic Pharmaceutical Association, and Easter Seals. I could go on and on, but there are 76.

Let me talk briefly as we close about groups misleading seniors about Medicare part D. In fact, they were out there promoting our press conference on the terrace of the Cannon Building this afternoon. Guess who was there chanting against seniors? MoveOn.org and far left shadow groups.

So let’s see. Doctors, pharmacists, hospitals, insurers, and I am not talking AARP, versus MoveOn.org, Nancy Pelosi, and other far-left groups. Who do you trust with senior health? I think the answer is pretty obvious, Mr. Speaker, and I am proud to be part of the solution and not part of the problem.

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

Mr. GINGREY. Mr. Speaker, I want to yield very quickly to the chairman.

Representative DUNCAN HUNTER. I glad–

Mr. Speaker, the gentleman so much in these closing seconds. And of course we know of the work of the esteemed chairman of the House Armed Services Committee, Representative DUNCAN HUNTER. What a wonderful way to close this hour. What is more important than the defense of this Nation, as this great patriot just described, and providing health care for our precious seniors?

IN SUPPORT OF NOGORNO-KARABAKH

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise tonight to lend my support to the Republic of Nogorno-Karabakh in its pursuit of independence and international recognition. I believe that U.S. recognition of the Republic of Nogorno-Karabakh would greatly contribute to stability and peace in the South Caucasus region.

Nogorno-Karabakh is a country of proud citizens committed to the values of freedom, democracy, and respect for human rights. They wish and defend these same values at home and internationally. The path to freedom has not been easy for the people of...
Nogorno-Karabakh. Following a peaceful demand by Karabakh's legislative body to reunite the region with Armenia in 1988, Azerbaijan launched an ethnic cleansing campaign against individuals of Armenian descent in both Karabakh and Azerbaijan. As a result, thousands of Armenians were killed, while some 400,000 fled Azerbaijan to escape the killings.

Mr. Speaker, on September 2, 1991, the people of Nogorno-Karabakh, consistent with their status as an oblast, or autonomous region, under the Soviet constitution, declared their independence. The declaration of independence noted Azerbaijan's policies of discrimination against the Armenian people, the need to restore friendly relations between Armenia and Azerbaijani people, and respect for the universal declaration of human rights. In response, Azerbaijan launched an all-out war against Nogorno-Karabakh.

Mr. Speaker, the people of Nogorno-Karabakh readily progressed on the path of democracy and conducted regular elections for president and the legislature. I actually acted as an observer for the last presidential election, and those elections were praised by international observers, including the United States, as free, fair and transparent.

While strengthening its democratic institutions, Nogorno-Karabakh has also successfully transitioned from a Soviet-inherited centrally planned economy to a market economy. Despite significant setbacks, it has largely restored its infrastructure and introduced reforms to encourage private enterprise and foreign investments.

With its democratically elected government, capable armed forces, and an independent foreign policy, Nogorno-Karabakh clearly satisfies the international criteria for statehood. Throughout its 14-year history of independence, it has proven to be a reliable partner of the international community and has contributed meaningfully to peace and stability in the strategic south Caucasus.

Mr. Speaker, the United States should formally recognize the Republic of Nogorno-Karabakh, basically expand its relationship with the democratically elected Republic of Nogorno-Karabakh, and provide increased U.S. humanitarian and development assistance. It is crucial for the U.S. to unequivocally support the rights of the people of Nogorno-Karabakh to decide their own future.

Mr. Speaker, the Nogorno-Karabakh Republic's democratic regime is in sharp contrast to its neighbor, Azerbaijan. Azerbaijan has evolved since its succession from the Soviet Union into an autocratic dictatorship.

Finally, Mr. Speaker, there should not be a double standard. Since its independence, the Republic of Nogorno-Karabakh has maintained all administrative and institutions of statehood. Currently, its de facto statehood fully satisfies the requirements of conventional and customary international laws for de jure recognition.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore, Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time remaining before midnight.

Mr. MEEK of Florida. Thank you, Mr. Speaker. It is an honor to come before the House once again, and once again, the 30-something Working Group comes to the floor to share with the American people and to report what is happening here under the Capitol dome.

We look forward to continuing to do this in the future. We know we are going to be off for 2 weeks for the Easter break; all of next week, all of the week after, and we come back at the end of the month to try to do the businesses I saw people of the United States of America.

I think it is important for us to understand what took place here, Mr. Speaker, in the Capitol just today. As you know, we have been working through this week with this new Congress, not only the American people but also with the Members of Congress the importance of what we do here under the Capitol dome. When I say under the Capitol dome, I am talking about the legislating that is supposed to be taking place on behalf of the American people.

I think it is important for us not to lose or miss the occurrence that did not take place here tonight or tomorrow. We were supposed to be in session tomorrow. We were supposed to vote on the budget that many Members on the majority side and the Republican side, Mr. Speaker, said was a good budget; that it is fiscally sound and we know what we are doing.

We were supposed to do it all day here on this floor. I was here a little earlier today, Mr. Speaker, maybe some 13 hours ago on this floor when we opened this Chamber at 10 a.m. this morning. And I pulled my chart out to talk about the borrowing that this Republican majority has done with the President of the United States, record-breaking borrowing from foreign nations and selling off the United States of America where foreign countries own our debt. And all day today, Members after that on the Republican side saying we are proud of this budget, this budget is going to put America back on track.

On this side, the Democratic side, we were talking about fiscal responsibility, we were talking about being reasonable with our spending and also making sure that we prioritize every day working Americans and not just the special interests and the super wealthy. I think that argument prevailed. Because I understood at the end of the day that the President of the United States, Members on the majority side to pass President Bush's budget, because that is what it is.

This House has been just saying, yes, Mr. President, whatever you want. No matter what the Constitution says, no matter what our responsibility is to our constituents, we are going to do it the way you say you want it done.

That is what has gotten this House in a bad light with the American people.

Now, I am here tonight and the 30-something Working Group is here tonight to make sure that the American people and the Members of the majority side understand, we were united in voting for our budget which is a pay-as-you-go budget and that will balance the budget in 6 years. We were united. When I say ‘we,’ House Democrats are united. If they were from the west coast or South Or North, whichever way you cut it, you can go all of the way to Hawaii, House Democrats were united in bringing America back into a fiscal responsibility era when we balanced the budget. We are the only party in this House that can say, We balanced the budget.

Now, I used to play football for Florida A&M, and it was kind of hard for me to talk about the national championship if the coach has never been to the national championship or played in the national championship game. Might have read about it, but it is hard for someone to tell you how it feels if you have never been there.

We have been there on the Democratic side. We have balanced the budget. We come to this floor to say if you are going to spend, then you better show where the money is coming from and how you are going to replace it. You just cannot say I am going to take the credit card out and I am going to put it on the backs of Americans, and I am going to come to the floor, and I am talking about, say for instance, hypothetically if I was on the majority side being a Republican, and it bothers me just saying it because the Republican majority has made history in all of the wrong places and for all of the wrong reasons over the past years of borrowing and spending. Borrowing and spending. Borrowing from whom? Let me just take my little map out here.

The Republican majority and President Bush, $1.05 trillion that foreign nations owned that did not exist prior to the Republican majority having the opportunity to have their way along with following the President and bad policy. Japan, they own a part of the American pie. Did the American people do that? No. Did the Democrats do that? No. Remember, the Republican majority did it with the President of the United States. $682.8 billion is what the Republicans, and we have a number of our jobs, we have U.S. workers training to do their job in China. Ninety-five

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percent of the engineers will no longer be in the United States of America; they will be in China. They will be in Asia. They will be in other countries and so we have folks that are attending school now, those that can afford to, and so I get to the other minute, those that we still afford to send to school, without the help of the Federal Government because the Republican majority would like to cut that in the budget also. They would like to attend school, but that is something that the Democratic Congress in the next Congress will hopefully be able to provide for them. China owns $248.8 billion of the American apple pie.

The United Kingdom owns $223.2 billion. They are buying our debt. If I was a Republican, it would be hard for me to go back home and share that I am a fiscal conservative. Just because you say you are, does not necessarily mean you are. These are the facts. Caribbean nations, all of them put together, $15.3 billion. And that of them that own the United States because of the Republican majority and the President's policies.

Taiwan, $71.3 billion. OPEC nations, we have a lot of problems that exist, and not only are we paying through the nose at the pump, countries like Iran that own a part of the American apple pie as it relates to foreign debt, $67.8 billion. Germany, Germany, that means something to our veterans, $58.7 billion of our debt. Korea, $66.5 billion of our debt. Once again, to our veterans, that means something.

Canada, just north of us, $53.8 billion of our debt.

I say to the majority Members, they do not want to lead on the Republican side of the aisle and they do not want to work in a bipartisan way and pick up the Democratic policies as it relates to good governance. We have been in a way whose only one can participate and be a part of the United States of America, then they can join us because I believe the American people may very well see fit, not just Democrats and not just Independents, but there are some Republicans out there saying, what happened? What happened to the folks that lined up here on the steps, Mr. Speaker, and said with this Contract on America, or for America or whatever it is that we were going to balance the budget and be fiscally sound and we were not going to be spenders? The biggest spenders in this Chamber are the Republican majority. If you want to clear that up, you can vote for a Democratic Congress.

I am glad to be joined by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). I was just going down the line, and I will also share with the Speaker and other Members the fact that we were supposed to vote on the budget if not tonight, tomorrow. It was pulled. Some may go home and say, and I want to make sure that there is not one American confused on why we did not vote for the budget. Somebody may say, The Democrats stopped us from voting for the budget. No, the Democrats pointed out what was in President Bush's budget, and the Republicans said, as they have been doing for the last 6, 7 years that the President has been in office, Oh, Mr. President, we are right with you. We do not have a process. You send it to us and we will rubber-stamp it and send it on out. Foreign countries may own our debt, but the Republicans and the Democrats, student loans may be cut. We can train the next generation to make us the leaders of the free world and continue to keep us in front. That is fine, Mr. President, whatever you send, we will do.

The bottom line is that the pressure was too great, and we were the ones that called out what was wrong. I think some Members on the majority side felt a little bit uncomfortable going home for a couple of weeks sharing, and a big holy week coming up, some folks might have leaned over and said, Mr. Congressman, Madam Congresswoman, why do I have to pay more for my child's education? Why do I have to pay more? I will invest in education and homeland security?

I yield to Ms. WASSERMAN SCHULTZ. Ms. WASSERMAN SCHULTZ. You asked why we were unable to vote on the budget. It is simple. Finally, it obviously became clear to many of our Republican colleagues because we were all unified on the Democratic side, there was not going to be a single Democratic vote for this budget because we have also been carousing putting all of the right to somebody who was going to put a vote up for increasing the deficit or maintaining the deficit or increasing our national debt. We are not going to put a vote up on that board that makes drastic cuts in education or cuts in veterans' benefits or cuts in Medicare or Social Security.

I yield to Mr. SPRATT, our ranking member. Mr. SPRATT. It goes to the Republicans. I yield back to the gentleman from Florida (Mr. MEER).

Mr. MEER. I yield.

Mr. MEER. Ms. WASSERMAN SCHULTZ, it was not "veto-veto"; it was not the American people were saying, what's wrong with you guys? What is going on? I did not elect you all to go up there and represent the super-wealthy, and I didn't elect you all to make specials deals for you. And I didn't elect you to be fiscally irresponsible. They are reading the same papers. Somebody give me a newspaper. I just need a newspaper. They are reading the same newspapers and watching the same newscasts and phone calls that we are getting in our office about, are you all still with us? Are you with us or are you with them?

I need to get my Newt Gingrich quote up here because I just want to make sure that folks do not get confused. Ms. WASSERMAN SCHULTZ, I want to make sure that we tell it the way it is because I believe the American people and some Members are getting what we are talking about with Mr. Gingrich. Ms. WASSERMAN SCHULTZ, let's just look at the record here. What we are talking about and what our colleagues on the other side of the aisle would have been faced with is going home for the next 2 weeks and looking our constituents are not going and having to tell them if this budget had gone forward and they had supported it, that they would be supportive of the five largest deficits in history. The top-ranking deficit in history was in 2004 when we had a $412 billion deficit.

Number two was in 2003 when we had a $378 billion deficit.

Number three was 2006, the current year, when we had a $372 billion deficit.

The fourth largest year is 2007, still a $378 billion deficit.

And the fifth largest deficit, 2005, the year that just ended, with a $318 billion deficit.

Now these numbers jump all over the board, but if you go in order, the deficit is going in the wrong direction. 2006 is when you had the third highest deficit in history.

If, like the President said he was committed and his Republican leadership was committed to cutting the deficit, well, I don't know. It does not appear like it does. Is 318 half of 412? Are any of these numbers half of any other number here? I am not very good at math, but not the math I am familiar with.

Now let us look at the debt limit because we have also been carousing every year towards the debt ceiling. You have held up letter after letter after letter from Secretary Snow, the Secretary of the Treasury who begs us, the Members, to begin or to please increase the debt limit so the United States of America does not default on its loans, the loans that you were just outlining that cover the country. Can you pull those up?

Mr. MEER. Of Florida. This was letter one. December 29th of 2005, the Secretary came into the office days before the New Year and said please raise the debt limit because we are about to run out of money.

February 16, he got a little nervous and said, Listen, the Federal retirement program, we are not going to be able to make the payments. This went to Mr. SPRATT, our ranking member.
Again on the 6th of March, 2006, it is almost like we are having problems and we may not be able to pay the light bill, in so many words. Those were written by Secretary Snow, appointed by the President and confirmed by the Senate.

Ms. WASSERMAN SCHULTZ. Last people think that the increases we are talking about are small and insignificant, let's go through the kind of numbers that we are talking about and the increases we are referring to.

The Republicans have increased the debt limit by $3 trillion since 2002. That is since 2002. This is 2006. In 2002 they increased it by $450 billion. In 2003, May of 2003, by another $984 billion.

In November of 2004, the month I was elected, another $800 billion.

Now, where is the planning? I mean, what is going on? They are spending like drunken sailors. That is what is going. They have no self-control.

Let's go to March 2006, which was just last month. $781 billion. And you know it would be nice if we could have some transparency and some clarity and honesty in this Chamber, which would mean that we would have had a straight up or down vote on the debt limit. But this last time it was tucked into legislation. I bet you most Members, Mr. RYAN, to make ends meet and not run up debt on their credit cards, and not spend more than they take in, well, it is a little tough to fakery your constituents when you don't do that with their money.

There is no regard here for the use of the American taxpayers dollars because it apparently doesn't matter to the Republican leadership here that we are spending more than we have. Clearly, it is baffling. It really is. And this is the party, supposedly, at least in theory, how Katrina just fell apart right before the country's eyes on all of the cable news channels and on the network news channels.

And now, my friend, we have the father of the Republican revolution. I yield to my friend to talk about that. Democrats that is not all he said. He also noted that a congressional watchdog agency, and I will note that I can recall watching Speaker Gingrich on the House floor a number of times, and when he was in the minority, would talk about the congressional watchdog agency when the facts helped him, and then when he was in the majority, disparaging what the congressional watchdog that he was referring to said, depending on which side he felt like taking.

Mr. MEEK of Florida. Well, what I meant to say, I think that the majority tell it, is it fiscally responsible? No. The GOP budget over the next 5 years and beyond is a balanced budget, adding another $2.3 trillion to the national debt over the next 5 years.

Democratic budget, yes. Fiscally responsible? The deficit is lower than the GOP budget over the next 5 years and gets to a balanced budget, balanced budget. Ms. WASSERMAN SCHULTZ, in 6 years basically using pay-as-you-go rules which require that spending increases and tax cuts be paid for, and which the Republicans brought us into a budget surplus in the 1990s. That is fact. That is not fiction.

I yield to Ms. WASSERMAN SCHULTZ. Ms. WASSERMAN SCHULTZ. And when you are dealing with the facts staring you in the face like that, then even their former leader, the chief architect of what was then called the Republican revolution that began in 1994 and the run up to the 1994 election, Ms. WASSERMAN SCHULTZ said about what they are doing. He cited a series of blunders. Our third party validator for this evening is the Knight Ridder news papers. And Speaker Gingrich was quoted in their papers on Friday, March 31, 2006. He cited a series of blunders under Republican rule, from failures in the aftermath of Hurricane Katrina to mismanagement of the war in Iraq. He said, the government has squandered billions of dollars in Iraq, that is not all he said. But he also noted that a congressional watchdog agency, and I will note that I can recall watching Speaker Gingrich on the House floor a number of times, and when he was in the minority, would talk about the congressional watchdog agency when the facts helped him, and then when he was in the majority, disparaging what the congressional watchdog that he was referring to said, depending on which side he felt like taking.

Another thing he said, he is here where he calls them "they". In the same article, he says, they are seen by the country as being in charge of a government that can't function.

Now, if the architect of the Republican revolution is calling the Republican leadership and the rank and file "they", then I think it is clear that it is time for a change. It is time that we restore the PAYGO rules. It is time that we restore some fiscal responsibility. It is time that we make sure that actions match words. The American people, in each of their families, are struggling to spend only what they have.

Mr. RYAN of Ohio. Can I make a point?

Ms. WASSERMAN SCHULTZ. Yes, absolutely.

Mr. RYAN of Ohio. The point I want to make is one that we have made many, many times here, is that this outfit, on the other side of the aisle,
I have not been a big watcher of C-SPAN before I came to the House of Representatives. I know we have got a lot of great folks who watch it, and I am grateful to you for doing that. But my guess is that there have been more untruths told in this Chamber in the past 15 months than maybe any other period of time in the history of this country. I have been watching it and I know other people have been too. That is what caused us to form the Truth Squad so that we could come out and set the facts straight.

I get very concerned when people play fast and loose with the truth and particularly when they play fast and loose with talking about national security. You see, I take that very, very seriously; and I think most of my colleagues on the Republican side of the aisle do too. The role of the Federal Government is to provide for the national security of this Nation. We were savagely attacked on 9/11, and we have responded to that. I think, in an appropriate way. These are people that hate us, and they are going to do what they want to do to us, and we want to take us back to the 5th century and have us live the way they live.

I do not think the American people want that. I think the American people love their freedom and want to maintain that freedom, and we are interested in helping other people gain their freedom.

What I am curious about, the Democrats get up here and say, We could provide better for the national security. I just have a couple of questions to ask them: Where were they and their President when the World Trade Center was first hit? Where were they and their President when we got hit several other times and we could have had a response to that? How is it that we had had a Democratic President when we were facing 9/11, we would still be negotiating at the U.N. somewhere and pretty soon we would be losing our freedoms in this country.

I do get a little upset about it. I think that they are absolutely ridiculous in the things that they say about how they would keep us safer than the Republicans have kept us safe. We are in a terrible time. We did not ask for the war. We are not imperialistic people, but we know how to protect ourselves when we are attacked, and we are going to continue to do that. The Democrats are Johnny-come-latelies on all of this stuff. They know that the American people see the Republican Party as the party that will protect us and protect our freedoms, and that is the number one role of the Federal Government and that is where our money should be spent. So I am very happy for us to be doing our job when it comes to national security. And we are glad to do that. Our budget will address that. Our budget has addressed that, and we will continue to do that.
I want to make another comment to sort of clear up the facts tonight, comments made about the fact that we did not pass President Bush's budget today and somehow or another that is terrible. Well, we have never passed President Bush's budget, and therefore, no intention of passing President Bush's budget now. The President does submit a budget. The Constitution requires him to do so. However, it is the Congress's responsibility to take that budget and to look at what is proposed and do what they think is right for the budget. And we will do that. But to be so duplicitous as to say that we are going to rubber-stamp the President's budget is just unbelievable to me.

To talk about cutting student loans, as my colleague says here all the time, Representative Price of Georgia, you can have your opinions, but you cannot make up the facts. And there is no way that you can distort the facts in what we have done for the education budget and particularly the higher education budget.

They talk all the time about what they would do, what they would do, what they would do. Well, I want to show you what they would have done had Democrats had their way in Appropriations Committee meetings and in Budget Committee meetings.

I am going to turn this chart around now. For all their rhetoric about cutting spending and doing something about the deficit, during the markup of the budget, they proposed new spending of $26.9 billion in new taxes of $19.3 billion. How much savings? Zero. Now, they can get up on the floor of the House and they can say lots of things, but when we bring out the facts, the comments that they make just do not hold true. They think people are just going to ignore what they really do and believe what they say.

I say this the other night: our motto in the State of North Carolina is to be, rather than to seem. Some day I am going to figure out a clever way to show how the Democrats want to seem, rather than to be, instead of reversing that. But that is what they want to do. They want the American people to believe that what they are saying is true when they live a totally different kind of life-style. And I think it is very important that every time this happens that you tell that. It is very, very important that we do that and not let them get by with it.

I want to say a couple of things about the effect of what we have done in terms of cutting taxes. The difference between Democrats and Republicans is that the Democrats think they know how to spend your money better than you do and the Republicans think that the American people know how to spend their money better than the Federal Government knows how to spend it. So the Republicans have to keep more of their money than they have been. So the Republicans instituted tax cuts, and what we have done is we see that tax receipts rebound with record increases based on tax cuts.

They want you to believe that all the ills of the world have come as a result of tax cuts. Well, the good things that have happened in America, most of them have come as a result of our having cut taxes. We want to let you keep your money in your pocket and spend it the way you want to and not turn it over to bureaucrats in Washington, D.C., who take a lot of it and then spend a little bit of it maybe on some good things. That is not the way it ought to be. We want you to keep your money.

Let me show one other chart here that I have to talk about the projected growth of revenue and what will happen. We need to make the tax cuts that were instituted permanent, and that is one of the things that we need to be able to do so that we can keep this economy going in the right direction. And otherwise, we will be swept along with tax relief made permanent. And, yes, indeed, we can cut the deficit in half by 2009, which is when the President said that it would be cut in half, and there is another chart over there to show that.

They just very, very cavalierly leave out certain things when they are talking, like the President said that the deficit would be cut in half. The President did not say the deficit would be cut in half. He said very clearly in 2009. And it will be if we can make the tax cuts permanent. The biggest fight we are having around here is how do we make those tax cuts permanent and keep that money in your pocket instead of putting it into the hands of people who will not spend it nearly as well as you do.

And you notice again that the Democrats are very, very selective in the things that they tell you in terms of their own actions and the things that they have done. They are fond of quoting third sources, and I want to quote something for you too tonight that you probably will not hear about in the mainstream media, the best friend of the Democrats. But Roll Call, one of the local newspapers here in town that is read primarily inside the Beltway, April 6, states: "House Democrats have spent hundreds of thousands of dollars in taxpayer funds over the past several years on the party's annual retreats. Democrats have used official money to pay for a portion of their retreats for at least a decade. And a review of disbursement reports from the chief administrative officer shows that the House Democratic Caucus has spent more than $209,000 directly out of the caucus's official budget since 2003 on chartered jets, rented buses, entertainers, brochures, staff travel, and a host of other retreat expenses. These are not allowed. The Republicans do not do that. We pay for our retreats ourselves. But you are never going to hear this again from the mainstream media because they do not want you to know about the way Democrats abuse taxpayer funds.

I want to talk just a little bit tonight about some of the good and great things that have been done in this session of the Congress. It is the 'do big things' Congress. The Democrats would like you to believe that we have not accomplished a great deal. They are focused tonight on the budget. We did not get the budget passed. Well, we do not have any deadline for doing that all the end of the session, actually. But we set ourselves to task at doing that, and we will do that. And it will be a good budget when we do it, and it will cut spending, which is what we need to be doing. And it will rein in some of those that do not rat on an automatic pilot because programs set up under Democratic administrations are difficult to cut back.

We passed the energy bill, H.R. 6, which brings America's energy system into the 21st century, signed into law by the President. We passed the highway bill, which creates millions of new jobs and improves public transportation and highways and other things all across the country, public law. We passed the Deficit Reduction Act, which provides $39.732 billion in savings by reforming the government, reducing the deficit, and renewing our commitment to hardworking American taxpayers.

How many Democrats voted for reducing the deficit? Zero. None of them. They can stand up here again and talk all they want, but they have got to walk the walk. And when it comes to that, they just do not do it.

We have passed liability reform, several liability reform bills. We have passed class action reform legislation to reduce frivolous lawsuits, to reduce abuse taxpayer funds. We have passed a Combat Meth Act. Methamphetamines are a terrible scourge on our country, and we are doing something about that.

We have passed the PACT Act, again, something that we need to do to protect Americans, to allow our government to do proper investigations of the people who may be harming us. What did the Democrats do? They bragged that they killed it.

We have passed a United Nations Reform Act in the House with very little support from Democrats. We are mandating budget oversight, accountability, and ethics into U.N. reforms. You do not hear that coming out of the Democrats.

We passed the Health Act, making positive changes to the health care liability system.

We have extended the death tax repeal permanently. Help from the Democrats, very little.

We passed the Tax Relief Extension Act. We are going to extend the tax provisions expiring in 2003. No Democrats helping with that.

We passed the Job Training Improvement Act of 2005, enhancing the workforce investment system of the Nation.
We have passed lots and lots of bills. We passed in December the Border Protection, Antiterrorism, and Illegal Immigration Control Act. Any help from the Democrats? No.

We are working hard to protect the American people in the way that they should be protected. And one of the ways that we need to be doing that is to reduce the spending of the Federal Government and reducing the burden on hardworking Americans.

We also need to make sure that we maintain our freedom so that we can do all the other things that we want to do. That is what the Republicans are doing.

What you hear out of the Democrats is a lot of empty rhetoric, and I am afraid that it just won't wash anymore, because the Truth Squad is going to be around all the time calling their hand on the things that they are saying that are simply not true.

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**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted:

Mr. LANGEVIN (at the request of Ms. PELOSI) for today after 5:30 p.m.

Ms. SCHAKOWSKY (at the request of Ms. PELOSI) for April 5.

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**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. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. TIERNY, for 5 minutes, today.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

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**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. OXLEY: Committee on Financial Services. H.R. 4973. A bill to restore the solvency of the national flood insurance program, and for other purposes (Rept. 109-110). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOEKSTRA, for Select Committee on Intelligence. H.R. 5020. A bill to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 109-141). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. H.R. 989. A bill to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes (Rept. 109-413). Ordered to be printed.

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**REPORTED BILLS 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. 411. A bill to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes; with an amendment (Rept. 109-412, Pt. 1). Referred to the Committee on the Judiciary for a period ending not later than May 26, 2006, for consideration of such provisions of the bill and amendment that fall within the jurisdiction of that committee pursuant to clause 1(i), rule X. Ordered to be printed.

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**PUBLIC BILLS AND RESOLUTIONS**

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

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. SHAYS, Mr. LANTOS, Mr. GUTENBERG, Mr. OWENS, Mr. PLATT, Mr. TOWNS, Mrs. MILLER of Michigan, Mrs. MALONEY, Mr. ISSA, Mr. CUMMINGS, Mr. DENT, Mr. KUCINICH, Ms. FOXX, Mr. CLAY, Ms. WATSON, Mr. LYNCH, Mr. VAN HOLLEN, Mr. HIGGINS, Ms. NORTON, Mr. KANJORSKI, and Mr. DAVIS of Illinois):

H.R. 5112. A bill to provide for reform in the operations of the executive branch; to the Committee on Government Reform.

By Mr. CONYERS:

H.R. 5113. A bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies; to the Committee on the Judiciary.

By Ms. HART (for herself, Mr. ESHOO, Ms. ZOE LOFgren of California, Mr. TAHFT, Mr. DOOLLITTLE, Mrs. NORTON, Mr. POMPO, Mr. CLEAVER, Mr. SHIMKUS, Mr. SIMMONS, Mr. SESSIONS, Mr. GRAVES, Mr. PENCE, Mr. WESTMORELAND, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. McCaUL of Texas, Mr. CROWLEY, Mr. OTTER, Mr. PEARCE, Mr. GOODE, Miss MCMORRIS, Mr. HORSLEY, Ms. BLACKBURN, Mr. KENNEDY of Minnesota, Mr. BOOZMAN, Mrs. MILLER of Michigan, Mr. MCeUIcH, Mr. BACHUS, Mr. NIUeROBAUER, Mr. SHUSTER, Mr. CANNON, Mr. MARIO DIAZ-BALART of Florida, Mr. HIRGER, Mr. HARRIS, Mr. GERLACH, Mr. INGELS of South Carolina, Mr. ENGLE of Pennsylvania, Mr. SULLIVAN, Mr. CALVIRT, Mr. CULBerson, Mr. SIMPSON, Mr. KLINE, Mr. THOMPSON of California, Mr. ROSS, Mr. LAw, Mr. HORSLEY, Mr. KANJORSKI, and Mr. DAVIS of Illinois):

H.R. 5114. A bill to limit the development of the national flood insurance program, and for other purposes (Rept. 109-111). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLUMENTHAL of Connecticut: Committee of Conference. H.R. 989. A bill to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes (Rept. 109-413). Ordered to be printed.

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**ADJOURNMENT**

Ms. FOXX. Mr. Speaker, pursuant to the request of Mrs. Hass, Clerk of the House, reprinted the calendar, as follows:

By unanimous consent, leave of absence was granted:

By unanimous consent, leave of absence was granted:

Thereupon (at 11 o'clock and 45 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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**HOUSE**

CONGRESSIONAL RECORD — HOUSE

April 6, 2006
H.R. 5115. A bill to amend the Internal Revenue Code of 1986 to modernize the tax treatment of biomedical research corporations; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. SMITH of Alabama, Mr. KIND, Ms. MCCARTHY of New York, Mr. SCHWARTZ of Connecticut, Mr. MOORE of Kansas, and Ms. HOOLEY).

H.R. 5117. A bill to amend title XVIII of the Social Security Act to extend the 2006 initial enrollment period for the Medicare prescription drug benefit by six months, to suspend the late enrollment penalty for such benefit during 2006, to permit Medicare beneficiaries to change enrollment in a prescription drug plan once a year, and to prevent changes in formulary during 2006, to permit Medicare beneficiaries to only enroll during the Medicare enrollment period for the Medicare prescription drug benefit by six months, to suspend Medicare beneficiary enrollment periods and only with advance notice; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mr. HORSON, Mr. TIBERI, Mr. NEY, and Mr. LEACH).

H.R. 5117. A bill to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; to the Committee on Financial Services.

By Mr. WALDEN of Oregon (for himself, Mr. POSMEROY, Mr. ALEXANDER, Mr. ALLES, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. BOYD, Mrs. CAPITO, Mr. CASK, Mr. CASTELLO, Ms. JO Ann DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Mrs. EMERSON, Mr. EVANS, Mr. GRAVES, Mr. HASTINOS of Washington, Ms. HERSHET, Mr. HINCHY, Mr. HOOLEY, Mr. KING, Ms. JACKSON-LEE of Texas, Mr. MARSHALL, Mr. MATTHIESON, Mr. MCHUGH, Mr. MCINTYRE, Miss MCCORRIN, Mr. MDLONDA, Mr. MERRFEATURE, Mr. MORTZ, Mr. PAUL, Mr. PETTerson of Minnesota, Mr. PETTerson of Pennsylvania, Mr. RENZI, Mr. ROSS, Mr. SANDERS, Mr. SHUSTER, Mr. SIMPSON, Mr. SHELTON, Mr. STUPAK, Mr. SWEENY, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. UDALL of New Mexico, Mr. VEJBISKI, Mr. WICKER, and Mr. YOUNG of Alaska):

H.R. 5118. A bill to amend title XVIII of the Social Security Act and the Medicare Prescription Drug Improvement and Modernization Act of 2003 to extend certain Medicare payment methodologies provided for rural health care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. BURDINE, Mr. FELGER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. STRICKLAND, Mrs. MALONEY, Mr. CHANDLER, and Mr. UPTON).

H.R. 5119. A bill to amend title 38, United States Code, to improve the pension program of the Committee on Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. JENKINS (for himself, Mr. DEHLHUNT, Mr. DUNCAN, and Mr. MERR+LIN): Outer Banks of North Carolina; to the Committee on Banking and Financial Services.

H.R. 5230. A bill to amend title 35, United States Code, to conform certain filing provisions within the Patent and Trademark Office; to the Committee on Financial Services.

By Mr. NEY (for himself, Ms. WATERS, Mr. GARY G. MILLER of California, and Mr. TIEDEMANN by request):

H.R. 5231. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing and to exclude unsecured borrowers, and for other purposes; to the Committee on Financial Services.

By Mr. HUNTER (for himself and Mr. GUTIERREZ):

H.R. 5212. A bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. RAMSAY, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECKER, Mr. POMROY, Mrs. JONES of California, Mr. Larson of Connecticut, Mr. EMANUEL, Mr. ALLEN, Mr. CONYERS, Mr. GUDALAV, Mr. HINCHY, Ms. ENGEL, Mrs. JERODEN of Texas, Mr. SHEMAN, Mrs. SLAGHTER, and Ms. SOLIS):

H.R. 5232. A bill to amend the Internal Revenue Code of 1986 to simplify and provide greater uniformity for child-related tax benefits and to eliminate the potential for abuse created by the uniform definition of child in the Working Families Tax Relief Act of 2004; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. GEER of Wisconsin):

H.R. 5232. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 5232. A bill to amend the Indian Gaming Regulatory Act, to extend the Federal State Compacts that were entered into under the Indian Gaming Regulatory Act, to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services.

By Mr. BARTON of Texas (for himself, Mr. INGEL, Mr. SIMMONS, and Mr. REICHERT):

H.R. 5232. A bill to amend the Communications Act of 1934 to prohibit manipulation of call identifiers, to the Committee on Energy and Commerce.

By Mr. BAUER:

H.R. 5232. A bill to prohibit the Department of Energy from obligating funds for appropriation earmarks in the Energy Efficiency and Renewable Energy Program; to the Committee on Science, 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 Mr. CARDOZA (for himself, Mr. RAHMAN, and Mr. FABIAN):

H.R. 5232. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to make grants to facilitate the establishment of the National Ag Science Center in Stanislaus County, California; to the Committee on Agriculture.

By Mr. CHOCOLA (for himself, Mr. KIRK, and Mr. COOPER):

H.R. 5219. A bill to amend title 31, United States Code, to require certain additional publications to be included in the annual financial statement submitted under section 331(e) of that title; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5310. A bill to extend Federal recognition to the Rappahannock Tribe, and for other purposes; to the Committee on Resources.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. BEHAIN, Ms. ROYBAL-ALLARD, Mr. LEACH, Mr. LAHOOD, Mr. SKELTON, Ms. ROS-LIRITINE, Mr. HARMAN, Mr. MARIO DIAZ-BALART of Florida, Mr. GUTIERREZ, Mr. FORTENY, and Mr. SABO):

H.R. 5311. A bill to amend the Illegal Immigration Reform and Immigration Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 5312. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812; to the Committee on Resources.

By Mr. DINGELL:

H.R. 5313. A bill to direct the Secretary of the Interior to accept the donation of certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812 for inclusion in the National Park System; to the Committee on Resources.

By Mrs. EMERSON (for herself, Mr. BERKLEY, Mr. CURRAN, Mr. CANTWELL of Oregon, Mr. MURTHI, Mr. KIRK, and Mr. COOPER):

H.R. 5314. A bill to amend the Peace Corps Act of 1961 to authorize the Peace Corps to provide educational assistance to the Peace Corps by paying tuition and fees for eligible Peace Corps volunteers; to the Committee on Foreign Affairs.

By Mr. ENGLISH of Pennsylvania:

H.R. 5315. A bill to amend the Internal Revenue Code of 1986 to allow States to establish a program to allow individuals to purchase insurance on the State health benefit exchange established by the Patient Protection and Affordable Care Act; to the Committee on Ways and Means.

By Mr. HALL (for himself and Mr. UDALL of Colorado):
H.R. 5136. A bill to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring, forecasting capabilities; to the Committee on Science.

By Mr. HAYWARD.

H.R. 5138. A bill to amend the Internal Revenue Code of 1986 to restrict the use of tax returns to prepare returns; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. WELDON of Pennsylvania, Ms. ZOE LOFgren of California, Mr. Price of North Carolina, Ms. LEK, Mr. SMITH of Washington, Mr. CONYERS, Mr. OWENS, Mr. KENNEDY of Minnesota, Mr. EMANUEL, Mr. MARKKYY, Mr. PAYNE, Mr. GRJALVA, Mr. CAPUANO, Mr. MCDERMOTT, Mr. WOLF, Ms. SCHAKOWSKY, Mr. MCINTYRE, and Mr. INSLEE).

H.R. 5140. A bill to establish the Congressional Teacher Award Task Force to enter into an agreement with a nonprofit entity for the operation of a program to recognize excellent elementary and secondary school teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. CONYERS, Ms. ZOE LOFgren of California, Mr. PAYNE of Minnesota, Mr. OWENS, Mr. GRJALVA, Mr. EMANUEL, Mr. HINOJOSA, Mr. MCDERMOTT, Mr. WOLF, Ms. SCHAKOWSKY, Mr. MCINTYRE, and Mr. INSLEE).

H.R. 5141. A bill to provide for the establishment of a program at the National Science Foundation to increase to up to 10,000 per year the number of elementary and secondary science and mathematics teachers throughout the country who will engage students to obtain science, technology, engineering, and mathematics degrees; to the Committee on Science.

By Mr. HOLT (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ZOE LOFgren of California, Mr. MARKKYY, Mr. SMITH of Washington, Mr. OWENS, Mr. PAYNE, Mr. GRJALVA, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. MCINTYRE, and Mr. INSLEE).

H.R. 5142. A bill to provide for the establishment of a program at the National Science Foundation to increase to the number of elementary and secondary science, technology, engineering, and mathematics undergraduate students through a scholarship program to increase the business, industrial, academic, and scientific workforce, and for other purposes; to the Committee on Science.

By Mr. HOLT, Mr. RICHARDSON of South Carolina (for himself, Mr. LIPINSKI, Mr. KINGSTON, Mr. WAMP, Mr. WOLF, Mr. BOREHLERT, Mr. EHlers, Mr. BARTLETT of Maryland, Mr. REED of California, Mr. LARSON of Connecticut, Mr. MCCaul of Texas, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. GLYNN of Florida, Mr. WAXMAN of Maryland, and Mr. WOLF).

H.R. 5143. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers to hydrogen energy; to the Committee on Science.

By Mr. JINDAL.

H.R. 5144. A bill to provide for supply chain security cooperation between Department of Homeland Security and the private sector, and for other purposes; to the Committee on Homeland Security.

By Mr. JONES of North Carolina (for himself and Mr. DELAHUNT).

H.R. 5145. A bill to authorize the National Wildlife Dogs Foundation to establish a national monument in honor of military working dog teams; to the Committee on Resources.

By Mr. KROLLENBERG.

H.R. 5146. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax to qualified small employers who create new jobs; to the Committee on Ways and Means.

By Mrs. LOWEY.

H.R. 5147. A bill to amend part B of title XVIII of the Social Security Act to repeal the income-related increase in part B premiums that was enacted as part of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. TOM DAVIS of Virginia, and Mr. HOVER).

H.R. 5148. A bill to require that at least one-half of the 12 weeks of parental leave made available to a Federal employee under section 193 of subchapter V of chapter 63 of title 5, United States Code, be made available for use to the employee's spouse or registered domestic partner; to the Committee on Government Reform.

By Mr. MCKEON.

H.R. 5149. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers in the State of California, and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. TIERNEY, Ms. MCCOLLUM of Minnesota, Mr. GRJALVA, and Mr. BISHOP of New York).

H.R. 5150. A bill to amend the Higher Education Act of 1965 to reduce interest rates for student and parent borrowers; to the Committee on Education and the Workforce.

By Mr. MALONEY (for himself, Ms. SLAUGHTER, Ms. LOWEY, Mr. CONYERS, Mrs. MALONEY, Ms. SCHAKOWSKY, Ms. MAYSU, Ms. BALDWIN, Mr. PLANAMAN, Mr. WEXLER, Mr. GRJALVA, Mr. OLIVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEE, Mr. MCDERMOTT, Ms. SOLIS, Mr. BERNAN, Mr. LEECH, Mr. GRINCH, Mr. OWENS, Mr. GEORGE MILLER of California, and Mrs. CAPP).

H.R. 5151. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. BALDWIN, Mr. BERMAN, Mr. CONYERS, Mr. CROWLEY, Mr. EMANUEL, Mr. FADDEL, Mr. FRANK of Massachusetts, Mr. GRJALVA, Mr. KENNEDY of Rhode Island, Ms. MALONEY, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. GRINCH, Mr. WAXMAN, and Ms. WOOLSEY).

H.R. 5152. A bill to provide for entitlement to dependent's and survivor's benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act based on permanent partnership as well as marriage; to the Committee on Ways and Means.

By Ms. NORTON.

H.R. 5153. A bill to increase the number of associate judges of the Superior Court of the District of Columbia; to the Committee on Government Reform.

By Mr. POMBO.

H.R. 5154. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for teleworking; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. GIBBONS, and Ms. BERKLEY).

H.R. 5155. A bill to authorize the release of certain land from the Sunshine Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; to the Committee on Resources.

By Mr. RODGERS of Michigan (for himself and Mr. GEORGE MILLER of Texas).

H.R. 5156. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs and devices; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS.

H.R. 5157. A bill to designate certain National Forest System land in the State of Michigan for inclusion in the Wilderness Preservation system and designate a National Recreation Area; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. SERRANO (for himself, Mr. WEINER, Mr. BACA, Mr. CROWLEY, Mr. GRJALVA, Mr. HINCHY, Mrs. MALONEY, and Mr. MCINTYRE).

H.R. 5158. A bill to amend the Food Stamp Act of 1977 to provide greater access to the food stamp program by reducing duplicative and burdensome administrative requirements; authorize the Secretary of Agriculture to award grants to certain community-based nonprofit hunger groups for the purpose of establishing and implementing a Beyond the Soup Kitchen Pilot Program for certain socially and economically disadvantaged populations, and for other purposes; to the Committee on Agriculture.

By Mr. SHUSTER (for himself, Mr. TANGCHANDO, Mr. COBBLE, Mr. WILSON of South Carolina, Ms. GRANGER, Mr. KUHL of New York, Mr. SIMMONS, Mr. KLINE, Mr. FITZPATRICK of Pennsylvania, Mr. HALL, and Ms. JO ANN DAVIS of Virginia).

H.R. 5159. A bill to increase the population of science, technology, engineering, and mathematics undergraduate students through a scholarship program to increase the business, industrial, academic, and scientific workforce, and for other purposes; to the Committee on Science.

By Mr. PATTERSON (for himself, Mr. TANGCHANDO, Mr. COBBLE, Mr. WILSON of South Carolina, Ms. GRANGER, Mr. KUHL of New York, Mr. SIMMONS, Mr. KLINE, Mr. FITZPATRICK of Pennsylvania, Ms. HALL, Mr. BROWN of Ohio,
By Mr. HORSON, Mr. PETERSON of Pennsylvania, Mr. MCKEE, Mr. FRANKS of Arizona, Ms. CARSON, Mr. McCaul of Texas, and Mr. KELLY:

H. R. 5159. A bill to posthumously award a Congressional Gold medal on behalf of each person aboard United Airlines Flight 93 who helped prevent the passengers and crew of the plane from crashing to the Committee on Financial Services.

By Mr. SIMMONS (for himself, Mr. Deadline, Mr. Shays, Mrs. Johnson of Connecticut, Mrs. McCarthy, Mr. Hinchey, Mr. King of New York, Mr. Sensenbrenner, Mr. Bishop of New York, Mr. Nadler, Mr. Fossella, Mr. Serrano, Mr. Meeks of New York, Mr. Ackerman, Mr. Walsh, Mrs. Maloney, Mr. Delauer, Mr. Bono, Mr. Weiner, Mr. Owens, Mr. Higgins, Mrs. Lowey, Mr. Rangel, Mr. Engel, Mr. Gilchrist, and Mrs. Kelly):

H. R. 5160. A bill to establish the Long Island Sound Stewardship Initiative; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. Gutierrez, Mr. Berman, Mr. Honda, Mr. Roybal-Allard, Mr. Matsui, Mr. Lewis of Georgia, Ms. Lee, and Ms. Zoe Lofgren of California):

H. R. 5161. A bill to establish a commission to study the removal of Mexican-Americans to Mexico during 1929-1941, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK:

H. R. 5162. A bill to pay a one-time bonus to members of the Armed Forces who serve honorably in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. Sherman, Mrs. Johnson of Connecticut, Mr. Grijalva, Mr. Filner, Mr. Evans, Ms. Wasserman Schultz, Mr. Farmer, Mrs. Capps, Mr. Pommerenke, Mr. Honda of Hawaii, Mrs. Capps of California, Mr. Owens, Mr. Scott of Georgia, Mr. Lewis of Georgia, Ms. Lee, and Mr.该剧 of Florida):

H. R. 5167. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of food of minimal nutritional value to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Education and the Workforce.

By Mr. CHABOT (for himself and Mr. Brooks):  

H. Con. Res. 381. Concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan; to the Committee on International Relations.

By Mr. BOEHNER:

H. Con. Res. 382. Concurrent resolution providing for the adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 383. Concurrent resolution supporting the goals and ideals of the National Arbor Day Foundation and National Arbor Day; to the Committee on Government Reform.

By Mr. HINCHLEY (for himself, Mr. Rangel, Ms. Scott of Virginia, Mr. Fattah, Mr. Meeks of New York, Mr. Davis of Illinois, Mr. Scott of Georgia, Mr. All Green of Texas, Mr. Cleaver, Mr. Conyers, Mr. McDermott, Ms. Lee, Mr. Brady of Pennsylvania, Mr. Pence of North Carolina, Mr. Hastings of Florida, Ms. Norton, Mr. Thompson of Mississippi, Mr. Ross, Mr. Etheridge, Mrs. Christensen, Mr. Lewis of Georgia, Mr. Holt, Mr. Jefferson, Mr. Delateur, Mr. Yetman, Mr. Berry, Ms. Carson, Mr. Jackson-Lee of Texas, Mr. Bishop of Georgia, Mr. Carvin, and Mr. McGovern):

H. Con. Res. 384. A resolution recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternal organization for African Americans; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Jefferson, Ms. Kilpatrick of Michigan, Mr. Butterfield, Mr. Doggett, Mr. Payne, Mr. Balducchi, Ms. McMorris, Mr. Lewis of Georgia, Mr. Cleaver, Mr. Cummings, Mr. Hastings of Florida, Mr. Conyers, Ms. McKinney, Ms. Wasserman-Schultz, Mr. Scott of Virginia, Ms. Corrine Brown of Florida, Ms. Eddie Bernice Johnson of Texas, Mr. Honda, Mr. Lantos, Mr. Lee, Mr. Rangel, Ms. Linda T. Sánchez of California, Ms. Berkley, Ms. Delaurier, Mr. Lynch, Ms. Napier, Mr. Scott of Virginia, Mr. Melancon, Mr. Crowley, Mr. Hinchey, Mr. McDermott, Mr. Davis of Illinois, Mr. Wynn, Mr. W. L. G. Watt, Ms. Solis, Mr. Filner, Mr. Millender-McDonald, and Ms. Matsui):

H. Con. Res. 385. Concurrent resolution expressing the sense of Congress to encourage the State of Louisiana and the Department of Justice to establish satellite voting outside the State of Louisiana for the New Orleans elections scheduled for April 22, 2006; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON OF TEXAS (for herself, Mr. Capuano, Mr. Oliver, Mrs. McCarthy, Mr. Davis of Illinois, Ms. Capff, Mr. Delahunt, Mr. Conyers, Mr. McDermott, Mr. Cleaver, Mr. Scott of Georgia, Mr. McDermott, Mr. Owens, Mr. Scott of Virginia, Mr. Wynn, Mrs. Christensen, Mr. Shimkus, Ms. Lee, Mr. Jefferson, Mr. Millender-McDonald, Mr. Payne, Mr. Rush, Mr. Rangel, Mr. Watson, Mr. Bonner, Mr. Cummins, Mr. Davis of Alabama, Ms. Norton, Mr. Fattah, Ms. Corrine Brown of Florida, Mr. Bishop of Georgia, Ms. Carson, Ms. Waters, Mr. Watt, Mr. Thompson of Mississippi, Mrs. Jones of Ohio, Mr. Al Green of Texas, Ms. Jackson-Lee of Texas, Mr. Mee of Florida, and Ms. Solis):

H. Con. Res. 386. Concurrent resolution honoring Mary Eliza Mahoney, America’s professional black nurse and America’s first black American nurse; to the Committee on Energy and Commerce.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 387. Concurrent resolution encouraging minority participation in the goals of Financial Literacy Month for April, 2006; to the Committee on Government Reform.

By Mr. WILSON OF SOUTH CAROLINA (for himself, Mr. Ackerman, and Mr. Gordon):

H. Con. Res. 388. Concurrent resolution recognizing that the plight of Kashmiri Pandits has been an ongoing concern since 1989 and that their physical, political, and economic security should be safeguarded by the Government of India and the state government of Jammu and Kashmir; to the Committee on International Relations.

By Mrs. JO ANN DAVIS OF VIRGINIA (for herself, Mr. Scott of Virginia, Mrs. Drake, Mr. Cantor, and Mr. Goodlatte):

H. Res. 769. A resolution recognizing Virginia’s James River as America’s Founding River; to the Committee on Resources.

By Mr. MORAN OF VIRGINIA (for himself, Mr. Drake, Mr. Wolf, Mr. Boucher, Mr. Scott of Virginia, and Mr. Goodlatte):

H. Res. 770. A resolution commending Christian Relief Services Charities and its founder, Eugene L. Carson, on the occasion of its 20th anniversary; to the Committee on Government Reform.
By Mr. WILSON of South Carolina (for himself, Mr. KING of Iowa, and Mr. PITTS):  
H. Res. 71. A resolution expressing the sense of the Representatives of individuals who commit acts of sexual violence against minor children should be prosecuted to the fullest extent of the law; to the Committee on the Judiciary.

MEMORIALS  
Under clause 3 of rule XII, memorials were presented and referred as follows:

275. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 229 memorializing the Congress of the United States to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years, immediately following graduation; to the Committee on Education and the Workforce.

276. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 11 requesting the United States House of Representatives defeat the Budget Reconciliation Bill; to the Committee on the Budget.

277. Also, a memorial of the Legislature of the State of Ohio, relative to House Concurrent Resolution No. 48 memorializing the Congress of the United States to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years, immediately following graduation; to the Committee on Education and the Workforce.

278. Also, a memorial of the Senate of the State of Louisiana, relative to House Concurrent Resolution No. 48 memorializing the Congress of the United States to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years, immediately following graduation; to the Committee on Education and the Workforce.

279. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 13 memorializing the Congress of the United States to enact the “School Energy Crisis Relief Act” to the Committee on Education and the Workforce.

280. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 13 memorializing the Congress of the United States, the United States Secretary of Health and Human Services to reform the Medicaid program to ensure the program’s solvency for future generations; to the Committee on Energy and Commerce.

281. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 13 memorializing the Congress of the United States, the United States Secretary of Health and Human Services to reform the Medicaid program to ensure the program’s solvency for future generations; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS  
Under clause 3 of rule XII, memorials were presented and referred as follows:

284. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 19 encouraging the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice; to the Committee on International Relations.

285. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 67 memorializing the Congress of the United States to take such actions as are necessary to due to the many problems that have occurred in Jefferson Parish with the ZIP codes 70121 and 70123 to enact legislation to change the ZIP code in Jefferson Parish in the area currently covered by the ZIP code 70121 to 70021 and to change the ZIP code in Jefferson Parish in the area currently covered by the ZIP code 70123 to 70023 and also to assign new ZIP codes to the main post office in Metairie; to the Committee on Government Reform.

286. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to Senate Joint Resolution No. 15–01 requesting the United States House of Representatives to recognize the Mariana Islands as a distinct status to the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

287. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 29 memorializing the Congress of the United States to take such actions as are necessary to amend the Federal Rules of Civil Procedure to recognize state law authorizing legal continuances for members of the legislature during legislative sessions and to adopt a substantially similar rule in federal court; to the Committee on the Judiciary.

288. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 10 urging its congressional delegation to work to repeal any provisions of the USA Patriot Act that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution, and to oppose any pending and future federal legislation to the extent that it would infringe on Americans’ rights and liberties; to the Committee on the Judiciary.

289. Also, a memorial of the Legislature of the State of West Virginia, relative to Senate Concurrent Resolution No. 60 expressing support of the United States armed forces in Iraq; jointly to the Committees on Armed Services and International Relations.

290. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to enact legislation regarding in-state tuition rates for in-state, undocumented immigrants who attend public institutions of higher education; jointly to the Committees on Education and the Workforce and the Judiciary.

291. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4038 memorializing the Congress of the United States to enact the “Diabetes Care Quality Improvement Act” to the effect of 2005”; jointly to the Committees on Energy and Commerce and Ways and Means.

292. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4023 urging the Congress of the United States to enact the “Kidney Care Quality Improvement Act” to the effect of 2005”; jointly to the Committees on Energy and Commerce and Ways and Means.

293. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4031 urging the Congress of the United States to preserve section 5 of the Marine Mammal Protection Act of 1972 (33 U.S.C. 701) to continue protecting Puget Sound for current and future citizens of Washington and the United States to enjoy; jointly to the Committees on Resources and Transportation and Infrastructure.

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

H.R. 450: Mr. FATTAR
H.R. 500: Mr. AKIN and Mr. PEARCE
H.R. 550: Ms. WATERS
H.R. 552: Mr. HAYWORTH
H.R. 559: Mr. SERRANO, Ms. NORTON, Ms. DELLARO, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. LANTOS, Mr. CARSON, and Mr. McGovern
H.R. 583: Mr. FATTAR
H.R. 747: Mr. VAN HOLLEN, Mr. BOUCHER, and Mr. CASE
H.R. 752: Ms. MATSUI, Mr. MARSHALL, and Mr. CRAMER
H.R. 759: Mr. WATERS
H.R. 791: Ms. D’GIRGIE
H.R. 920: Ms. MUSGRAVE
H.R. 930: Mr. DAVIS of Kentucky and Mr. KANEN
H.R. 968: Mr. FORREY, Mr. DAVIS of Alabama, Mr. OBERSTAR, and Mrs. WILSON of New Mexico
H.R. 969: Ms. TAUSCHER, Mr. JOHNSON of Illinois, Mr. EHRLERS, Ms. FOXX, Mr. BOSTANY, Mr. ENGEL, Mr. SWEENY, and Mr. SRIRAMAN
H.R. 998: Mr. SMITH of Washington
H.R. 1056: Mr. RANGEL
H.R. 1079: Mr. CARTER
H.R. 1105: Mr. MAKEY
H.R. 1106: Mr. YOUNG of Alaska
H.R. 1108: Mr. FATTAR
H.R. 1125: Mr. YOUNG of Alaska
H.R. 1131: Ms. EDDIE BERNHARDN JOHNSON of Texas and Mr. HASTINGS of Florida
H.R. 1166: Ms. FOXX, Mr. GEELCH, and Mr. RAMSTAD
H.R. 1217: Mr. CLEAVER
H.R. 1239: Mr. BAIRD and Ms. ROYBAL-ALFORD
H.R. 1333: Ms. MALONEY and Mr. RUPPERSBERGER
H.R. 1390: Mr. WELLER and Mr. YOUNG of Alaska
H.R. 1402: Mr. YOUNG of Alaska
H.R. 1465: Mr. BISHOP of Georgia
H.R. 1471: Ms. BALDWIN, Mr. BISHOP of New York, Mr. McGovern, Mr. PASCARELL, Mr. SCHAKOWSKY, Mr. SCHIFF, and Mr. WEXNER
H.R. 1477: Mr. FARR, Mr. DEPAOLO, and Mr. SOUDER
H.R. 1465: Mr. HOLDEN
H.R. 1471: Mr. KENNEDY of Minnesota

H1680  CONGRESSIONAL RECORD—HOUSE  April 6, 2006
H. Res. 327: Mr. GEORGE MILLER of California.
H. Res. 498: Mr. RYAN of Ohio, Mr. WEINER, Mr. SKELTON, and Mr. PUTTS.
H. Res. 652: Mr. GOODLATTE.
H. Res. 686: Mr. GUTIERREZ and Ms. DEGETTE.
H. Res. 707: Mr. FOSSELLA.
H. Res. 731: Mr. GUTKNIGHT, Mr. BRADY of Texas, Mr. AKIN, Mr. MCHENRY, Mr. COLE of Oklahoma, Mr. FEENY, Mr. FLAKE, Mr. WAMP, Mr. ROHRABACHER, Mrs. MUSGRAVE, Mr. KARET of New Jersey, Mr. CONAWAY, Mr. ADERHOLT, Mr. GOMMET, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. HESSENBIRG, Mr. AKIN of Wisconsin, Mr. KLINE, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. ROGERS of Michigan, and Mr. PUTNAM.
H. Res. 735: Mr. CLAY.
H. Res. 753: Mr. MOORE of Kansas and Mr. MCHUGH.
H. Res. 756: Mr. CAMPBELL of California, Mr. KARET of New Jersey, Mrs. MUSGRAVE, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. FEENY, Mr. COLE of Oklahoma, Mr. GINGRICH, Mr. KLINE, Mr. PRICE of Georgia, Mr. TAHYRT, Mr. SODREL, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. GUTKNIGHT, Mr. MORAN of Kansas, Mr. DOOLITTLE, Mr. KURL of New York, Mr. MANZUOLO, Mr. CULBERSON, Mr. RYAN of Kansas, Mr. SHADEK, Mr. PEARCE, Mr. BISHOP of Utah, Mr. CHAROT, Mr. BURGESS, Ms. FOXX, Mr. NOGUEZ, Mr. WAMP, Mr. PENCE, Mr. ROTHMAN, and Mr. EMANUEL.
H. Res. 764: Mr. TOM DAVIS of Virginia, Mr. LYNCH, Mr. SANDERS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAYS, Mr. OXLEY, Ms. HARMAN, Mr. DAVIS of Tennessee, Mr. CASTLE, Mr. RYAN of Ohio, Mr. GORDON, Mr. NEAL of Massachusetts, Mr. GESELL, Mr. STRICKLAND, Mr. HINCHRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROHRABACHER, Mr. KOPPERBERGER, Mr. FITZPATRICK of Pennsylvania, Mr. DELAHUNT, Mr. GEHALVA, Mr. DEPAZIO, Mr. SMITH of Washington, Mr. CAPUANO, Mr. LEVIN, Mr. HOLDEN, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. JOHNSON of Illinois, Mr. SYDOR, Mr. NОРWOOD, Mr. BISHOP of Georgia, Mr. BOUSTANY, Mr. BRADLEY of New Hampshire, Mr. HOYER, Mr. BLUMENAUER, Mr. HEFLEY, Mr. DOYLE, Mr. SCHWARTZ of Michigan, Mrs. LOWEY, Mr. LANGVIN, Mr. BRADY of Pennsylvania, Mr. REYES, Ms. BEAN, Mrs. BONO, Mr. POMBO, Mr. BROWN of South Carolina, Mr. KENNEDY of Minnesota, Mr. MICHAUD, Mr. POE, and Mr. WEXLER.

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. 2646: Mr. FORD.
H.R. 4542: Mr. FORD.
H.R. 4881: Mr. FORD.

PETITIONS, ETC.

Under clause 3 of rule XII, 112. The SPEAKER presented a petition of the Essex County Board of Supervisors, New York, relative to Resolution No. 16 requesting an explanation from FEMA, SEMO and our federal representatives as to the denial of flood disaster reimbursement for the towns of Crown Point, Moriah, Ticonderoga and the County of Essex in 2005; which was referred to the Committee on Transportation and Infrastructure.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:
Petition 3 by Mr. EDWARDS on House Resolution 271: José E. Serrano.
Petition 4 by Ms. SLAUGHTER on House Resolution 460: José E. Serrano.
Petition 5 by Mr. WAXMAN on House Resolution 537: José E. Serrano.
Petition 7 by Ms. HERSETH on House Resolution 568: Ted Strickland and José E. Serrano.
Petition 8 by Mr. WAXMAN on House Resolution 570: Ted Strickland and José E. Serrano.
Petition 9 by Mr. BOSWELL on House Resolution 584: Jim Marshall.
Petition 11 by Mr. BARR on House Resolution 614: Mike Thompson.
The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The PRESIDENT pro tempore. This morning, we have the privilege of being led in prayer by our guest Chaplain, Rabbi Shmuel Butman from the Lubavitch Youth Organization of New York City. The guest Chaplain offered the following prayer:

Ovinu Shebashomayim, our Heavenly Father. We pray to You today, 3 days before the 104th birthday of the Lubavitcher Rebbe, Rabbi Menachem M Schneerson. The Rebbe reached out to all people and inspired all people throughout the world, regardless of race, religion, color, and creed, to reach a greater level of observance and service. The Rebbe said that this is the last generation of exile and the first generation of redemption and that each one of us can bring the redemption even closer by doing more deeds of goodness and kindness. I want to put a dollar in a pishky, in the charity box. May God bless you, all of you.

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.

SECURING AMERICA’S BORDERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The legislative clerk read 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.

The legislative clerk read the following:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

PENDING:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.

Mikulski/ Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Santorum/Mikulski amendment No. 3214 (to amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

Nelson (FL) amendment No. 3220 (to amendment No. 3192), to use surveillance technology to protect the borders of the United States.

Sessions amendment No. 3420 (to the language proposed to be stricken by amendment No. 3192), of a perfecting nature.

Nelson (NE) amendment No. 3421 (to amendment No. 3420), of a perfecting nature.

The PRESIDENT pro tempore. Under the previous order, the time between 9:30 and 10:30 will be equally divided between the managers or their designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the time until 10:30 will be equally divided for debate prior to the vote on invoking cloture on the Specter substitute to the border security bill. I now ask unanimous consent that the final 20 minutes before the vote be divided so that the Democratic leader has 10 minutes, to be followed by the majority leader for the final 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I don’t believe that cloture will be invoked today on the chairman’s substitute. Therefore, we have two additional cloture motions pending to the border security bill. There is a cloture motion to the Hagel-Martinez language that was offered yesterday and a cloture motion to the underlying border security bill. We will announce the exact timing of those votes a little later as we go through the morning and see how we progress. It is unfortunate that we had to set up these procedural challenges, but given the lack of progress and cooperation on getting amendments up and voted on, it was the only way to move ahead.

We have very important Department of Defense nominations that have been pending on the calendar since last
year. I have consulted with the Democratic leader, and I have scheduled cloture votes on those nominations this week to allow the Senate to vote on these important Department of Defense nominees.

Needless to say, we have a lot to do before the Easter-Passover adjournment.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEEDURE

Mr. REID. Mr. President, I am going to suspense a quorum of the Senate for the leader and I may speak for a couple minutes before the debate starts.

I ask unanimous consent that the time on our side be divided between Senators DURBIN, LEAHY, and KENNEDY, each 8 minutes; Senators SALAZAR and MENENDEZ, each 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. It has already been suggested by the Republican leader that our time would follow the hour time that is allotted under the rule, a half hour on each side, and then I would speak, and then the distinguished Republican leader would end the debate. Is that appropriate?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Nevada, the distinguished Democratic leader, has suggested more time than is available to the Senator.

Mr. REID. Mr. President, I ask unanimous consent that the 10 minutes for me and the 10 minutes for the majority leader be under leader time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. And I ask unanimous consent that the time not start running until we finish our personal colloquy. I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

Mr. MENENDEZ. Mr. President, today the Senate has a historic opportunity with this cloture vote to move forward with tough, smart, and comprehensive immigration reform that secures our Nation’s borders or to maintain the status quo of failed laws and a broken immigration system that is weak on enforcement and leaves our borders and our citizens unsecured.

A vote for invoking cloture is a vote for an increase of 1,250 Customs and Border Protection officers, 2,500 port-of-entry personnel dedicated to the investigation of alien smuggling, 25,000 investigators, 12,000 new Border Patrol agents, 10,000 work-site enforcement agents, 5,000 fraud detection agents, and the acquisition of 20 new detention facilities to accommodate at least 10,000 detainees to ensure that we have tightened our border security and workplace enforcement.

A vote for invoking cloture is a vote to create an immigration field and ensure that American workers’ wages, benefits and health and safety standards are not undercut.

A vote for invoking cloture is also a vote to recognize the economic realities in our society in which undocumented workers are sending their backs every day, picking the fruits and vegetables that end up on our kitchen tables, digging the ditches that lay the infrastructure for the future, cleaning the hotel and motel rooms for our travelers, plucking the chicken or deboning the meat that we had for dinner last night, and helping the aged, the sick and disabled meet their daily needs.

This vote ensures that they are brought out of the darkness and into the light of America’s promise. A vote for invoking cloture is a vote to create the possibility for those who contribute to our country a pathway to legal permanent residence, to pay any and all back taxes, remain continuously employed going forward, pass a criminal background check, go to the back of the line behind all applicants waiting for green cards, pay any and all back taxes, remain continuously employed going forward, pass a medical exam, and learn English and U.S. History and Government.

A vote for cloture gives us greater security. But unlike the House bill, it doesn’t criminalize innocent U.S. citizens—those, for example, like Catholic Charities—who give advice to immigrants, like those who give help to a rape victim or a battered woman. That is why I urge our colleagues to vote to invoke cloture on the Judiciary Committee bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator’s time has expired. Who yields time? If no Senator seeks time, the time is charged against each side equally.

Mr. FRIST. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise today to urge my colleagues to invoke cloture on the Specter substitute amendment. I do so because of several key reasons. First, the legislation that came out of the Judiciary Committee in this respect, I think when you have that kind of bipartisan support, it speaks to what we can do as a Senate when we reach across the aisle to try to find common ground, I think the Judiciary Committee found that common ground.

Second, the bill addresses the key issues we should be addressing in the Senate today. It addresses border security, which is critically important to us that we deal with by trying to strengthen our homeland defenses and our national security. It addresses the issue of enforcement of immigration laws in our country. It also addresses the economic and human realities of undocumented workers that we have in America today.

It is a good bill from that perspective. It is a law and order bill. For those on the other side who say this is amnesty, I reject that labeling. It has penalties and registration that go along with the requirement for those people who are undocumented and working in the United States.

Finally, no matter how this cloture vote goes—and I intend to vote for cloture because it is a vote for the Senate to show its commitment—my colleagues to vote for cloture—we need to continue to work on this issue because it is so important to the future of America. We have a reality in our country today; where we have broken borders and lawlessness, and we need to restore some order and regularity to our immigration system. This issue is too important for us to simply walk away.

I hope we will continue to work through this issue and come up with the kind of bill that the American people would bring to a very important national issue, so we can get some kind of resolution that addresses the concerns of all of those who are so affected by our immigration laws.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I began this debate by praising the bipartisan spirit of the Judiciary Committee for reporting a comprehensive and realistic immigration bill to the Senate. I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 10 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter today.

With all the dramatic stagecraft of the last few days and the protestations from the other side of the aisle it may seem surprising, but the truth is that by invoking cloture on this bill, we move to consideration of germane amendments. If the Kyl amendment is germane and pending, it would be in line for a vote. So much for all the bluster and false claims of Democratic obstruction we have heard. If Republicans want to move forward on this debate, and get one step closer to a vote on tough but fair immigration reform, they should support cloture. For the past few days, I have offered, and our leader has offered, a number of bipartisan amendments for debate and votes that would have easily won the support of the Senate. It
was Senator KYL who objected to that progress.

Late last night, the Republican leader came to the floor to file a motion that would require the Senate to send the immigration bill back to the committee and let the Senate act as a "parliamentary procedure that means that none of us could offer amendments, and he filed an immediate cloture motion.

So before any of us even saw the amendment, the Republican majority leader made sure to prevent any Senator in this body from offering an amendment of his or her own. It is somewhat ironic, after all of the posturing by Republicans over the past 2 days about the right of Senators to offer amendments and be heard, that the Republican Party has returned full force to its standard practice of shutting out those who might disagree. That is too bad, especially on a matter this important.

We began with a high level of demonization of the Democratic Party. Sens. SPECTER and I worked together to get a committee bill. I urge all Senators to vote for reform by supporting this cloture motion on what is a bipartisan bill that balances tough enforcement with human dignity.

Now, the Republican manager of the bill was right to take on the smear campaign against the committee bill from opponents who falsely labeled it amnesty. The committee bill is not an amnesty bill. President Reagan signed an amnesty bill in 1986. This is not. This is tough bill with a realistic way to strengthen our security and border enforcement, while bringing people out of the shadows to earn citizenship—not immediate citizenship; it still takes 11 years. They have to work, pay taxes, they have to learn English, and then they have to swear allegiance to the United States. That is a long way from amnesty.

As the New York Times noted in an editorial, "To those who falsely smeared this as an amnesty bill, painting the word "deed" on a cow and taking it into the woods does not make the cow into a deer. This is something every deer hunter in Vermont knows.

It is most ironic to hear those in the Republican Congress talk about amnesty and lack of responsibility. Their record over the last 6 years is a failure to require responsibility and accountability, or to serve as a check and balance. They are experts in amnesty, so they should know this bill is not amnesty.

I was glad to hear the Republican leader begin to change his tune over this week and acknowledge that providing illegal workers with a path to citizenship is not amnesty. I have not had an opportunity to see, let alone review, the Republican instructions in the motion filed late last night. I am advised that they now have a proposal to establish a path for citizenship for some of the undocumented. I guess other Republicans will falsely label that effort as "amnesty for some."

Sadly, however, the opponents of tough and smart comprehensive immigration reform will not stop with smearing the bill. Some who have opposed it have used ethnic slurs with respect to outstanding Members of the Senate. I spoke about this yesterday, when I praised Senator SALAZAR. His family's is a distinguished record that should not need my defense. I deplore the all-too-typical tactics of McCarthyism and division to which our opponents have resorted, again. This is an issue that goes to the heart and soul of the conscience of the Senate. When people who disagree with Members of this body resort to ethnic or religious people who disagree with Members of the Senate. I spoke about this yesterday, when I praised Senator SALAZAR. This is an issue that goes to the heart and soul of the Senate.

Wisely, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions of the criminal law. And we have rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions of the bill supported by congressional Republicans have understandably sparked nationwide protests because they are viewed as anti-Hispanic and anti-immigrant and are inconsistent with American values.

Our work on immigration reform has been called a defining moment in our history. The Senate, in its best moments, has been able to rise to the occasion and act as the conscience to the
Nation, in the best true interests of our Nation.

I hope that the Senate’s work on immigration reform will be in keeping with the best the Senate can offer the Nation. I hope that our work will be something that would make not only my immigrant grandparents proud—and I stand only one generation from my immigrant grandparents—but a product that will make our children and grandchildren proud as they look back on this debate. Now is the time and this is the moment for the Senate to come together to do its part and reject the calls to partisanship.

Now is the time to move forward with the bipartisan committee bill as our framework so that we can bring millions of people out of the shadows and end the permanent underclass status of so many who have contributed so much. By voting for cloture, we will take a giant step toward better protecting our security and borders and allowing Americans to have a chance to become a reality for our hard-working neighbors. History will judge. The time is now.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURkowski). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I asked Senator LEAHY to take my place in the chair because I want to show that a Republican agrees with him, in part. I do support the statements made by the Senator from Vermont concerning this country’s stated that may have been made concerning any racial connections with this bill.

However, I cannot support cloture on the bill because it still contains the provisions with regard to felons. The amendment we tried to vote on the other day, I am informed, is probably not possible to consider if we vote cloture on this bill at this time. So I regret that I cannot support cloture. I stated that I would vote for cloture on the bill as it came from the Judiciary Committee. Under the circumstances, once it was discovered, with the provisions with regard to prior convictions for felons, I supported that amendment the other day by voting not to table it. I believe that amendment should be considered before we vote cloture on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURkowski). Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I believe time has been allocated.

Mr. KENNEDY. Will the Chair remind me when there is 2 minutes remaining?

Madam President, the Senate Judiciary Committee passed a strong bipartisan, comprehensive reform bill last week, and Members on this side of the aisle believe it deserves an up-or-down vote on its own terms. Unfortunately, we have gotten bogged down instead on procedural issues. But the vote we cast today is a vote on how to reconcile America’s history and its heritage as a nation of immigrants with today’s crisis of undocumented immigration. It has been said many times—and it bears repeating—all in this room are descended from immigrants. Immigrants signed the Declaration of Independence and they wrote the Constitution of these United States. Immigrants and immigrants only built our great cities, and they fueled our industrial revolution.

Our history is a nation of immigrants, but that history has a dark side as well. Millions of Africans were brought here as property in a technical sense, but forced for generations to labor as slaves, our great national shame. Millions of other immigrants fared only slightly better: the Chinese coolies, who worked 18 to 20 hours a day to build our railroads under deplorable conditions; the Mexican braceros, who were actively recruited by the United States Government to labor in our fields but were systematically denied fair payment for their work; and today the undocumented immigrants who are exploited at the workplace and live with their families in constant fear of detection and deportation.

For decades, this country has turned a blind eye to the plight of the stranger in our midst and looked away in indifference from this grotesque system. But a nation of immigrants rejects its history and its heritage when millions of immigrants are confined forever to second-class status.

All Americans are debased by such a two-tier system. The vote we cast today is on whether the time has come to right these historic wrongs, and we will have that opportunity to do so with the underlying bill.

Over these past days, it has become apparent to Senator MCCAIN, myself, and the others who are in active support of this legislation that adjustments are going to have to be made in that legislation to gain strong bipartisan support that will reflect greater than 60 votes in the Senate. I am convinced a majority in the Senate supports our particular proposal.

As I have spoken on other occasions, this is a composite of different actions that is in the interest of our national security, our economic progress, and our sense of humanity. But we understand adjustments have to be made, and within the last few days, Democrats and Republicans in this leadership have been coming together to try and find common ground.

There are those who believe we ought to treat undocumented aliens as a particular group and treat the same. There are others who say those who have just arrived here should be treated differently and under different circumstances. We have been attempting to adjust those different views, and I believe we have made important progress in a way that will maintain the integrity of the legislation but also will mean perhaps a somewhat longer period of time for adjusting of status or earning citizenship for those who have more recently arrived.

It is a strong, good-faith effort on both sides to try and find this common ground. I am very grateful for the leadership our leaders have provided on our side—Senator REID, Senator LEAHY, and others who have been my associates. I thank my friend and colleague Senator MCCAIN and a number of his associates—MEL MARTINEZ and a number of others—who have worked to try and move this process forward.

I hope the vote on cloture will be successful, but I recognize fully that if we are not successful, it is going to open up a new opportunity for us to finally realize the legislation which will essentially preserve the fundamental integrity of the approach Senator MCCAIN and I have taken. It will provide some differences, and out of accommodation and in the desire and interest to achieve the underlying thrust of this legislation, I urge our colleagues to support those provisions in our best interest. Then I am confident that we can, before the end of this week, report out legislation that will be comprehensive and will meet the challenges of our time.

Finally, we have come together—Republicans and Democrats—in other major civil rights times. We came together in the 1960s with the 1964 Civil Rights Act, 1965 and 1968 Civil Rights Act. We all came together on the Medicare, Medicaid and in the leadership. We came together, as well, on higher education legislation that made such a difference. And we came together on the Americans with Disabilities Act. We haven’t had that kind of coming together in this body on a matter of national importance and international importance. We may very well be at that moment in the Senate. I am prayerful that will be the outcome and that we will have that kind of achievement. We still have some hurdles to work through, but I hope that will be the final and ultimate outcome.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.
Mr. KENNEDY. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. SPECTER. Madam President, I might say to my colleagues who would like some time, we have 25 minutes. They are invited to come to the floor and speak. I think we will have time to extend to a number of Members.

I am pleased to note we have made some significant progress, although we do not have the bill in a position yet where we know precisely where we are heading, but it now appears we will be successful with the addition of the ideas which have been injected into the process by Senator HAGEL and Senator MARTINEZ.

We will be coming up on a cloture vote on the committee bill shortly. I would very much like to see the committee bill move forward, but I do not think it is fair to have cloture on the committee bill without giving Senators an opportunity to offer amendments.

We have been on this measure since last Wednesday, and we have had very few amendments offered. The Senators—principally Republican Senators—who have come to the floor to offer amendments have been prevented from doing so by parliamentary rules. I acknowledge that those who have stopped us from offering amendments are operating within the rules, but I do not think within the spirit of the Senate, which is to have a committee bill, have it open for amendments, have the amendments debated, and have the amendments voted on—that is the way the Senate works, but that has not been the result here.

Had we wanted the case, had Senators been permitted to offer their amendments in due course and have an opportunity to follow the customary procedure, then I would have been an advocate of cloture to move the process along. But that has not been the case.

Unusual as it may seem for the chairman of the committee bill to oppose cloture on that bill, that is the position I am taking because there has not been an opportunity to vote on amendments.

We have, in any event, progressed beyond this point so that we now have another bill which has been committed to the committee, and we are having a cloture vote in due course scheduled for tomorrow. Perhaps that cloture vote could occur today; I don't know. But if we can see where we are heading, it would obviously be desirable to move the process along as promptly as possible.

The ideas advanced by Senator HAGEL and Senator MARTINEZ make changes in the committee bill by having a distinction between those who have been here for more than 5 years, where they will work for 6 years and be entitled to a green card, contrasted with those who have been here for less than 5 years but more than 2 years from the date of January 7, 2004, which is the date established by the date provision that the President has focused on in advancing ideas on immigration reform. Those who have been in the country prior to January 7, 2004, but for less than 5 years, will be on a slightly different track, where they can be here for 5 years and have 1-year extensions, and their ability for green cards will depend upon the cap not having been reached so that they are at the end of the line, in any event, from those who have had their applications pending. Some of the nurse applications for visas from the Philippines go back to 1983, and one of the additions made in the committee mark was to see to it that those 11 million undocumented aliens would not come ahead of people who have been following the law and who have been here.

There is another modification on the temporary workers—if the green cards are reduced from 400,000 to 325,000, with an effort being made not to take away jobs from Americans, to a limit that number to respond to the need for immigrant workers but to reduce it to that extent. We are still working on some refinements so that if the unemployment rate is high in certain cities, the number of green cards can be reduced there. Employers cannot bring in immigrant workers where American workers are involved.

We have, obviously, a very complicated system, but the work has been prodigious. There have been quite a number of Democrats who have met with quite a number of Republicans. My own view has been to try to be flexible. If I had my choice, I would have the original chairman's mark, the mark that I put down as chairman. But there is an amendment in the committee, taking up other provisions of the McCain-Kennedy bill, and other amendments which were offered. As chairman, I tried to structure an accommodation among all of the bills: the Hagel bill, the McCain-Kennedy bill, the Kyl-Cornyn bill. We came very close in the markup a week ago Monday to an accommodation somewhat similar to what we have reached now, but we couldn't make it in committee, so we have struck the committee bill. If I had my choice, to repeat, I would want the chairman's mark. My second choice is the committee bill. I am not wildly enthusiastic about the changes made in Hagel-Martinez. But where we are with the changes made by Senator HAGEL and Senator MARTINEZ is better than where we are now; it is better than no bill.

What we are dealing with here, as we inevitably and invariably do on legislation, is finding the best compromise we can pass. The issue is whether that bill is better than no bill. I think, for me, that bill is decisively better than no bill.

Mr. CRAIG. Madam President, would the chairman yield for a question?

Mr. SPECTER. I will.

Mr. CRAIG. Let me first thank the chairman for his due diligence. There is no question that he has focused on this for a good many months and has tried to work us through a process of time and issue. The Senator is so right in talking about all of the complications involved: the types of labor, the type of work to be done, the need to deal with this in a responsible way, and to contain our borders and to control them. And without that, no orderly process will ever happen effectively.

As the chairman knows, I have spent a good deal of time on this issue, something focused on a segment of our economy in agriculture. To your knowledge, as it relates to the compromise you are talking about that may be struck and has taken form here in the last 24 hours, is the agricultural provisions that we—myself, working with a member of your committee, Senator FEINSTEIN—worked to put in the bill that came out of committee, is that still the proviso that we knew as we know it and as we would vote on it?

Mr. SPECTER. Madam President, I respond to the distinguished Senator from Idaho in the affirmative. It is intact. The reduction in green cards and visas from 400,000 to 325,000 may impact on that to some extent. But the amendment which was offered by Senator FEINSTEIN, who is on the committee and on which you were a collaborator—and I again congratulate you on that, as I did in committee when we accepted the amendment—is intact. It is a very important amendment, worked out very carefully. You have been working on this for years—you can say how many years—but it has been a very long haul.

Mr. CRAIG. I thank the chairman for that response. Every employment sector is unique, and what we have found, and I think what the committee has found, is that agriculture is a sector of the type of labor involved, is kind of the entry door many of our migrant laborers come through, legal and illegal, and from that, if you will, learn and move to other segments of the economy.

So we tried to reflect that in the structure of the Feinstein amendment to the bill, recognizing that other portions of the bill would be different, and that the compromise being talked about, in my opinion, makes some sense as it relates to seniority and time and place to work in a fair and responsible way. At the same time, it makes sure that we don't effectively damage these segments of the economy. And that will not work in, and that we find foreign nationals and will and are very effective in their work there.

I thank the Senator very much.

Mr. SPECTER. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 14 minutes on the Republican side.
Mr. SPECTER. Again, I invite my colleagues if they wish to comment to come to the floor. There is time.

I yield the floor.

Mr. DURBIN. Madam President, this is a debate that has been in the brewing for decades. Those who are witnessing this debate may think it is just another debate on another bill, but it is not. This is a debate that has been in the brewing—at least in the making, I should say—for decades. Massachusetts has been speaking out about meaningful immigration reform for decades. It has eluded us. There are times when we have done temporary things of some value, but we have never come to grips with the fact that the immigration laws in America have broken down. We are in virtual chaos. Borders are out of control, employers are hiring people without adequate enforcement, and there are 11 million or 12 million people who are undocumented or illegal status, uncertain of their future.

This is controversial. We have to come to grips with it. But it is rare in the history of the Senate that we consider a bill that touches so many hearts and changes so many lives in America as this immigration reform. We are literally going to define America’s future with this bill. We are going to make it clear whether we are going to hold to the values that have made us a great and diverse nation.

There are people amongst us, some you may see and not know—people you sit next to in church; families who bring their children to school with you; the people who cooked your breakfast this morning at the restaurant, who cleared the table; those who will straighten your room after you leave the hotel and then check you out; those who will straighten the table; those who will straighten your room after you leave the hotel—many of them you may not know, but look closely. Many of them will be directly affected by what we do in this Senate and outside, resisting amendments that would cripple and destroy this process and derail our efforts to finally have comprehensive immigration reform. Were it not for Senator HARRY REID on the Democratic side of this aisle standing fast, I don’t know that we could have reached the point we have reached today. But we have reached it, and I think that we finally have come together in a bipartisan fashion to deal with an issue that affects so many millions across this country.

It is not over. Even if the cloture vote, as we call it in the Senate, passes tomorrow on the compromise, this can still be derailed. There are still Senators, primarily on the other side of the aisle, determined to derail this agreement. They will offer crippling, devastating amendments. We need to stand fast on a bipartisan basis to resist those amendments. Those who pledge their fealty to this bill can make it clear whether we are going to hold to the values that have made us a great and diverse nation.

I understand there are those, on both sides of the aisle, who happen to like the Judiciary Committee bill that is the subject of this cloture motion. While there are portions of the bill I like very much, particularly those which have to do with border security, I know that the bill as yet still does not have a worksite verification provision, to my knowledge. My understanding is, because of jurisdictional conflicts, the Judiciary Committee could not do comprehensive work on that portion of the bill, and that is within the exclusive jurisdiction of the Finance Committee. We are still waiting for that title III to this bill to come to the floor and be offered as an amendment and be made part of this legislation. Without a worksite verification requirement, this bill will not work, notwithstanding how much we do at our borders, which is very important.

This bill will not work unless we make sure that only people who come forward and submit themselves to background checks and we know are not criminals or terrorists and we know in fact they are qualified and eligible workers—unless we have a system
in place to make sure of that, this will not work and we will not have done everything we can and should to make sure this bill will work.

Indeed, in 1986, as part of the amnesty that was signed in that year, the quick time frame in which 3 million people was an effective worksite verification program and employer sanctions for those employers who cheat and hire people on the black market of human labor.

We believe the Federal Government failed to provide that effective Federal Government worksite verification program, that now we are dealing with approximately 12 million people who are here in violation of our immigration laws, and we are confronted with the monumental challenge of how to address those 12 million in a way that both respects our legacy as a nation that believes in the rule of law while we continue to celebrate our heritage that believes we are indeed a nation of immigrants and better for it.

This is not the Senate working according to its finest traditions. The only time the works is if each Senator has an opportunity to debate and to argue and to offer amendments. We understand not all of the amendments will be accepted. I am happy—maybe not happy, but I am willing to accept the fact that there may be amendments I will offer that will not be successful. But that is the way the committee process worked under Chairman SPECTER in the Judiciary Committee. Each of us had a chance to have our say, to offer amendments, and to have a vote. That is the way democracy works. But the idea that we will somehow try to jam this bill through here without Senators having a chance to debate and vote on amendments is a farce. If our colleagues will not support it and that they will vote against cloture so we may offer those amendments and have the kind of debate that represents the Senate. I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, I will need the support of Republican Senators as the Senate is to make progress on this important matter today.

With all the dramatic stagecraft of the last few days, and the protestations from the other side of the aisle, it may seem surprising, but the truth is that by invoking cloture on this bill we move to consideration of germane amendments. If the Kyl amendment is germane and pending, it would be in line for a vote. So much for the bluster and false claims of Democratic partisanship of the Judiciary Committee for reporting a comprehensive and realistic immigration bill. The committee bill on which cloture is being sought is not an amnesty. The committee bill, to bring this debate to a successful conclusion, in the time and on the terms set by the majority leader. If we are to pass a bipartisan bill by the end of this week, we will need to join together to support the committee bill, to bring this bill to the floor to file a motion to cloture that I hope will bring successful action on a comprehensive, realistic, and fair immigration bill.

I regret that over the last 3 days some tried to make this into a partisan fight. I fear they have succeeded. I urge all Senators, Republicans and Democrats, and the Senate’s Independent, to vote for cloture on the bipartisan committee bill, to bring this bill to the floor to file a motion to cloture that I hope will bring successful action on a comprehensive, realistic, and fair immigration bill.

The Senate did not complete work on the lobbying reform bill on schedule and cut into time for this debate. When the majority leader decided to begin the debate with a day of discussion of the pending issue, he was left then with 1 week, not 2. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. When the majority leader made sure to stop every other Senator with floor time, the Democratic leader filed a petition for cloture that I hope will bring successful action on a comprehensive, realistic, and fair immigration bill.

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night. I am advised that they would establish a path to citizenship for a segment of the undocumented. I guess other Republicans will falsely label that effort as “amnesty for some.”

Tragically, however, the opponents of tough, comprehensive immigration reform do not stop with smear ing the bill. They have also used ethnic slurs with respect to outstanding Members of this Senate. I spoke yesterday to praise Senator SALAZAR. His family has a distinguished history of public service, and they would not need my defense. I deplore the all-too-familiar tactics of McCarthyism and division to which our opponents have resorted, again. I wish someone on the other side of the aisle had shown the wisdom of Ralph Flanders and joined with me in criticism of such tactics. Regrettably, no one did. I, again, thank Senator SALAZAR, Senator MENENDEZ, Senator OBAMA, and Senator MARTINEZ for their support of the committee bill and their participation in this debate.

The Durbin—Hagel strongly supported amendment that mirrors the Judiciary Committee bill confronts the challenging problem of how to fix our broken immigration system head on. It is strong on enforcement—stronger than the House bill in every way—ways it is stronger than the bill passed by the House. It includes provisions added by Senator FEINSTEIN to make tunneling under our borders a Federal crime and increases the number of enforcement agents. It toughens employer enforcement and tough on traffickers. But it is also comprehensive and balanced. I have called it enforcement “plus” because it confronts the problem of the millions of undocumented who live in the shadows. It values work and respects human dignity. It includes guest worker provisions supported by business and labor and a fair path to earned citizenship over 11 years through fines, the payment of taxes, a litigated work and learning English that has the support of religious and leading Hispanic organizations. It includes the Ag JOBS bill and the DREAM Act, the Frist amendment, the Bingaman enforcement amendment, and the Alexander citizenship amendment.

Wisely, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, clothing, and basic sustenance to the undocumented to possible prosecution under felony alien smuggling provisions of the criminal law. And we have rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions of the bills supported by congressional Republicans have understandably sparked nationwide protests being viewed as anti-Hispanic and anti-immigrant and are inconsistent with American values.

Our work on immigration reform has accurately been called a defining moment in our history. The Senate, in its best moments, has been able to rise to the occasion and act as the conscience of the Nation, in the best true interests of our Nation. I hope that the Senate’s work on immigration reform will be in keeping with the Senate can offer the Nation. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud as they look back on this debate.

Now is the time and this is the moment for the Senate to come together to do its part and to reject the calls to partisanship. Now is the time to move forward with the committee bill as our framework so that we can bring millions of people out of the shadows and end the permanent underclass status of so many who have contributed so much. By voting for cloture we will take a giant step toward better protecting our security and borders and allowing the American Dream to become a reality for our hard-working neighbors. History will judge, and the time is now.

Mr. FEINGOLD. Madam President, I will vote in favor of cloture on the Judiciary Committee substitute to S 3174, the immigration bill that is pending. This substitute is not a perfect bill, but it is a good bill, and I urge my colleagues to support it.

This is a defining moment for America. Our immigration system is broken, and it is up to us to fix it. Congress can choose from several paths. We can build a wall around our country and make felons of millions of people who are undocumented or who have provided humanitarian assistance to the undocumented. That is the path the House bill would take, and I believe it is a path that is fundamentally inconsistent with our Nation’s history and values.

But there is a better path, and I believe another option, a better option. We can recognize that we need a comprehensive, pragmatic approach that strengthens border security but also brings people out of the shadows and ensures that our Government knows who is entering this country for legitimate reasons, so we can focus our efforts on finding those who want to do us harm. That is the Judiciary Committee substitute, and that is the path I believe we must choose.

Flint and steel, the enforcement amendment must bolster our efforts at the borders and prevent terrorists from entering our country. We absolutely must work to curb illegal immigration, and I am pleased that the Judiciary Committee substitute contains strong provisions in this area. It would be fiscally irresponsible to devote more and more Federal dollars to border security without also creating a realistic immigration system to allow people who legitimately want to come to this country to go through legal channels to do so.

Right now, there are roughly 11 million to 12 million individuals here illegally. The United States issues only 5,000 employment-based immigrant visas each year for nonseasonal, low-skilled jobs. This is nowhere near the number of jobs that are available but not filled by American workers. More than anything else, this lack of availability explains the influx of undocumented workers. These are the facts, and our immigration policy must deal with them.

Improving our border security alone will not stem the tide of people who are willing to risk their lives, in order to enter this country. According to a recent Cato Institute report, the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that we have tripled the number of border agents and increased the enforcement budget tenfold. If we focus exclusively on enforcement, our immigration system will remain broken, and I fear we will have wasted Federal dollars.

We need to improve security at our borders and create a system that allows abiding noncitizens to enter the country legally to work when there is truly a need for their labor and that deals with the influx of millions of illegal immigrants who are already here. And that is why business groups, labor unions and immigrant’s rights groups have all come together to demand comprehensive immigration reform.

Another provision of this substitute creates a guest worker program that allows employers in the future to turn to foreign labor but only when they cannot find American workers to do the job. This will help avoid a future flow of undocumented workers. Our laws must acknowledge the reality that American businesses need access to foreign workers for jobs they cannot
fill with American workers. In my home State, I have heard from many business owners, including a number whose businesses go back for generations, about the need for Congress to fix our broken immigration system because they cannot find American workers. These hard-working American business owners desperately want to follow the rules and cannot fathom why Congress has dragged its feet on this issue for so long. Whether it is tour guides, landscapers or nursing, all businesses will continue to suffer if we fail to enact meaningful, comprehensive, long-term immigration reform.

But once we do, we also need to do a better job of enforcing our immigration laws in the workplace.

While the committee substitute recognizes the need for foreign workers, the new guest worker program also includes strong labor protections to ensure that foreign labor does not adversely affect wages and working conditions for U.S. workers. We must not create a second class of workers subject to lower wages and fewer workplace protections. That would hurt all workers because it drives down wages for everyone. Foreign workers who have paid their dues should be treated fairly and deserve the protections of all working Americans.

For all of these reasons, I support the core immigration reform provisions of the committee substitute. I also want to mention two pieces of legislation included in the committee substitute that I strongly support.

The first is the DREAM Act. Regardless of what you might think about other aspects of immigration reform, we have to recognize that there are people affected by this debate with little say in the decisions that affect their lives—undocumented children. Many of these children have lived in this country for most of their lives and have worked hard in school. Yet due to their undocumented status, their long-term options are greatly limited. These children live with the threat of deportation and without access to crucial financial resources, making it virtually impossible to pursue the college education that would enable them to contribute more fully to our society.

I am also pleased that the AgJOBS legislation is included in this substitute. It is a tribute to Senator Craig, Senator Feinsteim, and Senator Kennedy that we were able to reach a compromise on AgJOBS that the committee substitute. Crucial immigration legislation will enable undocumented agricultural workers to legalize their status and would reform the H-2A agricultural worker visa program so that in the future, growers and workers will not continue to rely on illegal channels.

I wish to mention that I was pleased the Judiciary Committee accepted an amendment that I offered, to ensure that people whose naturalization petitions are denied by U.S. Citizenship and Immigration Services can seek judicial review. Citizenship decisions have historically been a judicial function, and it would have been a real disservice to our Nation’s traditions to prevent someone who have worked hard to become U.S. citizens to be denied that most central privilege without a judge’s review of the decision.

Of course, this bill is not perfect. It contains some other provisions, including immigration violations, and the International Association of Chiefs of Police has also expressed concerns about this. I also have concerns about other provisions in title II of the bill that require excessive deference to executive agency decisionmaking in immigration cases and that expand the categories of individuals subject to the most draconian immigration consequences.

But overall, this is a good bill. I believe that if the Senate invokes cloture on, and ultimately passes, the Judiciary Committee substitute or something similar to it, we will be well on our way to fixing our broken immigration system. We will have chosen the right path.

Mr. SPECTER. Madam President, how much more time remains on our side?

The PRESIDING OFFICER. There remains 1 minute 40 seconds.

Mr. SPECTER. I reserve the remainder of the time and yield the floor. 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, baseball season is upon us. Tomorrow, my friend, Hall of Fame to be pitcher Greg Maddux will pitch. With 11 more victories, he will be in the top 10 of all baseball players who have ever pitched in the Major Leagues. He needs to win 11 more games this year.

The reason I mention this is what we are doing here in the Senate is not a baseball game but, in spite of that, the American people are looking for a win.

There is no question to this point the Senate has not pitched a perfect game, that there is a way that the Judiciary Committee has done a great deal.

They have, in effect, loaded the bases. The Senate Judiciary Committee has loaded the bases. We have the bases loaded, and now the Senate is up to bat. We need to get a hit. If we get a hit, drive in a run, it is over, and the American people have won.

We have to remember what we are voting on. We are voting to keep moving forward on a good, strong, bipartisan bill that will secure our borders.

No matter how many people come and talk, how many speeches they give, the fact is that is what it is all about. We, the minority, believe we owe it to the American people to keep moving forward on legislation that will keep us safe.

Some Republicans disagree with that. It is very clear from the debate that has taken place. I can only guess that the average American that will see this debate and move on to other matters.

That is unfortunate. If that happens, the Senate’s inability to secure our borders and fix our immigration system will be the Republican’s burden to bear.

The one question I ask throughout all this: Where is President Bush? On an issue which is this important, I haven’t seen his congressional liaison working the halls the way they do on the bipartisan bill that will secure our borders.

Mr. SPECTER. Madam President, I rise to kill this immigration debate and move on to other matters.

The PRESIDING OFFICER. The Assistant Legislative Clerk will call the roll.

Mr. SPECTER. I reserve the remainder of the time and yield the floor.

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The PRESIDING OFFICER. The Assistant Legislative Clerk will call the roll.

Mr. SPECTER. I reserve the remainder of the time and yield the floor.
will secure our borders. It cracks down on employers who break the law. It will allow us to find out who is living here, whether it is 11 million or 12 million. We will find out. We want the people who are living in the shadows to come forward, to be fluent in English. We don’t want to be dealing with individuals who have committed crimes. We want them to pay taxes and have jobs. Even with that, they go to the back of the line.

It is true that there will be additional immigration votes tomorrow—maybe even late tonight if something can be worked out this afternoon. People have been working on the Martinez amendment for the last several days, and they haven’t completed it yet, but they are very close. I compliment the Senator from Florida for the work he has done. Maybe it can be improved. I hope it becomes something for which I can vote.

There has been tremendous movement during the night. I think that is very important. You don’t need to wait until tomorrow to register support for a strong bipartisan immigration reform bill; we can do it right now by voting for the committee bill.

I have heard the arguments against voting for cloture but, frankly, they do not make a lot of sense.

The first argument you hear is that by invoking cloture, you are shutting off the ability to make amendments. The PRESIDING OFFICER. The majority leader is recognized.

I believe many of our colleagues have been unfairly treated in the sense that, in a very real sense, when they have amendments we know will advance the discussion and improve the underlying bill they have been denied the opportunity to come forward and even introduce their amendments, debate them, and vote on them.

In a few moments, we will have a vote on a motion presented by the Democratic leader that everyone knows will fail, and I think it is a real shame that some have felt it was more important to play politics than to have a vote, after we do that, if we stay focused, if everyone looks at where we are going to go over the next 12 or 24 hours, I believe the Hagel-Martinez proposal introduced yesterday, which all of our colleagues have looked at over the course of this morning, gives us an opportunity to make a major step forward on the underlying bill. It gives a fair and reasonable approach. It gives priority to the security concerns about our national security interests that are always at the top of our list. It pays attention to the 9/11 recommendations. It respects the rule of law as well as that rich contribution and heritage provided by our immigrant population.

It was last October that I met with Senators CORYN and MCCAIN and many others to discuss our intentions to take a 2-week block of time and focus on the floor of the Senate. Publicly, at that point in time—again, it was October—I laid out a strategy, a plan to start with border security, a victory for people who want to work. It would be a very important provision of this guest worker program, supported by wide-ranging groups of people. The third important aspect of this legislation, we go for it this afternoon, would be to make sure that the 12 million people have a path to legalization—not an easy path but mountains to climb, some washes to move up, maybe even a tree or two to cut down, but it gives people hope that they can vote, after we do that, if we stay focused, if everyone looks at where we are going to go over the next 12 or 24 hours.

On the other hand, I am very optimistic by a lot of the events that have occurred over the last 14, 18 hours in terms of making real progress. After this vote in 30 or 45 minutes, I think the decks will essentially be cleared in the sense that we can optimistically look at where we are going to go over the next 12 or 24 hours.

I believe the Hagel-Martinez proposal was put forward on Monday. We have had a number of hearings and markup, and consider legislation. Indeed, after six markup periods of designing and writing that bill, they did just that. I commend them. I thank the chairman. I know many Members were involved and participated, and I think they did a very good job.

We began the debate last week. We started with border control, just as we laid out. We extended that to interior control enforcement and workplace enforcement, and then comprehensive immigration reform including the temporary worker program. The American people expect it. To allow 2,000 or 3,000 illegal people to come across the border in the middle of the night, not knowing where they are or where they are going, is wrong. We can fix that, as well as comprehensive reform.

I am optimistic that after today’s vote, after we do that, if we stay focused, if we come together, if everyone takes a very careful look at the Hagel-Martinez proposal, we will finish with a bill which will make America safer, protect the rule of law, and recognize our interest in legal immigration.

As I have said all along, I believe we can agree to a fair and reasonable approach, as I said before, is to give people who have broken the law a specialized, unique track to citizenship. But we do have 12 million people here today. We have to be practical. With the Hagel-Martinez approach, we will recognize and discuss the fact that these 12 million people are not a monolithic group. It is a group that can be addressed in different ways depending on where one falls within that group.

I support a strong temporary worker program that allows people to fill what employment needs we have, to come here and to learn a skill, send money back home, and then return to their hometowns to build and contribute to their local community. I believe we need this three-pronged approach because only a comprehensive approach is going to fix this badly broken system we have today. For all we do on the border, at the worksites, we need to fix the immigration system and also to give us the real border security that so many know we need.

Over the course of the day, people can study the approach which was put forth by the bipartisan group under the leadership of Senator LEAHY and Senator SPECTER and Senator LEMMEN and Senator DURBAN.
on the table by Senators HAGEL and MARTINEZ. It deserves discussion and focus. I believe it will be the turning point in the debate because it is time for us to act and not talk. It is time for us to no longer delay, no longer postpone. It is time for us to give our colleagues the opportunity to offer their amendments.

So talk, yes; debate, yes. But then let us vote—let us vote in our States’ interests, vote for what is in our country’s interest but; above all, let us give people the opportunity to vote.

I will close by saying again that I am very optimistic that by working together and applying a little common sense, we will come up with a plan that gets the job done and which makes America safer and more secure.

I encourage our colleagues to vote no on cloture now, and then the Senate will really get to work.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Substitute amendment No. 3192. Patrick J. Leahy, Edward M. Kennedy, Robert Menendez, Frank R. Lautenberg, Joseph I. Lieberman, Carl Levin, Maria Cantwell, Barack Obama, Tom Harkin, Hillary Rodham Clinton, John F. Kerry, Dianne Feinstein, Richard Durbin, Charles E. Schumer, Harry Reid, Daniel K. Akaka.

The PRESIDING OFFICER. By unanimous consent, the mandatorv quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3192 to S. 2454, a bill to amend the Immigration and Nationality Act, to provide for comprehensive reform, and to provide for the Nation, shall be brought to a close under the rule?

The yeas and nays are mandatorv under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. ENZIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—39

Akaska — Feinstein — Lincoln
Baucus — Harkin — Menendez
Bayh — Indiana — Mikulski
Biden — Jeffords — Murray
Bingaman — Johnson — Obama
Boxer — Rangel — Pryor
Cantwell — Kerry — Reid
Carper — Kohl — Reid
Chesnutt — Landrieu — Salaz
Dayton — Lautenberg — Sarbanes
Dodd — Leahy — Schumer
Durbin — Levin — Stabenow
Feingold — Lieberman — Wyden

NAYS—60

Alexander — DeMint — McCain
Aliar — DeWine — McConnell
Allen — Dole — Markowski
Bennett — Domenech — Nelson (FL)
Bond — Dorgan — Sessions
Brownback — Ensign — Smith
Burns — Frist — Snowe
Burr — Graham — Shelby
Borum — Graner — Smith
Chafee — Gregg — Specter
Chambliss — Hagel — Stevens
Conrad — Hutchison — Sununu
Cookman — Inouye — Thomas
Collins — Isakson — Thompson
Conrad — Kyl — Thune
Dodd — Lugar — Vitter
Craigs — Lugar — Voinovich
Crapo — Martinez — Warner

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. THOMAS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay that motion on the table was agreed to.

Mr. LEVIN. Mr. President, over the past few weeks, the Senate has engaged in an important debate that is long overdue. Our current immigration system is broken and has been broken for many years. Although this problem is complex, the need for reform is clear, and I am pleased that the Senate is moving forward on the issue.

We need to make comprehensive, responsible, and common sense reforms that will stem the tide of illegal immigrants, will be fair to those who are here legally, and will deal realistically with the millions of illegal immigrants already here. I believe U.S. immigration policy should establish clear procedures for determining who can enter this country, and it must provide the tools for apprehending those who enter the United States illegally and to punish those who hire them at the same time. We must honor our traditions as both a nation of laws and a nation of immigrants, enriched by the diversity of newcomers.

The Senate Judiciary Committee worked hard to create a bipartisan package that would accomplish many of those goals. The bill before us today would strengthen security at our borders through increased technology, increased border patrol, and heavier fines. It would create a sustainable temporary worker program to help fill the lowest wage jobs, which pay little and are short of American takers. And it would provide a path to citizenship that does not bump anybody who is here legally but would allow law-abiding, hard-working undocumented immigrants to go to the end of the line.

I am pleased by the inclusion of the AgJOBS bill in the Specter substitute amendment. Agriculture is the second largest industry in Michigan, behind manufacturing, and it depends upon the work of immigrants.

The AgJOBS provision would provide protections for both the immigrant and American workers. It is estimated that without a guest worker program that allow for agricultural workers, the State of Michigan would lose hundreds of millions of dollars. In short, the AgJOBS provision is vital to the economic health of Michigan.

The security provisions in this bill are also important for Michigan and for the Nation. As the 9/11 Commission pointed out in its final report, the northern border has traditionally received dramatically less attention and resources from the Federal Government. I am pleased that the language passed by the Senate Judiciary Committee and included in the Specter substitute amendment authorizes an additional 12,000 Border Patrol agents over the next 5 years, and requires that at least 20 percent of these agents be stationed along our northern border.

I was also pleased that Senator COLLETTI is joining me in an amendment to help ensure our Border Patrol agents and other Federal officials involved in border security—including police officers, National Guard personnel, and emergency response providers—have the capability to communicate with each other and with their Canadian and Mexican counterparts.

The Levin-Collins amendment would direct the Secretary of Homeland Security to establish demonstration projects on the northern and southern borders to address the interoperable communications needs of those who have border security responsibilities. These projects would identify common frequencies for communications equipment between United States and Canada and the United States and Mexico and provides training and equipment to relevant personnel.

Overall, this legislation would be a step forward on a challenging and pressing issue. It contains important bipartisan provisions that will enhance our security and our prosperity while being fair.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for quorum calls be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to postpone this moratorium business.

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

(The remarks of Mr. KERRY pertaining to the introduction of S.J. Res. 33 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Idaho is recognized.
and binding her wounds? Do we know that the Pentagon was rebuilt by Hispanic muscle?

Immigrants are sweating it out across our country. They consistently have done it literally for centuries. In my home State, there is a migrating mine in the 1860s. Mexican cowboys and ranchers were solid members of the pioneer communities even before my State became a State. Hispanics were mule packers in the 1880s, the mule trains across the West. They and the Chinese were building and maintaining the railroad systems of the American West throughout the 19th and 20th centuries. Today, they are harvesting apples in Washington, peaches in Georgia, and oranges in Florida. They are gathering grapes in California, slashing sugar cane in Louisiana, harvesting potatoes in Idaho, and picking corn in Iowa. Their footprints are in agricultural fields across America.

Immigrants are hard workers. They work hard because they are grateful people and feel a sense of debt for the opportunity this country has given them. Contrary to what some believe, immigrants who have entered legally and illegally are not here to siphon services but to produce and to contribute. They are working hard and, in most instances, giving back.

The Idaho commerce and labor department reports that between 1990 and 2005, Hispanic buying power in Idaho rose more than twice as fast as total buying power across our State. Nation wide, the purchasing power of Hispanics will reach $1 trillion—that is trillion with a "t"—in 4 years. Beyond their role in sustaining the country’s labor force, immigrants make a net fiscal contribution to the U.S. economy.

The President’s 2005 Economic Report, which uses figures that are most authoritative in analyzing to date the economic impact immigrants, says:

The average immigrant pays nearly $1,800 more in taxes than he or she costs—

The economy. Undocumented immigrants are believed to contribute billions of dollars to our Social Security system, billions of dollars they will not benefit from.

According to the President’s report, the administration’s earnings suspense file—that is a file within Social Security made up of taxes paid by workers with invalid or mismatched Social Security numbers—totaled $463 billion in 2002.

While other nations of the developed world are aging, America still sees a youthful face reflected in that mirror in which she looks. Immigration renews the United States, and it keeps us young, while countries such as Japan, as I mentioned earlier, and Russia and Spain are facing problems because their populations are decreasing. America has this resolve in arms to support its pension and its social programs. Therefore, a comprehensive immigration reform is in America’s best self-interest.

Yes, we must contain our borders. Yes, we must, in any immigration program, make sure that it is controlled and managed so that those who come to America can, in fact, become Americans.

Understanding these realities erases some of the misconceptions bouncing around this Chamber and bouncing around America, misconceptions that sometimes smack of prejudice. Previous immigration waves have experienced it to some extent, but I believe that we, as a nation, can do better than that. When every one of us, except Native Americans, belong to a family that came from somewhere else, we should be careful not to erect mental borders, the type that keep people who are different from us at arm’s length.

We are a nation that encourages new thinking and benefits from the growth that results from that new thinking. The American poet, Oliver Wendell Holmes, said it best when he said:

A mind stretched by a new idea never returns to its original shape.

It expands. It grows. It broadens. Immigration is a source of new ideas of entrepreneurship and vitality. The meeting of cultures simply does not happen in one-way street but in a bridge, where both sides give and receive.

When America looks at herself in her mirror, what will she see? She will see the very multicultural character she has always been. She will see that characteristic is her greatest asset.

So the debate on the floor of the Senate today is worthy of this Senate. It is worthy of all of us to make sure that a program that is broken, a national immigration program that has not had a caretaker for over two decades, now be given that responsibility, to be redesigned, to be shaped, to be brought under control, that our borders be secured and that America’s multinational or multiethnicity continue to grow and possibly bring kind of strength and viability to our culture that it has always given us.

America will be greater because of what we do here, if we do it right; it will not be lessened by our actions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. OBAMA. Mr. President, I rise today to speak about the compromise that we have reached around a comprehensive immigration bill.

A group of Members led by Senators Hagel, Martinez, Salazar, McCain, Kennedy, Durbin, Lieberman, Graham, and others, have agreed to move this debate to a sensible center. In doing so, they have bridged a wide divide and demonstrated what the U.S.
I am pleased at the progress that we have made since last week. I hope we continue it. I am looking forward, on a bipartisan basis, to addressing these concerns in the debate that follows over the next several days.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

DOHA ROUND

Mr. GRASSLEY. Mr. President, as chairman of the Senate Committee on Finance, I chair a committee that has jurisdiction over international trade. We are bringing ourselves to the negotiating table as a participant and an observer of Doha Round negotiations under the World Trade Organization. Those negotiations are in a very determinative state; success will be made, I believe, during the month of April or the Doha Round, for all practical purposes, would end—not in the minds of the WTO or in the minds of the 148 nations other than the United States but as a practical matter. If nothing is not done by the end of 2006, in the President’s authority for trade promotion running out in July of 2007, there will not be time for us to get something done before trade promotion authority runs out.

I would like to have trade promotion authority for the President continued beyond July 2007. I would try to promote that, but we saw very close votes on CAPTA and other trade agreements; there is a protectionist trend in the Congress—maybe not in the minds of the Nation as a whole but at least in Congress—that might keep us from getting trade promotion authority reauthorized.

I comment in these few minutes on where we are on the Doha Round and what I expect to happen and leave the message, if it does not happen very soon, this round could be dead.

As we enter the final months of the WTO Doha negotiations, I am very concerned that the world far less burdened with often crippling, market-distorting trade barriers may be slipping from our grasp. In particular, I am very troubled by the fact that nearly 5 years after WTO members adopted the Doha ministerial declaration that launched this round of global trade talks, some of our WTO negotiating partners still seem willing to forgo this very historic opportunity that Doha represents to open highly market-distorting trade barriers in the minds of the WTO or in the minds of the 148 nations other than the United States but as a practical matter. If nothing is not done by the end of 2006, in the President’s authority for trade promotion running out in July of 2007, there will not be time for us to get something done before trade promotion authority runs out.

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to put it, a roadmap for how we will achieve our specific market-opening objectives in the agricultural negotiations. This deadline, similar to most of the others, also appears to be elusive.

The Doha Round is a historic opportunity to start a new trading system, and is arguably the most ambitious, comprehensive negotiation since the Uruguay Round, which was ignored for almost the first 40 years of GATT, was only first addressed at all during the last round, which was the eighth round, which was called the Uruguay Round because it started in Montevideo and finished and passed by Congress in 1993. So here we are, 13 years later, trying to make some progress—but not making very much progress—toward what we would hope would be a 10th successful round since the regime started in 1947. Because many trade-distorting barriers were untouched or minimally reduced at the end of the Uruguay Round in 1993, much was left to be done, particularly in agriculture, but we are negotiating manufacturing, we are negotiating services, so a lot needs to be done.

In light of the lack of progress in the World Trade Organization, I briefly address a few points. First, as chairman of this Senate Committee on Finance, I reaffirm, as strongly as I can, the basic elements of the Trade Act of 2002, especially the legislation crafted by this committee that renewed the President’s trade promotion authority in 2002, after it had lapsed for about 7 years.

The underlying premise of our trade promotion authority legislation, which gives Congress enhanced oversight authority over trade negotiations conducted under that act, is that the United States will pursue a very ambitious and comprehensive trade negotiation, particularly in agriculture. This was the cornerstone of the Doha Round—ambitious, comprehensive negotiations and nothing less.

The reason I fought so hard for trade promotion authority is simple. The benefits from ending decades of trade-distorting practices in the global agricultural trade are overwhelming. The U.S. Department of Agriculture has estimated getting rid of market-disrupting and protectionism could increase the value of U.S. agricultural exports by at least 19 percent. In addition, the Department of Agriculture study also concludes that agricultural liberalization would increase global economic welfare by $56 billion each year.

I know well how vital trade is to farming families anyplace in America, but I am particularly knowledgeable about my State of Iowa because I happen to be a family farmer farming jointly with my son Robin. Our farmers and agricultural producers sold over $3.6 billion in agricultural exports in overseas markets last year. Although importers and consumers from all over the world seek out Iowa’s agricultural products, this is also true of American agriculture generally.

Moreover, more than $3 trillion of economic activity in our $12 trillion economy is derived from trade. Think of that: More than 25 percent of our economy is based upon international trade. That is why an ambitious, comprehensive result in the Doha negotiations is the only kind of result that makes sense for the State of Iowa and the United States.

President Bush and Ambassador Portman have done a very good job—in fact, a remarkable job, in my view.—of pursuing an ambitious, comprehensive agricultural deal, especially in the difficult period prior to and during the Hong Kong Ministerial Conference last December.

Nevertheless, some World Trade Organization members, particularly the European Union, now apparently want to stop short of that ambitious, comprehensive, result-seeking agreement that was previously reached in opening Doha Round, and they particularly want to shortchange the negotiations in the area of agricultural market access. That was addressed by the United States and other World Trade Organization members, the European Union appears to be changing the subject away from ambitious market access to secondary issues such as food aid, on which we are now having protracted discussions.

I am not even sure our own negotiators should be participating in something as fringe as food aid as compared to the massive discussions and decisions that need to be made in trade-distorting export subsidies by the European Union or in the case of the United States, production-related subsidies that we do for agricultural, not subsidies for agriculture generally. We want to distort. We find our American negotiators getting all nervous about food aid as somehow being a major item. No. What it is is an effort on the part of the European Union to detract attention from the really big export subsidies and production-oriented subsidies.

Perhaps that is because of the intense political pressure European trade and agricultural officials think they face, particularly in light of the fact that the European Trade Minister wants to open up and do really good trade negotiations. It seems like there is a hangup by the European Agricultural Minister. And it seems to be really a hangup by French farmers. According to one account by former European Commission officials, European farm groups described one compromise agricultural agreement as a death warrant for European farmers. However, that was in 1992, connected with the Uruguay Round agreement that drew so much protest in Europe was back then, not today, when that description was made. Ultimately, of course, Europe accepted the Uruguay agreement in 1993. Now the European Union is right back where they were 13 years ago, citing that same agreement as a model for the type of agreement they would like to see, at least in terms of linear tariff reductions.

So we have seen this type of reaction from Europe before.

Today, once again, the European Union thinks that an ambitious market access agreement is too politically painful to achieve or to even thoroughly negotiate, but they got over that hurdle in Uruguay. Why can’t they get over that hurdle in Doha? So we are back at the European tactic. It appears that what they are really trying to do is a minimal deal somehow being seen as a good deal. Apparently, they think it is a good result if they can get something that is marginally better than the status quo, end negotiations, declare victory, and go home.

Other WTO Members such as Brazil appear reluctant to agree to an ambitious outcome in agricultural market access because they may believe that they can achieve more through other means, such as litigation. You know about the cotton case. Brazil recently was successful in that case. So it may give them false hopes that they can achieve, through legal means, what they do not appear to win at the negotiating table of the Doha Round.

I would like to say a word about both of those situations.

First, a minimal deal in the Doha agricultural negotiations is not something that can be considered a victory in any sense of the term, even in a political sense. What do I mean by a minimal deal? A deal that goes just beyond the 36-percent average tariff reduction of the Uruguay Round, a deal that leaves tariff peaks in place, or a deal that undermines market access by long lists of special exemptions.

I will not try, as chairman of the Finance Committee or, if I were overruled by my own committee, I would fight it on the floor, if it ever got that far.

So let me make that as clear as I can. A bad deal for agriculture in Doha negotiations is worse than no deal.

This is my position at the start of these negotiations, and that is my position now. All those people spending all their time negotiating on food aid when they ought to be negotiating on export subsidies, when they ought to be dealing on export subsidies encouraging overproduction, that is not going to take my eye off the ball.

A minimalist outcome in the Doha negotiations, after years of effort and high-level political engagement, would send a terrible message that real reform in agriculture is too hard to achieve and may set us back for decades.
It would make meaningless a key element of the agricultural component of the Doha Ministerial Declaration where WTO member countries committed themselves to “comprehensive negotiations aimed at substantial improvement in market access.” That is what U.S. agriculture demands for giving up our subsidies connected to production. Farmers want their income from the marketplace, not from the Federal Treasury. But we cannot do that without market access, where there are at least 60 percent average tariffs around the world on agriculture compared to our 12 percent. If that happened, it would reward countries such as the European Union that have big farm spending, highly inefficient production, and use nontariff barriers to farm spending, highly inefficient production, and use nontariff barriers to production and try to bring agriculture under the discipline of global trade rules. That is why it is so important for us to continue to make real progress in this round of global trade talks. Achieving real, meaningful results in these talks is something I am as strongly committed to now as ever before. It is also why I will continue to oppose any outcome in the WTO that, in my judgment, fails to accomplish these goals in a minimalist approach. Don’t expect me to bring such an agreement before the Senate as chairman of the Finance Committee.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise to talk about immigration reform. Over the past week, I have heard many of my colleagues describe the important contributions immigrants have made to American society and culture. Like my colleagues, I agree that the United States has a long and proud tradition of immigration. Immigrants have contributed in many ways to our Nation since its birth. Many Americans are descendants of immigrants who came to America seeking a better life. Unfortunately, today we have a huge illegal immigration problem that threatens our Nation’s security and our economic security.

I was recently contacted about this issue by a constituent of mine. She is a young Irish-American woman whose parents emigrated from the Republic of Ireland to the Commonwealth of Kentucky over 20 years ago. When talking about her experience of immigration to the United States, this young woman stressed to me what a privilege immigration to our country truly is. She is right. Immigration is a privilege and not an entitlement. This distinct privilege of immigration is one which our Constitution and one which is currently being threatened by the flow of illegal immigrants into our society.

Like so many of my colleagues, I would like to see this country’s traditions of immigration preserved. But it must be done in a way that does not reward those who broke our laws and came to this country illegally. Looking at immigration reform, I believe we must start with securing our borders, to stop the flow of illegal immigrants. Border security is the foundation on which we must build immigration reform. It is essential to our national security that we make it our No. 1 priority. We need to keep a close eye on who the people are who are entering this country and the purpose they have for coming here. The only way to do that is to make sure our Border Patrol agents have the proper tools to verify the immigration status of their employees. Those tools need to be easy for our Nation’s employers to use. These tools are essential to any type of immigration reform and to our national security.

We need to know who is being employed, and we must find a commonsense solution to dealing with those individuals who are already here illegally. While there are currently several options on the table, I believe amnesty in any form is not an option. I was disappointed to see this in the Specter amendment. We must find a solution that meets the needs of employers, while also protecting American jobs.

I think this could be done through some kind of program that would require illegal immigrants to return home to their country of origin after a set period of time. Once home, these workers could then apply to get on the path to come back as a temporary resident. I believe amnesty in any form is not an option. It is essential to see this in the Specter amendment. We must find a solution that meets the needs of employers, while also protecting American jobs.

As many of you know, Kentucky has a very proud and rich history in agriculture. From our tobacco farms, to our dairy farms, Kentucky’s economy relies on its agricultural industries. As someone from Kentucky, I understand the need for temporary workers. Any guest worker program needs to be simple to use for both the employer and the employee. Employers must be provided with the proper tools to verify the immigration status of their employees. Those tools need to be easy for our Nation’s employers to use. These tools are essential to any type of immigration reform and to our national security. We need to know who is being employed.
Congress must act on immigration reform. I hope partisan politics does not prevent action on an issue that is so important to our Nation. I would like to once again reflect back on the words of Irish-American constituent and urge my colleagues, this week, to help keep immigration a privilege of our great Nation.

I urge my colleagues to help put integrity back into the immigration process. While our country does have a rich tradition of immigration, we do not have a rich tradition of rewarding those who break our laws. I call on my colleagues on both sides of the aisle, both Democrats and Republicans, to remember the principles upon which our great Nation was founded. While we always have been and still are a land of opportunity, we also are a land of laws.

Mr. President, I thank the Chair, and I hope this big problem that we have facing us is not given a chance to be solved on the floor of the Senate this week.

I yield the floor and suggest the absence of a quorum.

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

SUPPORT FOR THE PRESIDENT’S PLAN FOR IRAQ

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALLARD. Mr. President, I come to the floor to respond to some of the comments that were just made by my colleague from Massachusetts. I want to start off by saying that I have been very supportive of the President on the war in Iraq because he has had a plan and he has stayed the course. That is what gives me confidence in the President. I think it is what gives confidence to many American people.

They understand that he has made a strong commitment in Iraq to stick with the Iraqi people, and he has confidence in those people. Even though the political winds are swirling around, he has been able to ignore those and move forward. He is showing success. Sometimes it is not as great as we would like to see or as dramatic, but I think what we see today in the criticism of the President is individuals who are being spun in the political winds, unlike the President.

When my colleague from Massachusetts calls the strategy of today counterproductive and says we ought to pull out our forces immediately from Iraq, that is a catastrophic suggestion. It is not anything that we should consider very seriously. It wasn’t that long ago when my colleague from Massachusetts was saying that it would be a disaster and a disgraceful betrayal of principle to simply lay the groundwork for expedient withdrawal of American troops, which would risk the hijacking of Iraq by former terrorist groups and former Baathists. This quote was in the runup to the 2004 election.

So we see some being spun in the political winds, while the President remains strong, forceful. The President truly wants to see the current situation in Iraq. That is why I feel so very committed to supporting the President. You cannot deny the fact that this President truly wants to see democracy survive in Iraq, and he truly believes in the Iraqi people.

Contrary to comments coming from the other side of the aisle, he does have a plan, and he is sticking to that plan. As we move through various phases of the President’s plan, we have seen that criticism has changed from the other side. I think they criticize just for the sake of criticism, trying to get the President off course. But to his credit, he has stayed the course. I think that is commendable. That is what helps make him a strong and effective President.

I want to make this point: Al-Qaeda is still a threat in Iraq, but we are making significant advances there. I have to base that on discussions I have had with troops that have come freshly out of Iraq. They believe they are indeed improving our situation in Iraq. They think they are making a difference in Iraqi lives, and they truly believe the Iraqi people they associate with appreciate what is happening and appreciate the President.

There is a statewide elected official in Colorado, Mike Coffman, who has returned from Iraq. His mission was to help set up local governments throughout Iraq. We found in our military forces that we didn’t have that expertise. And Mike, who is in the Reserves, could make a difference in Iraq. The military said: We need you, Mike Coffman, to help set up local governments and the story he has to tell is one of progress in Iraq, that the people in Iraq are truly moving forward and trying to set up their local governments. He thinks that our soldiers are making a difference.

Not for one moment has he expressed any regrets in having taken a year out of his political life in Colorado to go to Iraq and make a difference in Iraqi lives and help support the President and the plan he has for stabilizing Iraq and a gradual withdrawal.

This is the point: my colleague from Massachusetts seemed to have learned the lessons of 9/11 when he warned against a precipitous withdrawal from Iraq in the past, but as the political winds have changed, he seems to have forgotten those lessons anew. Republicans will never forget the lessons of 9/11 and will continue to support the President’s efforts to bring peace and stability to Iraq.

I am supporting the President because he is staying the course. He has a plan in Iraq. He is putting the plan to work. I think that in the long run he is going to make a difference. We are going to have a better world because of his efforts. We are going to have a more stable Middle East, and this President will truly go down in history as a great leader.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I would like to speak for a few minutes with respect to the amendment that has already been filed.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Mr. President, I have come to the floor to talk about an amendment that I filed, that I hope soon we might be able to consider, on this important bill with respect to immigration and with respect to Federal law on border security, which are integrated.

First, let me say that I am hopeful we can move forward with this bill. It is a very important bill. Obviously, all of us agree with the fact that there are problems that need to be resolved, and there will be times so they don’t continue to become more difficult.

We also recognize that there are aspects of this bill that are controversial and difficult. I am not certain where we are in this process, but I am hopeful the discussions we have had will continue to be useful and that we can come to, whether this week or later, completion of this issue.

As far as I can tell, everyone has agreed we need to do something about the border, that the border needs to be secure, whatever it takes to do that. Some of us don’t think it takes 700 miles of fence, but it will probably take some fence and take some other technologies, as well as dollars and people, to have a secure border.

I don’t think there is any question but that that needs to be done and needs to be done soon so that the problem that exists because of having a porous border doesn’t continue to exist in the future. There is general agreement that over time, as immigrants come here for jobs, employers will need to report as to the citizenship status of the people they employ. There needs to be a way to do that. I am not a part of the way of enforcing lawful immigration into this country.

Further, I think most people don’t disagree with the idea of immigration. The question, at least in my view, is illegal immigration. I am opposed to illegal immigration, and I think we have to do something to see that it doesn’t continue to happen. The challenge is: How do we handle those folks who are here, whether it is 12 million or whatever the number is? I think that is where we are in the controversy, and I understand that.

Personally, I don’t think anyone should be given amnesty, nor should
they be given any particular advantages for citizenship if they came here illegally, and we need to find a way to deal with it. On the other hand, I am very much in favor of having legal workers come here and fill the jobs that otherwise would not. But they ought to have legal work permits, and they should have to go back if it is a work permit, and if they are citizens, they need to go through a citizen entry system.

The other part of the debate and what I came to talk about is the aspect of our borders and security. That is one of the reasons—not only for immigration, but for security—we need to secure our borders. Many of our national treasures and resources are on the front line of border security. Thirty-nine percent of the southern border of the United States is under the jurisdiction of the Department of the Interior. Arizona’s Organ Pipe Cactus National Monument and other federally owned resources are a border area. Customs and border protection agents are not always park operation staff. Customs and border agents are interdicting 3,800 illegal immigrants. I visited Oregon last year. I am the chairman of the Parks Subcommittee. Frankly, they are using almost all of their resources to take care of the park, not to secure the park properly. They normally do, but to protect against illegal immigration movement across the border is the park boundary border on the national park border.

Over the last 2 years, park rangers have arrested 385 felony smugglers, seized 40,000 pounds of marijuana, and interdicted 3,800 illegal immigrants. These are national park rangers. So it has become a very important part of border security. 

Border security activities play, as you might imagine, a very significant role in park operation funding and in park operation staff. Customs and border protection agents are not always available to patrol the Federal lands along the border. As you can see here, there are a number of things that are there. The Bureau of Indian Affairs, for instance, right here, is a very large aspect of the Arizona border. Here is the Organ Pipe park we mentioned. The Bureau of Reclamation has a number of these yellow spots along here. We don’t have Texas and New Mexico on the map, but there are also a great many more Federal lands that are there.

We have to make sure these agencies are given the resources they need to provide the border security that is necessary, to provide for park researchers and others who are there doing their work or to pursue smugglers crossing the border. We never think about that particularly. All of a sudden there are cars parked there and people who have driven across, left the cars and walked on through, and so on. It is quite a problem. I understand that the Park Service law enforcement will inevitably play a role in border security, but they also have their jobs focused on protecting the park and not having to spend all their time on international borders—which is the responsibility of the Border Patrol—and other activities, or at least provide additional funding.

This amendment will ultimately do two things: Protect our borders and protect our national treasures. We do that, but we should also have the Department of Homeland Security to increase Customs and border protection personnel to secure Federal lands and Federal parks along the border, which is I think a reasonable thing to do.

It requires Federal land resources training for Customs and Border Patrol agents who will be dedicated to Federal land border security to minimize the impact on the natural resources. After all, that is why we have Federal lands. That is why we have parks, to make sure the resources are protected. Quite frankly, if you have illegals crossing, they have no interest in protecting those resources.

It provides unmanned aerial vehicles, aerial satellites, and remote video surveillance camera systems and sensors. Those are the things we need as opposed to big walls.

It requires the Secretary of the Interior to conduct an inventory of the costs incurred by the National Park Service relating to park border security activities and submit those recommendations to Congress.

I realize this is only one rather small element of this whole issue we are talking about but, nevertheless, it is a unique issue, it is an important issue, and as we move through dealing with border security and dealing with Federal land borders and protecting these things, I hope we keep in mind this unusual but important exposure we have to our Federal lands.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair. (The remarks of Mr. CONRAD and Mr. ALEXANDER pertaining to the introduction of S. 2571 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Massachusetts?

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending legislation is the Frist second-degree amendment to the motion to recommit.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

Mr. KERRY. Mr. President, a little while ago—I was not here, I was at a hearing of the Finance Committee—I am informed that the Senator from Colorado, Mr. ALLARD, came to the floor to back my position on Iraq, which is fine by me but also I think somewhat questionable with respect to the rules and the ethics of the Senate to attack me personally about my motives with respect to a position I have taken. The Senator from Colorado suggested that “we see an individual who is being spun in the political winds.”

Let me make it clear to the Senator from Colorado, and anybody else who comes to debate and when it comes to issues of war and peace and of young Americans dying, nobody spins me, period.

I am not going to listen to the Senator from Colorado or anyone else question my motives when young Americans are dying on a daily basis or losing their limbs because Iraqi politicians won’t form a government from an election that they held in December. That is inexcusable.

Let me ask the Senator from Colorado: Is it OK by him that young Americans are dying right now while politicians in Baghdad are frittering away their time and squandering the opportunity our soldiers fought to give them? Does he think that is a plan that will bring an end to the conflict while American forces are still in the conflict? Does he think that is serving the needs of the American military?

Indeed, a year and a half ago or 2 years ago, I suggested, as did many other people, that it would be inappropriate to set a timetable for American troops to withdraw because we had not had elections and because most people assumed what we were fighting then was al-Qaeda and terrorists who were foreign terrorists. But the fact is since then we have trained forces, we have retrained police. We listened to this administration consistently come and tell us how great the training is, how many people are up and trained, how much they have been able to make progress, how 70 percent of the country is indeed peaceful.

If that is true, then there shouldn’t be a great threat to reducing American forces on a schedule that is also tied to our ability to resolve other issues with respect to Iraq.

I ask the Senator from Colorado: Let us have a real debate about this issue. Does he ignore what our own generals tell us? He says the President has a plan. Our generals tell us—General Casey—that the large presence of American forces in fact is adding to the occupation in the sense of an occupation and it devalues the Iraqis standing up on their own.

I am listening to General Casey—not to a Senator from Colorado. General Casey tells me the Iraqis would stand up faster if there were less Americans there, I believe him. Our troops have done the job.

Don’t come to the floor of the Senate and suddenly suggest to me somehow when we come up with a plan to protect our troops and to make America stronger we are somehow making their life more miserable. Ask the troops. Seventy percent of the troops who were polled in Iraq said they thought next year we ought to pull back. Those are our troops talking to us.

The notion that we are going to try to make this into one of those political
squabbles—let us have a real debate about the policy in Iraq. Anybody who wants to come to the floor and pretend it is working today is living in fantasyland.

Anybody who wants to suggest our soldiers are going to transform the Iraqi people from being engaged in a war of muggings into a kind of diplomatic table adequately has a false sense of what protecting the troops means and of what their interests are. The fact is they only respond to deadlines.

Talk to people who have been in the region. It took a deadline to get them to have a transfer of the provisional government. It took a deadline to be able to get the elections in place. It took a deadline to be able to get the Constitution in place. It took a deadline to be able to have the election that we held in December.

The fact is ought to take a deadline now to tell them to put a government together up front, of all and, don’t put our kids’ lives at stake and waste the billions of dollars of American taxpayers. Get your government together. You owe that much to the American people. You owe that much to the American taxpayers. Get your government together. You owe that much to the world, which is waiting for leadership, for some kind of adult behavior.

I don’t think the American people believe what the Senator from Colorado said—that there believe there is a good plan in place. Everything we have been told about Iraq has turned out to be false, from almost day one. This is the third war we are fighting in Iraq as many years. The first war, I remind Americans, was the war to get Saddam Hussein and weapons of mass destruction. Then when there were not any weapons of mass destruction, it became regime change.

If the President of the United States had come to the Congress and said I want authorization to go to Iraq for regime change, he wouldn’t have received it.

Then after it was regime change, it transformed into, oh, we have to fight them over here rather than fight them over there—fight them over there rather than here in the United States of America. That sounded good for a while because all of us want to fight al-Qaeda and want to fight terrorists. But, lo and behold, we found there were according to most of the estimates, 700 to 1,000 or so hardcore jihadists from other countries over there.

The insurgency grew day by day to be an insurgency that is now a low-grade civil war. Prime Minister Allawi called it a civil war. Does the Senator from Colorado believe he knows better than Prime Minister Allawi what to call it? The fact is it is now a civil war, and our troops can’t resolve a civil war, no matter how valiant—and they have been—no matter how courageous—and they have been—and no matter how skilled—and they have been. This is the best military I have ever seen. These are the best young men and women I have ever met, and it has been a privilege to go to Iraq and meet them. And they are making progress in certain areas. But their progress is set back by the unwillingness of Iraqis to kick the butt of any army and, you know, any army.

You have to compromise. The whole reason they think they can sit there and not compromise is because the President’s policy is stay the course, stay the course, stay the course. And we have to be visited by the Secretary of State or somebody to suggest they ought to do more. Ambassador Khalilzad is a terrific person. He is skilled, and he is doing a great job. But he can’t do this alone.

I believe we ought to have a real debate about their policy—a policy where they told us it would cost $20 billion to $30 billion. Remember that, colleagues? Remember Mr. Wolfowitz in front of this Senate, you said, oh, the Iraqi oil is going to pay for the war? Remember telling us they that the soldiers were going to be received like conquering heroes with flowers all across Iraq?

Then when looting broke out, remember Mr. Rumsfeld standing up and saying that Washington is safer than Baghdad, and looting happens? Remember how they didn’t even guard the armory that our kids started to get blown up with the ammo they could have guarded? No plan was put in place.

If anybody wants to read about Iraq, read the book “Cobra 2.” You can read the astounding story of negligence and malfeasance with respect to this war, about companies overbilling us, Halliburton by billions of dollars.

Do you want to run down the list of things that are egregious with respect to this war? I’ll tell you one thing that I know well, and I will remind the Senator from Colorado that half the names on the wall of that Vietnam Memorial—half the names on that wall—became names on the head after our leaders knew our policy wouldn’t work.

Our policy isn’t working today, and I am not going to be a Senator who adds objection, it is so ordered.

The Arab League could play a more significant role. The United Nations could play a more significant role. What are we doing? Drifting day after day after day.

Do we want to go back and talk about the armor our troops didn’t have? Do we want to go back and talk about the humvees that weren’t uparmed? How many kids have lost their arms or legs because of the lack of adequacy of the equipment they were given? How many kids had to go out and buy armor for their kids because it wasn’t provided for?

I have never in my life seen a war managed like this one where there has been zero accountability at the highest levels of civilian leadership and people have been able to make mistake after mistake after mistake. And people want to come to the floor and defend it as somehow justifiable that we have a plan and we are on course? We are not on course. We are off the wrong course. The plan needs to be changed.

Somebody ought to tell the Iraqi leadership that American citizens are not going to put their money and the troops of their youth at risk for a kind of noneffort to compromise and show statesmanship and leadership that puts a government together. When they put that government together, then we can talk about how we are going to move forward. But right now, this is adrift. It is a policy without leadership, and the American people understand that. What we need now is civilian leadership that is equal to the sacrifice of our service members.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, today is the day before the departure of Capitol Hill Chief of Police Terry Gainer, a man who has served us so well.

I have known Terry Gainer for almost 20 years. He served as superintendent of the Illinois State Police and left that position to become one of the leading officers in the District of Columbia Police. He was then appointed Chief of the Capitol Police Force. I knew that the people making that decision had made a very fine choice. Chief Gainer proved me right.

Terry Gainer grew up in Illinois, served his country in Vietnam, returned from that war a decorated veteran. His service did not end when he left the military. Prior to his position with the Illinois State Police, he spent 16 years with the Chicago Police Department. With his extensive experience at the highest levels of police work, his reputation for professionalism and his tireless commitment
to the security of our Nation’s most honored building and those who visit and work within it. Terry Gainer brought the Capitol Police Force to a new level of professionalism.

In the words of one of their officers, Chief Gainer transformed the Capitol Police Force from an inside operation, where the officers were often viewed many times as security guards, to a well-known, highly visible, professional law enforcement team. That change was a critical moment in our Nation’s history. The threat of terrorism became very real and the vulnerability of the building in which I speak became very obvious. Today, the well-trained group of men and women protecting our security today in this hallowed building are among the finest in the Nation, and we are extremely fortunate to have them.

As a Member of the Senate whose life was made safer because of Chief Terry Gainer, I am indebted to him for his singular service to Congress and to our country. The Gainer legacy on Capitol Hill is written in a police force proud of its mission and committed to serve and protect. Chief Gainer deserves the gratitude of the Capitol family for his fine service. He will be missed.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2573 are located in today’s RECORD under “Statements on Introductions Bills and Joint Resolutions”.)

Scooter Libby

Mr. DURBIN. Mr. President, the last item I would like to speak to is one that is now in the news for the last several hours. It has been noted that in the court papers filed by Lewis Scooter Libby before the Federal court that he has made some amazing disclosures. You will remember that Mr. Libby was Vice President CHENEY’s chief of staff who was indicted recently over the Valerie Plame incident. The Valerie Plame incident occurred only after the Vice President authorized Mr. Libby to disclose certain information in the National Intelligence Estimate. That is what is in the court records. That is what was alleged.

At the time the National Intelligence Estimate was prepared, I was a member of the Senate Intelligence Committee. I recall it very well because as we were preparing for the invasion of Iraq, one of the senior staff people on the committee came to me and said: Senator, something is unusual here. We never make an important decision, let alone an invasion of a country, without what is known as a National Intelligence Estimate. That information was wrong. The American people were told that we have to go to war, we have to risk the lives of American servicemen because of a threat that didn’t exist. Where are we today? We are still there, and 130,000 American soldiers, as I stand here safely, are risking their lives for America in Iraq. As of this morning, 2,346 American soldiers have died in service to their country. We stand in awe of their patriotism and courage, but we have to ask some hard questions.

The hard questions go to this point: How and when will this war end? When will we have to accept the fact that we are still there, and that information was wrong. The American people were told that we have to go to war, we have to risk the lives of American servicemen because of a threat that didn’t exist. Where are we today? We are still there, and 130,000 American soldiers, as I stand here safely, are risking their lives for America in Iraq. The people I spoke to on my recent trip to southern Illinois got it right. One of them said: Why aren’t we going to the Iraqi Government and saying that over 3 years ago we sent in our soldiers to depose your dictator, a man whom no one respected; we deposed him so that you could control your own country? We put American lives on the line so we could hold free elections. We gave you a chance to start your own government. When are the Iraqis going to stand up for themselves, their own country, and their own defense? How many years have we been promised that we are so close to the day when the Iraqi Army will be able to take the place of the U.S. Army? I will believe it when the first American is replaced by an Iraqi soldier ready to stand and die for Iraq, as our soldiers do every single day.

NY Times reporter Judith Miller. There was no indication in this court filing that either President Bush or Vice President CHENEY authorized Mr. Libby to disclose Valerie Plame’s CIA identity, but the disclosure in documents filed Wednesday means that the disclosure of that information was being disclosed in order to overcome criticism that the American people had been misled about weapons of mass destruction.

Now we learn that according to Mr. Libby, now under indictment, he was authorized by not only Vice President CHENEY but President Bush to disclose information in the National Intelligence Estimate to the press. The allegations that are contained here suggest that information was being disclosed in order to overcome criticism that the American people had been misled about weapons of mass destruction. We have to tell you, as a member of that committee, we looked at the preparation of this intelligence leading up to the war, and we were disappointed. Our intelligence agencies did not do the professional job we expected of them. I can’t explain why. Some of it has to do with lack of technology, lack of sharing information. Some of it, they were just plain wrong.

Their guess and best estimate as to what we would find in Iraq was plain wrong. Despite all of the hyperbole about weapons of mass destruction, still today, not a single weapon has been found. Despite all of the suggestions that something was definitely part of the tragedy and disaster of 9/11, absolutely no connection has been established. Despite all of the threats of mushroom clouds from Condooleezza Rice and others, it turns out there was no evidence of nuclear weapons in Iraq. That information was wrong. The American people were told that we have to go to war, we have to risk the lives of American servicemen because of a threat that didn’t exist. Where are we today? We are still there, and 130,000 American soldiers, as I stand here safely, are risking their lives for America in Iraq. As of this morning, 2,346 American soldiers have died in service to their country. We stand in awe of their patriotism and courage, but we have to ask some hard questions.

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Sadly, we don't know when that day might come. The President comes before the American people several weeks ago and what does he say? "Be patient." Be patient as more American soldiers are endangered and lose their lives. We face a situation with no end in sight. It is hard to counsel patience. When asked directly when will the American soldiers be coming home, what did the President say? That will be up to the next President—the new President and Vice President.

The Iraq war has lasted almost as long as World War II. If we have to wait 2 or more years for American soldiers to come home, it will be one of the longest conflicts in our history. Is this what we wanted for our children? Is this what we said we would do for the 2,346 families who lost someone they loved very much in that country?

How many, sadly, have received the word that happen and waited anxiously at home for the word that their family member would be coming home, what did the President say? When will we replace American soldiers with Iraqis who will stand and fight for Iraq? This last week I was in Illinois visiting with friends of mine who work in railroad unions. I talked about this issue, and a fellow followed me out of the room and said: My son is headed over there next week. My heart is broken when my son follows me out of the room and said: When, Mr. President, is this war going to end? When are we going to turn over the responsibility to the Iraqis?

When will we replace American soldiers with Iraqis who will stand and fight for Iraq? This last week I was in Illinois visiting with friends of mine who work in railroad unions. I talked about this issue, and a fellow followed me out of the room and said: My son is headed over there next week. My heart is broken when my son follows me out of the room and said: When, Mr. President, is this war going to end? When are we going to turn over the responsibility to the Iraqis?

Let me tell you that the families who wait at home anxiously want to know the same answer to the question I pose: When, Mr. President, is this war going to end? When are we going to turn over the responsibility to the Iraqis?

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

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business.

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

OPERATION IRAQI FREEDOM: THREE YEARS LATER

Mr. ALLARD. Mr. President, in light of the fact that we have those who are calling for the immediate withdrawal from Iraq, I think we ought to sit back and look at what has happened in Operation Iraqi Freedom for the last 3 years. We have made remarkable progress in Iraq in the last 3 years.

On March 19, 2003, the United States and coalition forces launched Operation Iraqi Freedom. At that time, life in Iraq, under Saddam Hussein, was marked by brutality and fear and terror. Iraqis had no voice in their country or their lives. Saddam devastated Iraq, wrecked its economy, ruined and plundered its infrastructure, and destroyed its human capital.

Let's look at what is happening today. Iraq has a democratically elected government. The reign of a dictator has been replaced by a democratically elected government under one of the most progressive constitutions in the Arab world. Millions of Iraqis have joined the political process over the past year alone. Today, Saddam Hussein is facing justice in an Iraqi court.

The Iraqi people are holding Saddam accountable for his crimes and atrocities. I believe the next year will bring a consolidation of these gains, helping a new government stabilize and build a solid foundation for democracy and increased economic growth.

Iraq's elected leaders are diligently working to form a government that will represent all the Iraqi people. As the Iraqi Government comes together and Iraqis improve their readiness, efforts to stabilize the nation will increasingly be Iraqi-led.

I point out that securing a lasting victory in Iraq will make America safer, more secure, and stronger—make it safer by depriving terrorists of a safe haven from which they can plan and launch attacks against the United States and American interests overseas; more secure by facilitating reform in a region that has been a source of violence and hatred; and stronger by improving our control over a hub of the world's economy; stronger by demonstrating to our friends and enemies the reliability of U.S. power, the strength of our commitment to our friends, and the tenacity of resolve against our enemies.

Despite progress, the situation on the ground is tense. As al-Qaida's actions show, terrorists want to impose a dicatorial government on the Iraqi people. The coalition is united in support of the Iraqi people in helping them win their struggle for freedom. The terrorists know they lack the military strength to challenge Iraqi and coalition forces directly, so they only hope is to try to provoke a civil war and create despair.

The President's national security for victory in Iraq has three tracks. I would like to go over those briefly. They are a political track, a security track, and an economic track, and I would add that all three tracks are progressing.

On the political track, many are participating in Iraq's political process. Iraqis completed two successful nationwide elections and a national constitutional referendum in 2005. Each successive election experienced less violence, bigger voter turnout, and broader political participation. On December 15, more than 75 percent of the Iraqi voting-age population participated in the election for a new government—a increase of more than 3 million voters over the January election.

I will talk a little bit about the security track.

Iraqi security forces are increasingly in the lead. Three years ago, under Saddam Hussein's rule, the Iraqi Army was an instrument of repression. Today, an all-volunteer Iraqi security force is taking increasing responsibility for protecting the Iraqi people.

Security force numbers are growing in number and assuming a larger role. More than 240,000 Iraqi security forces have been trained and equipped. Over 112,000 Iraqi soldiers, sailors, and airmen have now been trained and equipped. More than 36,000 police have been trained and equipped. These police work alongside over 40,000 other Ministry of Interior forces.

Additional Iraqi battalions are conducting operations. Last fall, there were over 120 Iraqi Army and police combat battalions in the fight against the enemy, and 40 of those were taking the lead in the fight. Today, the number of battalions in the fight has increased to more than 130, with more than 40 taking the lead.

Let's briefly look at the economic track.

Iraq's economy is recovering, and the Iraqi people have better access to essential services. In 2005, the Iraqi economy grew an estimated 2.6 percent in real terms, and the International Monetary Fund has estimated it will grow by more than 10 percent in 2006. Mr. President. 3.1 million Iraqis enjoy improved access to clean water, and millions have access to sewage treatment. More than 30 percent of Iraq's schools have been rehabilitated, and more than 36,000 teachers have been trained.

This is what our American soldiers in Iraq have helped accomplish for the Iraqi people and for America. We should be proud and thankful for their willingness to step forward for freedom. Freedom does work. It works for America, and I believe it will work for Iraq. The solution is not a hasty retreat; the solution is to carry on with the President's plan for victory.

Mr. President, I yield the floor and suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, as we all know, there has been an announcement of a resolution or settlement among a group of Senators relating to the border security and immigration reform bill that is pending before the Senate, although I would note that the entire Senate has yet to sign off on that agreement. I, for one, want to talk for a few minutes about my concerns regarding the proposal.

Last night we were told at approximately 10 o’clock that this agreement was struck with a group of Senators. It consists of 325 pages and I dare say not many people have read it yet. But my review of the agreement causes me some serious concerns about whether it represents something that reflects good policy or something that would warrant my support.

First, I believe there is a grave risk that the proposal would represent a repetition of the mistake of 1986 when the Congress passed major immigration legislation. My colleagues will recall that it was the year Ronald Reagan signed a bill that acknowledged he could no longer ignore, in retrospect, two different things. The first is it was an amnesty for 3 million people who entered our country in violation of our immigration laws. The second thing we have come to realize in retrospect is it was a complete and total failure when it came to securing our borders and enforcing our immigration laws.

Some have speculated it was the Federal Government’s failure to provide employers a means to verify the eligibility of prospective employees that they could work legally in the country, and certainly the failure on the Federal Government’s part is a large part of what is to blame. The corollary of that is the lack of employer sanctions for hiring an illegal workforce. In the past year, we have seen only three sanctions filed against employers for hiring illegal aliens to work in the United States.

Some have said the reason that bill failed is because it didn’t have any provision for a legal workforce. I am somewhat sympathetic to that argument because I do support comprehensive immigration legislation, but starting first with border security. We know our inability to control our borders is not only resulting in massive waves of illegal immigration, but we also know it is a national security risk because anyone who has the money to pay a human smuggler or has their wits about him to make it to Mexico on their own could literally walk or swim across our border because it is wholly unprotected between the authorized ports of entry. We know our Border Patrol is sorely undermanned with only about 11,000 Border Patrol agents for a 2,000-mile southern border, and contrast that with 39,000 police officers in the city of New York alone.

So we can see the Border Patrol has been vastly out manned and outnumbered when it comes to the number of people coming across. There were 1.1 million illegal aliens apprehended last year alone.

The problem with the 1986 amnesty is that it led to additional illegal immigration, and we now have approximately 12 million undocumented immigrants—people who have come to this country in violation of our immigration laws. And we have come to learn that our booming economy is a vast magnet for people who want a better life. While we can all understand that on a very basic human level, we also know the U.S. Government and the American people themselves accept anyone and everyone who wants to come into this country in violation of our immigration laws. Thus, we have a right, as every sovereign nation has, to regulate the flow of people across our borders in our interests.

I worry that the legislation that is now pending before this body, the so-called Hagel-Martinez compromise, would actually result in a further magnet for illegal immigration because it, in part, would slow down the country in violation of our immigration laws.

It causes me great concerns in other respects as well. For example, the proposal would not be closed to felons and serial criminal offenders. Nor would it be closed to people who had their day in court but failed to comply with the deportation order, showing tremendous disrespect not only for our laws but for the safety and welfare of the American people.

We also know the current bill that is pending before us prevents information sharing by the Department of Homeland Security to root out fraud, which is another problem with the 1986 amnesty because people were able to generate fraudulent documents to qualify for that amnesty. We know that false documents are a tremendous vulnerability of the American people to terrorists and criminals and others who want to cross our borders, and this bill does not do enough to allow us to protect ourselves by investigating and prosecuting that kind of fraud, by sharing information, and that is why we need some amendments to be argued and voted on by the Senate to fix the serious gaps in this bill.

But perhaps one of the gravest concerns I have is this proposed compromise does not protect American workers. Indeed, under this bill, up to 12 million people will be able to get green cards. In other words, they will gain the status of a legal permanent resident and a path to American citizenship. This is without regard to whether our economy is in a boom status as it is now, with about 4.8 percent unemployment, or whether our economy is in a recession where Americans are more likely to be out of work and competing with these 12 million new legal permanent residents. So I believe we need a provision in this bill that provides for a true temporary worker program that can reflect the ups and downs of the economy.

Under this bill there will be a massive one-way migration of people from countries in Central America and Mexico and South America into the United States, and no incentives for their return and for maintaining their ties to their family and their structure and their country in a way that ultimately benefits their country as well. No country on Earth can sustain an economic body blow of a permanent migration of its work force out of that country. But that proposal is an incentive for a temporary worker category that is not temporary, but is instead an alternative path to citizenship. So even though there are some who have talked about a guest worker program or a temporary worker program, this is neither. This is an alternative path to citizenship for 12 million people, permanent status in the United States, regardless of whether our economy is good or our economy is bad. And when it is bad, these individuals will prove stiff competition indeed for America and people born in these United States, or legal immigrants.

There is also no provision in this bill and this is another concern I have for the American worker. There be a willing employer and a willing employee. In other words, under this bill individuals can come into the country and self petition for green cards or legal permanent residency. Thus, here is another incentive for the American worker is totally ignored under this bill.

Another grave concern I have, and this goes back to 1986, is there is absolutely no provision for employer verification of the eligibility of prospective employees. As some have said, this is deja vu all over again because the Judiciary Committee, as you know, Mr. President, and as the distinguished ranking member knows, did not have jurisdiction over that provision of the bill, so it had to be drafted by the Finance Committee. Yet there is absolutely no amendment pending. I don’t know of any plans—maybe there are plans that I am just unaware of—that would provide employers the means to verify that individuals are indeed eligible to work in the United States and discourage, if not eliminate, the use of fraudulent documents to claim that authority to work in these states.

Without that, without border security, without interior enforcement, and without employer verification and sanctions for those who do not play by the rules, this bill provides another incentive to massive illegal immigration and constitutes a reward to those who have come into our country in violation of our laws.
My ultimate concern is we will have a vote on a motion to close off debate on this compromise tomorrow morning. There are a number of pending amendments that I intend to offer. Of course we know the Senate largely operates by unanimous consent. There is also a matter of national security. It is a matter of maintaining the confidence of the American people because, frankly, the American people believe we let them down in 1986. They believe the Senate is not serious about border security, is not serious about workplace enforcement, and the only way we are going to be able to demonstrate that we are serious is to have a full and fair debate, to allow amendments and votes on those amendments on the floor. So far, all we have been met with is obstruction. We have been denied the opportunity to have an up-or-down vote on essential amendments that are necessary to improve this bill. I know we will have a vote tomorrow morning. Unless there is some goodwill attempt to reach some accommodation to allow Senators to offer those amendments that would improve the bill in the respects I have pointed out, then I expect that we will have a long weekend, and perhaps beyond, so there will be an opportunity for us to have the kind of debate that is reflective of the world's greatest deliberative body and which discharges the responsibility we have to protect the American people, to secure our borders, to make sure we are absolutely serious about enforcing our laws, while at the same time we enact comprehensive border security and immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

DARFUR

Mr. LEAHY. Mr. President, I will not speak for long. I do this because I wish to speak about the severe humanitarian crisis in Darfur, Sudan.

It has been 18 years since the Congress, in a bipartisan effort of both the House and Senate, declared the atrocities in Darfur, Sudan, to be genocide. That is a word not passed around easily in these halls.

Then, about a year and a half ago, the administration publicly reached the same conclusion. I know there was debate within the administration whether they would use that word. I commend President Bush for reaching the same conclusion.

What worries me, here is a case where the Senate, the House of Representatives, and the President of the United States, all came together to call the atrocities in Darfur, in our day and our age, genocide. But since those declarations, the United States and other nations have failed to devise an effective strategy to bring peace to the desperate people of that remote, war-torn, desperately impoverished country. The human cost of this failure has been unimaginable. It is staggering.

Earlier this month, President Bush celebrated International Women's Day. There is no cause for celebration for the thousands of women, girls, and children of whom have been the victims of rape and other acts of sexual violence inflicted by Government security forces and the militias they support. They use rape as a method of terror.

There have been systematic massacres, rape, torture, and the burning of hundreds of villages, homes—often with the families inside. Darfur has been pillaged and the lives of its people destroyed.

The Government of Sudan has repeatedly attempted to disguise its role in the violence so it has been impossible to ascertain an accurate death toll, but somewhere between 200,000 and 300,000 people have died of murder or starvation.

Many thousands more have ended up in squalid refugee camps after their homes have been reduced to ashes by the Government-sponsored janjaweit militias.

At the same time this is happening, we see Sudan's President, Omar Hassan al-Bashir, squander $4.5 million, in this desperately poor country, to purchase a 118-foot, 172-ton Presidential yacht so he can entertain foreign dignitaries and create a perversely ominous façade of Sudanese progress and sophistication.

This is progress and sophistication, or a reflection of the ego of a leader? Is it progress and sophistication, that children have been murdered and members of the family burned in front of other members of the family?

Then, to make this even worse, the President of Sudan, in order to transport it by land from Port Sudan to Khartoum, required severing 132 electrical lines, plunging neighborhood after neighborhood into temporary darkness. It is difficult to conceive of the level of greed, arrogance, and twisted logic that would cause the leader of a desperately impoverished country to waste millions on a ridiculously ostentatious yacht to cruise the Nile River while thousands of the Sudanese children he is supposed to be protecting have fallen victim to the janjaweit's brutality.

Tens of thousands more are at serious risk of death by starvation, malnutrition, disease, and mayhem. Under Secretary General for Humanitarian Affairs, Jan Egeland, recently stated that Darfur has returned to “the abyss” of starvation. The region was “the killing fields of this world.”

The scale of atrocities occurring in Darfur is appalling. For too long the international community has been doing too little, hoping against reality that somehow the situation would improve.

Instead, in recent weeks we have seen the violence spread across the border into Chad. The Government of Sudan is actively exporting the Darfur crisis to its neighbor by providing arms to the janjaweit and allowing them to attack Chadian refugees and villagers, seizing their livestock and killing anyone who resists.

As a result, 200,000 of the residents of Chad have been forced from their homes. They have become displaced people in their own country.

Earlier this month, the Senate, and rightly so, unanimously passed S. Res. 383. It calls on our President to take immediate steps to help improve security in Darfur. The resolution proposed a no-fly zone over Darfur and the deployment of NATO troops to support the African Union forces currently on the ground.

The African Union has done its best, but with only 7,000 troops, inadequate resources, and a weak mandate to patrol a vast area, it is incapable of preventing the militias from continuing to attack civilians with impunity.

I strongly support a role for NATO to bolster the African Union's mission, until the U.N. peacekeeping mission can be fully deployed, which could take a year or more.

Only a few nations have the trained troops to contribute and their numbers are stretched thin among many of the U.N. missions around the world. But NATO troops on the ground could reinforce the African Union force with their superior command and control and intelligence-gathering capabilities.

Until recently, the Bush administration refused to support additional troops. However, in the last several weeks, President Bush has shown a renewed interest in Darfur. On March 9, in a hearing before the Senate Appropriations Committee, Secretary of State Condoleezza Rice testified the administration is committed to the deployment of a larger peacekeeping force, and I agree with her on that.

Despite the encouraging rhetoric, the administration continues to underfund the African Union mission. The $161 million requested in the Fiscal Year 2006 supplemental request for peacekeeping in Darfur will only cover the U.S. share to sustain the current number of troops.

It will not do anything to pay for the additional troops that President Bush has finally acknowledged that we need. With people dying needlessly every week, the President must address the Darfur crisis more urgently.

Earlier this week, I was pleased to cosponsor an amendment, which was accepted, to the FY 2006 Emergency Supplemental Appropriations bill to add $30 million in peacekeeping funds for Darfur.

Funding levels in the supplemental bill for peacekeeping in Darfur were barely adequate to support the current African Union mission through the rest of
this fiscal year. The additional $50 million will go to training and equipping the African Union force that has done its best despite scarce training and too little heavy equipment.

There is no question the Government of Sudan bears a great deal of responsibility for the incidents of human rights abuses against humanity that have occurred and continue to occur within its borders, and now in eastern Chad.

It has sponsored brutal militarist, hampers the African Union’s efforts to bring about peace, and impeded the work of the international relief organizations.

Most recently, it has opposed reconstituting the African Union force as a U.N. force, presumably fearing that the United Nations could pose a challenge to its own ability to act with impunity in a part of the world that is often beyond the spotlight of public scrutiny.

But we in this country, the richest, most powerful Nation on Earth, a country blessed with so many advantages, have done too little to stop the genocide in Sudan. Many more lives could have been saved if we and other nations had shown stronger leadership.

This is not just an economic or military issue; this is a moral issue. With all the benefits this country receives, we have a moral responsibility to stop genocide.

In our history, we have known what has happened when we have moved too slowly when we had a chance to stop genocide. We either moved too slowly or we did not move at all when genocide occurred.

Let us match the rhetoric with resources to support the number of troops needed to do the job. Let us set at an example by our own leadership to the rest of the world that we will put an end to the violence. This is something on which I believe all Americans—Republicans and Democrats—would agree. It is something that, if we believe in higher calling, we will do. I yield the floor.

Mr. SESSIONS. Mr. President, I thank Senator LEAHY, ranking member on the Judiciary Committee.

In the afternoon of the Senate we did not discuss at all. The American people care about this. When we come up to a recess, the leader has to push, and people make compromises, and you always try to do those things, but we never discussed at all. It is too important to treat it at a superficial level.

There are bills which, when we come up to a recess, the leader has to push, and you always try to do those things, and people make compromises, and they pass. But this is not a normal bill at all. The American people care about it, and we owe them some things.

I don’t think there are any Senators here who haven’t been back to their States and made some commitments and stated some principles that they thought were critical to a good immigration bill. I think I was not good legislation and which I opposed, and so did the Senator from Texas, who just relinquished the Chair. We didn’t discuss the financial impact of the legislation before us.

One of the things our rules of the Senate require is that if a bill is on the floor that is in violation of a budget we have adopted, it is subject to a budget point of order. I am not going to make that point, but I want to bring to your attention that I am sure someone here would want to move to waive that budget point of order, but I am giving the heads up to those who are supporting this bill that it is a budget busting.

We have not begun to figure out how much this legislation will cost. I will be quoting from the Congressional Budget Office, which is the authoritative department to determine these matters. They have given us a preliminary report.

Let me read from the correspondence they have given and which I have just received.

CBO has estimated the cost of some—but not all—of the provisions of the proposed immigration bill. The version we are working with is labeled O:\MDM\MDM06671 and was provided to us this morning.

One reason they got this this morning was the so-called compromise which was hatched yesterday was not even printed until 10 o’clock last night.

We have been talking about these problems for weeks and we produced the bill that came out of committee—I don’t know what name to put on it; the Specter-Kennedy-McCain amendment, the bill that came out of committee—and it was crushed on the floor of the Senate, with 60 people refusing to move to a final up-or-down vote on it, 60 to 39.

We have now the compromise desperately put together by people—well, meaning, no doubt, but none of whom bring any particular experience, knowledge to the problem facing us. And I assure you, if in the 5 days of markup in Judiciary Committee we didn’t discuss the actual cost of this program, I am sure, as they worked feverishly into the night last night, they didn’t consider it either. They had no idea. But this was a political discussion about how to put a bill together that politically might pass around here regardless of the details of it.

Frankly, we are going to have to deal with the specifics of illegal immigration. It is too important to treat it at a superficial level. Outlays in the succeeding 10 years will be $40 billion, $12 billion for the first 5 years—2007 and $12 billion for the first 10 years—2007-2016. The final figures will be bigger than those. Most of those costs are for Medicaid and Food Stamp programs.

They say those are the not the final figures. The final figures will be bigger. It didn’t include the earned income tax credit.

They go on to say this:

Outlays in the succeeding 10 years will be greater. The bill would impose mandates on State and local governments with costs that would exceed the threshold established in the Unfunded Mandates Reform Act in at least 1 of the first 5 years after they would take effect.

I ask unanimous consent that this message from the Congressional Budget Office be printed in the RECORD so that my colleagues can begin to look at it and begin to understand that we have a budget problem with this bill, among other things.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
From: Paul Cullinan.
Sent: April 6, 2006.
To: Ed Corrigan.
Subject: Partial cost estimate for immigration amendment.

CBO has estimated the cost of some—but not all—of the provisions of the proposed Hagel-Martinez amendment to the immigration bill. We are working with it labeled O: MDM MDM 06671 and was provided to us this morning.

The figures in this e-mail do NOT include costs associated with the conditional non-immigrant provisions, which we’re still working on. They also do NOT include revenue losses and outlays for the Earned Income Tax Credit, which we will be bringing from the Joint Tax Committee and which result largely from the conditional non-immigrant provisions. Those revenue losses and EITC outlays may be significant.

With those important caveats, estimated outlays are about $2 billion for the first five years (2007-2011) and $12 billion for the first ten years (2007-2016). The final figures will be bigger than those. Most of those costs are for the Medicaid and Food Stamp programs.

Outlays in the succeeding 10 years will be greater, and impose mandates on State and local governments with costs that would exceed the threshold established in the Unfunded Mandates Reform Act in at least one of the first five years after they would take effect.

If you have any questions, please call Paul Cullinan, Eric Rollins, or myself.

Bob Sunshine,
Assistant Director for Budget Analysis.

Mr. SESSIONS. Mr. President, the Senate Judiciary Committee, under the 2006 budget resolution, has only $6 million remaining in its direct spending allocation for the next 5 years.

CBO’s preliminary estimate, according to the Congressional Budget Office letter I just read, is that amendment No. 1 would impose at least $2 billion in costs, according to the Congressional Budget Office, under the first 5 years of this immigration bill which is before us today, but the Judiciary Committee, under our budget resolution, has only $6 million remaining in its direct spending allocation for the next 5 years.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in absentia.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in absentia.

The PRESIDING OFFICER. The Senator from Oregon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business so I can engage the discussion of the Senate Intelligence Committee in a colloquy.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. WYDEN. Mr. President, in the aftermath of the terrorist attacks of September 11, 2001, Congress convened a bipartisan, bicameral joint inquiry into the activities of the intelligence community and after those attacks. I had the opportunity to serve on the joint inquiry and I am proud of the work that was accomplished there.

In December of 2002, a report was issued in which we stated that the inspector general of the CIA should conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regards to the identification, prevention, or disruption of terrorist attacks. The report went on to state that the Director of the CIA should take appropriate action in response to the inspector general's recommendations.

The CIA Inspector General completed his report in June 2005. I was surprised that the report took so long to complete, but I am impressed with its quality. After the report of the 9/11 Commission and the joint inquiry itself, it is one of the most thorough examinations of the intelligence community activity before September 11. It provides a unique perspective and makes a number of findings that in my view should be available to the American people as part of the historical record. It also makes a number of recommendations that should be carefully considered.

The public has a right to see these recommendations consistent with the protection of our national security. The American people should be able to read the report and decide for themselves whether the recommendations of the CIA inspector general have been carried out in a satisfactory manner. Both Senator Roberts and the chairman of the Senate Intelligence Committee have supported the release of this report.

As Chairman Roberts has put it, "The deaths of nearly 3,000 citizens on September 11, 2001, gives the American people a strong interest in knowing what the inspector general found and whether those whose performance was lacking will be held accountable."

Despite the chairman's request, the CIA has not been as thorough as the inspector general's recommendations at all. Not to act at all. It is important to note that the inspector general did not recommend that certain individuals be held accountable. The inspector general merely recommended that the action or inaction of certain individuals be examined to determine whether they should be held accountable. CIA Director Porter Goss has refused to allow even this initial examination.

Two months ago I wrote to the director of the CIA. Mr. Goss, asking this report be declassified and released as soon as possible. I notified Director Goss if I did not see any progress within 60 days I would take action to release this report to the public. It has been over 60 days and still the CIA has not responded.

In the interest of making this report public and available to the American people, after consultation with the Senate direct the Senate Select Committee on Intelligence to make this report available to the American people as soon as possible.

Mr. ROBERTS. Mr. President, reserving the right to work with the Senator from Oregon that this is a very important report. We were, as everyone knows, viciously attacked on September 11 and in the aftermath of those attacks we wanted answers. Many of those answers have been found during the last 4 years and some of those answers are contained in the report. But the families of the victims of September 11 have a right to these answers and the American people have a right to these answers.

At the same time, I tell my colleague, we need to be sensitive to the fact that there is properly classified national security information that is included in this report, and this information needs to be protected.

While the Senator is correct that the CIA has not been adequately responsible to him or to me, I suggest that rather than release the report immediately in unredacted form, we instead sit down with the inspector general and work to redact any information that needs to remain classified in the interest of national security.

So I object to the Senator's request and suggest instead that we work with the inspector general to review this report and determine what can be appropriately released to the public.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, I want to express my appreciation to the chairman of this committee for his willingness to work with me and for the suggestions and discussions that we have had. I would like to suggest that we bring this issue to the inspector general immediately and ask the inspector general to release this report within 30 days. If the Senator agrees to bring this issue to the inspector general immediately so that staff can begin working with the inspector general's office over the upcoming 2-week recess, I will support the Hagel compromise and I can re-review their progress when we return, then I would be willing to withdraw my unanimous consent request that this report be made public immediately at this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the Senator from Oregon for his willingness to cooperate on this issue. It is an important one, and I look forward to working with him on it. This certainly sounds reasonable to me. So I think he is absolutely correct in his suggestion. I will be happy to work with him.

Mr. WYDEN. Mr. President, because we are going to work together cooperatively to turn this around in the next 30 days, I withdraw my unanimous consent request at this time and express my appreciation to chairman of the Senate Intelligence Committee, Senator Roberts.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Alaska.

EXCUSED FROM VOTING

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from voting until the first vote that occurs on April 24.

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

Mr. WYDEN. 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, at 10:30 this morning, the proponents of what I would have to say is amnesty in the bill that came out of the committee, the Kennedy-McCain-Specter bill, or whatever name you want to give it, that bill was crushed in this body, 39 votes for and 60 votes against. It was pulled and removed from the docket and sent back to Committee. Then we had a group get together yesterday in an effort to develop what they call a compromise. They could see that there was a vote coming, and they thought they could put something together, and I don't blame them. It has been referred to as the Hagel compromise. But we have looked at the bill, and I have to tell my colleagues, if you voted against the Kennedy bill this morning, you need not support the Hagel compromise because it is fundamentally the same thing. I am going to talk about it and explain how it is essentially the same bill.

I wish it weren't the same thing. I wish it was something we could support. I would like to support good legislation. We have an opportunity—a real opportunity—to fix the problem with security and immigration in our country and we have an opportunity to make sure that the risks at our borders are not under control. However, we have the capacity to do it. It is not that hard. I have said it before, and I have explained how we can do it.

T.J. Bonner, the head of the National Border Patrol Council said: It is real simple. You simply fix up the border. You remove the magnet of a job by having real workplace enforcement and, all of a sudden, things can go in the right direction.

This bill does none of that. It rewards bad behavior. It would encourage illegal behavior in the future, and we should not pass it. It is against what so many of us promised that we would
vote for and we don’t have a lot of time. That bill was hatched yesterday after a few Senators met somewhere and thought they could waltz in and just fix it. They expected all of us to line up and vote for it. I don’t believe people are going to line up and vote for it.

They produced this compromise and introduced it, and we didn’t get a copy until 10 o’clock last night. This compromise that we got late last night is 520 pages long in draft. Ninety-five percent of what is in it, I have to tell you, is just what you voted against and rejected this morning. We rejected it because it was not a good piece of legislation. It did not do what we promised the American people we were going to do as individual Senators. If you look at the expressions of Senators as a group, time and again they say things that they believe are legitimate principles. These bills do not reflect those principles.

They who has said he is against an automatic path to citizenship, and he is against amnesty, both of which are in this bill. The President needs to read it. When you go out and campaign and tell people what you are going to do, you then need to honor that commitment.

Let me tell you some of the things that are in this Hagel compromise. It triples—a triples—the number of employment-based green cards available each year. This is not a committee that met yesterday. This is a group of people, ad hoc Senators got together and huddled. The Senator in the chair there, he has been in a huddle, Quarterback George Allen. They got in a huddle, and with very little time and effort to study the issues, they came up with this legislation. Ninety-five percent of it was what was in the bill we rejected just this morning. What does it do? One of the most significant things that we have given thought to is it triples the number of employment-based green cards available each year. It triples the number.

Currently, there are 140,000 available. Currently, spouses and children, if they come in, they count against the 140,000 cap. Under the Kennedy bill that we voted down this morning they jumped that number to 400,000, and spouses and children didn’t count against the cap. This bill raises it to 450,000 annually, and spouses and children—estimates are about 540,000 more, family members—can come with them, and they do not count against the cap. That is pushing a million a year. That is a huge change.

I, personally, am of the view that if we can make our system lawful and have it work correctly, we can and will want to increase the number. But triple the number, and then increase it is number again, by allowing spouses and children to come and not count against the cap. That is a sixfold increase. Without any hearings? Without any economists? Without listening to the labor unions? Without listening to business people tell us how many people we really need? Without any professors or scientists who understand the impact this kind of huge numbers would have? They propose we accept this compromise, and it goes beyond the Kennedy proposal that was rejected this morning.

It changes the amnesty process for the current number of people. These 450,000 plus family members are, for the most part people who live outside the country. They apply and can come in. So the total number come in with a green card—which means you are a permanent resident citizen and you are on an automatic path to citizenship—this is supposed to be for those people.

The message is we want a guest worker program. That is what they said. We want a guest worker program. What does that sound like, if you are an American citizen trying to evaluate what your legislators are doing up here? I hope those American people who are following this closely because these are not guest workers.

Somebody said let’s not call it guest workers anymore, let’s call it temporary workers. But they are not temporary workers. They get an employment-based green card. They come in under this new H-2C program, and they are able then, on the petition of an employer, to get a green card within 1 year. If they don’t have an employer petition for them, they get legal status which is not the rule now. Now these are supposed to be based on employment that is needed.

President Bush says a company that needs workers certifies they need you. Now you can self-certify and within 5 years you can be placed on an automatic path to citizenship. They never have to return home. That is all I am saying. Anybody who says this is a temporary worker program or guest worker program is not correct the way this language is in the bill.

These numbers do not include all that is in the bill. The AgJOBS bill came up on the floor a little over a year ago and was debated and blocked. Senator Saxby Chambliss, who chairs the Agriculture Committee, and a number of us raised objections to that bill. We blocked it. It did not go forward. It did not pass.

They blithely added the whole AgJOBS bill to the committee bill and it has now been made part of this compromise. There are 1.5 million who can come in under the AgJOBS bill.

People say we need the talented people. We still have limits on talented people who come into the country with high education levels, but there is virtually no limit on the number of unskilled workers who come into our country. That is not good public policy, I submit. That is probably not what you said when you have been out campaigning and talking to your constituents around the country.

Under the current law, before new legislation passes, the United States issues 1.1 million green cards a year. That is what we do today, and 140,000 of those green cards are available to aliens who are sponsored by employers. That is the working group. Under the Hagel-Martinez compromise bill, the United States would issue between 2.2 million and 2.5 million green cards each year, 450,000 of which will be employment-based green cards during the years 2007 and 2016. That is triple the number of employment-based green cards currently issue on an annual basis, triple the number we currently issue. Although the number would be curtailed after a few years, it is still 150,000 more than currently issued. After 2016, the number of green cards for employer-sponsored aliens would go back to double the current level, at 290,000.

They have also increased the employment-based green card cap—that is the Visa. This means next year we would have 450,000 that would now be available each year under the compromise—by exempting spouses and children from counting against the cap. Spouses and children count against the cap today. So we tripled the number, and then count spouses and children. Because an average of 1.2 family members accompany employment-based green card holders, we estimate that about 540,000 family members will also get employment-based green cards, bringing the total number of green cards we handed out this year for all categories, including employment-based, family-based, asylum, refugees, cancellation of removal, and so forth.

Using the estimate from our population chart, based on the CRS data and the Pew Hispanic data, the way the new amnesty categories would work is as follows. This is what is in the compromise.

If you are here for 5 or more years—and that includes 8.85 million of the 11.5 to 12 million people who are estimated to be here, or 75 percent of those who are estimated to be here today—what happens to you? You are treated just like you were under the Kennedy bill. You are not eligible for all the social welfare benefits that belong to American citizens, No. 1. No. 2, it puts you on a guaranteed path to citizenship. This is your
reward for violating the law by coming in illegally.

Under this bill, 75 percent of them, 8.85 million would get to stay and apply for green cards from inside the United States, just like the rejected bill covered for 2 years. In addition, spouses and children would get those green cards as well. And they, spouses and children, would get green cards even if they are not in the United States.

So the person came here to work temporarily, planned to go back to his family, didn’t have a plan to stay here permanently and intended to go back to his country of origin, make a little extra money to help out the family, now we have encouraged them to go ahead and bring their family here. That would be a large number. That will impact more than the 1.1 million who are covered by the bill, according to the estimates.

They do not count against any family or employment caps or green cards. We do currently have a limit. We are supposed to have a limit on the total number who can come in as permanent workers on the path to citizenship so none of these would count against the caps, out of the 11 to 12 million.

So 75 percent of the 11.5 million are like that. What about those in the compromise? They say we are going to be a little different than the Kennedy bill for those 1.4 million people who have been here from 2 to 5 years. What happens to those that have only been here illegally for 2 to 5 years? You get to stay legally, and you are able to continue to work in the United States while you apply for a work visa if, within 3 years, at any time during that 3 years, you go across the border through a consular office and pick up a nonimmigrant visa that you can apply for from the United States. Although the Department of Homeland Security Secretary may waive the departure requirement. So you can go across the border, go to the office, pick up the thing and come right back the same day.

Spouses and children get the same status. If they came here illegally, they get the same green card status, but they don’t have to go across the border to pick it up, they can get it right here at home. If they apply for the H-2C, a new work visa created under title IV, the employer can sponsor them for a green card the day they come back into the United States.

The employer can petition that day to get them a green card. Once you get that green card, you are a legal, permanent resident, entitled to the welfare and governmental benefits of our country.

What about those who are here for less than 2 years? That is not directly addressed in this compromise bill that we now have before us that is supposed to solve all of our problems. Unfortunately, it doesn’t solve them.

The compromise sponsors will tell you that the people who have been here less than 2 years—that is about 1.2 to 1.7 million—will have to leave immediately or be deported.

First, let me ask how many people are being apprehended and deported today? Who is going to apprehend and deport them? Who are here illegally in the last year?

I raise that as a practical question. But under the bill language, you can qualify for the new H-2C worker program, even if you are unlawfully present in the United States.

My legal counsel is a smart reader of the law. This is the way the bill explains it. It doesn’t say that plainly. It says:

In determining admissibility as an H-2C nonimmigrant, . . . paragraphs (5), (6)(A), (7), (9)(B) and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date.

What does all that mean?

If you do not have time to put aside the statute, the compromise bill, and go back and read the underlying statute, you don’t know what it means, but if you read what the counsel did, you will see that is a pretty sneaky maneuver. As I noted, under the new H-2C program, 400,000 per year can get green cards as workers, and these people will qualify for that because those code sections refer to aliens who came here illegally and those who have been ordered removed but have come illegally will go back into the United States.

The last bunch, the 1.2 million that have been here less than 2 years, they are not going to stay.

First of all, nobody is going to come and get them. They are going to apply under the new visa program, the H-2C worker program that has these huge numbers that we have triple the numbers for. And it specifically says in the statute that they will qualify, even if they came here illegally or have been apprehended here illegally or removed and come back from the United States—and they still get to qualify and stay here.

We don’t need to vote for a bill such as that.

By the way, in reading the bill carefully, my fine staff discovered—it is kind of hard to do all this when you get a bill last night at 10 p.m. which is 325 pages—that those here illegally, whom I just mentioned, in the last 2 years or have been removed and come back illegally, they do not even count against the cap. Why would we want to do that?

I say to you that whoever drafted the bill—I don’t really say this to the sponsors because the sponsors of the compromise who met for a few hours and put this thing together didn’t realize who all had worked on it. I guess it is the forces who believe that no illegal alien should be left behind. So everybody who is here illegally gets to stay in the country, and they don’t even count against the cap for the green card.

I don’t think we ought to welcome back into this country someone who has been apprehended, deported and removed from the country and they come back again illegally. They ought not to be allowed to stay, period, much less be given a permanent status and much less be put on a path to citizenship, which this compromise legislation will do.

We think somebody had to have intended this. Somebody who was involved in the writing of this knew what they were doing and definitely wanted to include everybody to make sure that they could say publicly: Well, if it is 5 years, you know you can stay, but if it is less than 5 years, you could be removed. None will be removed unless they are convicted of a felony or three misdemeanors.

They basically said you wouldn’t be eligible for citizenship if you came here after January of 2004. That is not true. The bill covers everybody. That is part of the compromise legislation and still part of it. It is part of the Kennedy bill that was roundly rejected this morning, and it is part of the compromise that is before us now.

Let me take a few minutes to run over some of the provisions in that 95 percent of the Kennedy bill that was rejected this morning that remains in the Hagel compromise.

Here are some of the difficulties with it.

Let us take loophole No. 1: Absconders and some individuals with felonies or 3 misdemeanors are not barred from getting amnesty.

An absconder is somebody who was apprehended by Border Patrol people, detained, they did not have time to take him or her out of the country, they were busy, they did not have jail space, detention space for them, so they release them on bail. That is what they do all over the country because we don’t take this seriously, and they don’t show up when they are supposed to be deported. Surprise. They abscond.

Absconders and some individuals with felonies or three misdemeanors are not barred from getting amnesty.

Under the Immigration and Nationality Act, different crimes make aliens “inadmissible,” “deportable,” or “ineligible” for specific benefits.

As written, the Specter substitute—it is included in this bill—only requires an alien to show they are not “inadmissible” to qualify for the amnesty contained in the bill. However, some felonies make an alien “inadmissible,” but some do not.

Absconders—aliens with final orders of removal who are currently watched by ICE immigration officers—should not be eligible for amnesty. They remain eligible for this amnesty. The Kyl-Cornyn amendment that was blocked by the other side so we couldn’t get a vote on it, was designed to fix this loophole. It would keep aliens with felony convictions or three misdemeanors from being eligible for the new amnesty program. Surely, we agree on that. If we had a vote on it, I am sure it would pass.
But the leader on the other side has managed to block us from getting a vote.

Loophole No. 2: Aliens specifically barred from receiving immigration benefits because they filed a frivolous asylum application will also be able to receive amnesty. Under INA, section 208(d)(4)(A), if the Attorney General determines that an alien knowingly filed a frivolous asylum application, the alien will be permanently ineligible for any benefits under the INA. This bill changes that. On page 333, it says: “Notwithstanding any other provision of law, the Secretary shall adjudge just . . . an alien who meets the requirement of INN 245B. There is no provision that states that the alien is eligible for amnesty if they file a frivolous asylum application. It, therefore, gives benefits to aliens previously barred from all immigration benefits.

Loophole No. 3: All aliens who are subject to a final order of removal—for some reason you are brought up and the court has ordered you removed from the country—who failed to leave pursuant to a voluntary departure agreement, they entered into those agreements and oftentimes people promise to leave and never leave—or who are subject to the reinstatement of a final order of removal because they illegally reentered after being ordered removed from the United States are also eligible for amnesty. I call on my colleagues to look at the bill. On page 333, line 3, the bill clearly states that any alien with a final order of removal can apply for amnesty. This means that the aliens who have already received their day in court and have had their case fully litigated, and they have been ordered removed and have failed to depart will now be rewarded for not following the law and leaving like they were ordered to do. They will qualify for this amnesty.

This will include many of the 37,000 Chinatowns that China has refused to take back. I understand maybe they have agreed to take them back in the last day or so, but they have been pretty recalcitrant on it. I will be surprised if they are all approved for repatriation.

But do you see how important this could be.

Loophole No. 4: Aliens who illegally entered the country multiple times are also eligible for amnesty. Page 334, line 8 requires continuous physical presence and states that an alien must not have departed from the United States before April 5, 2006, except for brief, casual or innocent departures. Every time the alien reenters the United States illegally, they are committing a criminal offense. But this bill rewards those aliens with amnesty also.

Loophole No. 5: This bill allows aliens who have persecuted anyone on account of race, religion, nationality, membership in a particular social group or political opinion get amnesty. It fails to make persecutors ineligible for amnesty. I would have thought that was an oversight until I noticed on page 363, line 22, that the bill makes those heinous acts bar aliens here between 2 and 5 years from amnesty but not those who have been here longer. The same bar left out for the 8.8 million who have been here for more than 5 years. This will be interpreted as an intentional decision of Congress when we pass this bill.

That is not inadvertent. I don’t know why they did that.

Loophole No. 6: There is no continuous presence or continuous work requirement for amnesty. To be eligible to adjust from illegal to legal statutes under the bill, the alien must simply have been “physically present in the United States on April 5, 2001.” and have been “employed continuously in the United States” for 3 of the 5 years “since that date.” The bill does not say “employed continuously in the United States since that date.” as some have said. It does not require that employment be full time. Which means that it will be interpreted by any fair court following the law or rule will be eligible for amnesty if they have been employed in the United States either full time, part time, seasonally, or self-employed.

The bill also allows the time of employment to be shortened if the alien has attendance in a school. The employment requirement under the language, as written, is as broad as possible. Essentially, any alien who worked in the United States for 3 out of 5 years any time prior to April 5, 2006, will fulfill the eligibility requirements.

Loophole No. 7: The bill tells the Department of Homeland Security to accept “just and reasonable inferences” from day labor centers as evidence of an alien meeting the bill’s work requirements.

Day labor centers—I am not sure how reliable those can be to make major decisions. Some of these are openly and notoriously promoting illegal workers. Under the bill, an alien can “conclusively establish that he was employed in the United States and it can be either full time, part time, seasonally, or self-employed by presenting documents from Social Security, the Internal Revenue Service or an employer related to employment. The alien meets “the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements” if the alien can demonstrate “such employment as a matter of just reasonable inference.” If you can just have a reasonable inference that you have worked, get a document from a day labor center, you meet the work requirements. Everybody will meet it. No illegal alien will be left behind.

The bill then states: . . . it is the intent of Congress that the [work] requirement . . be interpreted and reconciled and in a way that reconciles and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

The invitation is there to abuse the system. The invitation for fraud is clear.

Congress is telling the Department of Homeland Security to accept pretty much anything as proof of work, and if they don’t take it, they will be sued and they will win in court because the bill we have written says anything goes as valid proof of work.

Loophole 8: The bill benefits only those who broke the law, not those who followed it and got work visas to come to the United States. That is a plain fact. If you were here legally on or before April 5, 2001, you will not get the benefit of this amnesty. This amnesty benefits you only if you came here illegally.

Loophole 9: The essential worker permanent immigration program for non-agriculture low-skilled workers leaves no illegal alien out. It is not limited to people outside the United States who want to come here to work in the future but includes illegal aliens currently present in the United States who do not qualify for the amnesty program in title VI, including aliens here for less than 2 years. Under the bill language, you can qualify for this new program to work as a low-skilled permanent immigrant even if you are unlawfully present in the United States.

The bill specifically states:

In determining the alien’s admissibility as an H-2C . . .

The program is specifically intended to apply to absconders. There are 400,000 absconders out there now that we are trying to apprehend and trying to deport. They have been ordered deported yet they absconded; illegal aliens who were in removal proceedings and signed a voluntary departure agreement but never left, many of them did that, and illegal aliens already removed from the United States but who have come back.

Loophole No. 10: The annual numerical cap on this program is a completely artificial cap. If the 400,000 cap possible is reached, what happens then? The cap immediately adjusts itself to make more room under the cap. I kid you not. If the cap is reached, an additional 80,000 visas can be given out that year and the cap will go up automatically the next year as much as 20 percent. Even if the cap stays at 400,000 per year, we will have a minimum of 2.4 million low-skilled permanent—not part-time—immigrants in the first 6 years, the length of the H-2C visa if the individual did not file for a green card.

I see the Democratic leader. I have been going over some of the things in the bill that I think the American people and maybe our colleagues are not aware of. It is a breathtaking piece of legislation. It is something that jeopardizes our ability to be successful in the Senate in passing good legislation. The compromise will not deal with the problems I mentioned today. I am very disappointed.

The compromise will not deal with the problems I mentioned today. I am very disappointed.
I urge my colleagues, if you said you would not vote for amnesty, you should not vote for this compromise. If you voted against the Kennedy-Specter-McCain bill that came out today—and the vote was 60-38 against it—you voted for this bill. It is essentially the same thing.

Mr. REID. Mr. President, I so appreciate the courtesy of my friend from Alabama.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate your courtesy so very much.

Mr. President, the Democrats continue to fight for strong border enforcement and comprehensive immigration reform. This compromise is the second bipartisan plan we have supported, this Martinez amendment which is now before the Senate. We are happy to welcome Senator Frist. He has been very cooperative in working to get this bill where it is now, to the Senate, at this time. It is a comprehensive, tough, smart approach that we have advocated all along.

Unfortunately, other Republicans seem intent on delaying and defeating this compromise. We are ready to move forward, but a group of Republican Senators want to slow this matter down. If not for them, this legislation could move forward. We left that meeting with the understanding that we would be able to debate amendments and bring up amendments and discuss amendments to this bill today. And the reason is quite simple: the fact that it is a complex issue. And I think this Senate has come to the real point where we agree it is going to take a comprehensive approach to address the illegal and undocumented people coming into this country across our borders. That is real progress over the last week.

However, the problem we have, we have not been given the opportunity to treat each of these colleagues in this fashion. We have to come forward and offer their amendments and have them debated, to improve, to modify, to probably win some and to lose some, but to help shape legislation as we did on other bills, including the transportation bill, highway bill, other large, complex bills in this Senate.

Over the course of the day it was my expectation as we set out this morning, we take a step forward in terms of debating an amendment and looking at the overall immigration bill and offering amendments on that immigration bill to improve it. Yet here we are, 10 hours later, and we have made absolutely no progress.

The amendments that were first offered on this bill were a week ago, Wednesday of last week, the Kyl amendment. To this day, we have not been able to have a vote on that Kyl amendment, the Dorgan amendment, or the Isakson amendment, all of which have been on the table and discussed, but not allowed to vote on them. It takes unanimous consent, all of us working together to do that.

The problem is, unless the Senate is able to work its will, we are not ever going to be able to finish a bill and all the good we want to do in addressing immigration will come to naught today or tomorrow and in the near future. That is the tragedy.

I still think we have an opportunity to revitalize this bill. I recommend, and I will talk to the Democratic leader shortly, that we proceed and take up the Kyl amendment and that we debate it, and we already have had sufficient debate. We can vote on it and dispose of that and take that next amendment, the Dorgan amendment, and vote on that, dispose of that, and take up the Isakson amendment, and vote on that, and then develop some good will.

I think, again, most everyone in this Senate wants to move this bill forward, see where we are, and then continue through the evening and the night in order to consider other amendments. That would be the normal process and the process I would expect.

I will be talking to the Democratic leader and I hope we can make progress and do just that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am a little puzzled as to why the distinguished Democratic leader needed to come to the Senate at this time because, as he said, there is going to be a conversation between him and the majority leader in 15 minutes.

We all know where we are. We all know the obstacles we face. But we also know that people of good will need to sit down together and implement the bipartisan agreement made after a lot of labor and hard work.

All I can say is I am a little puzzled, but I still hope in 15 minutes the conversation between two individuals of good will would agree to move forward with a process. That is, obviously, the will of the majority of this Senate.

I am puzzled, but I hope the conversation that takes place in about 15 minutes between the two leaders would bear fruit and the details of what that agreement would be would, obviously, be between the two leaders.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, let me salute those on the floor who have been so instrumental in bringing us to this point.

I look over and see Senator Martinez, who has worked very hard to find a bipartisan compromise which I now support. I thank him for that leadership.

I say the same of Senator McCain and Senator Graham and so many others who have gathered here today. They are people of good will who generally want to pass a bill, as I do. The senators should be said for many on our side of the aisle who have spent an extraordinary amount of time trying to find this common ground.

But let’s be very blunt about where we are at the moment. It is 8:15 on Thursday night. Tomorrow is the last day of the session before a 2-week recess.

Clearly, if we don’t reach some agreement as to how we are going to deal with this bill when we return after the Easter recess, it really is a troubling situation. I hope we can take up a bill that would jeopardize the bill. We are trying to come up with a reasonable number of amendments. Yesterday, we
calculated there were 238 amendments filed to the pending bill. It is physically impossible to deal with that number of amendments. We know that. As the whip on this side, I have faced 100 or more amendments and had to try to talk Members out of them. At this point, we are trying to reach a reasonable number.

We have been given a list of potential amendments on the Republican side. I will tell you that almost without exception, they are authored by Senators who have expressly stated on the floor they want to defeat this bill. So at some point, we have to acknowledge the obvious. Senators should have the opportunity, I suppose, to express themselves, but if the purpose of the amendments is just to drag this out once we return to the point where it never passes, we have done a great disservice.

It was not that long ago that we gathered on the floor of the third floor of this Capitol in the press room congratulating ourselves on what we had achieved on a bipartisan basis. Supposedly there was a bipartisan will to move forward. We need the same thing now. And we need to acknowledge that every senator wants to offer at least one amendment, but that amendment cannot be allowed to do so, if we are ever going to complete action on the bill. Both sides have to be reasonable in the amount of amendments that will be offered or nothing will happen.

The final point the Democratic leader, Senator Reid, made, is equally important. We want the conference committee to be a working committee that understands the bill. The clearest way to achieve that is to have the Senate Judiciary Committee, with 10 Republicans and 8 Democrats, represent our interests, if the bill ever passes in the Senate. We think it is going to be an arduous process facing a House where every senator wants to offer every amendment. We know the way it works around here. The majority leader appoints conferees. One, I am confident it will be a fair conference. Obviously, in my personal view, the Judiciary Committee will be the appropriate conference. But we have offered a right and a responsibility of the majority leader. We know the way it works around here. The majority leader appoints conferees. The majority leader wants to resolve this. He doesn't want the legislation gutted or destroyed in conference. We have worked too hard to get where we are. We have to proceed, at least a little bit, in good faith, recognizing if at some point as we are moving along that confidence is not there, you can derail it at any time. You can start the procedure that we have been in for the last 9 or 10 days. That seems to me the right thing to do, and I hope the discussion between the two leaders in 10 minutes will yield us an agreement.

The Kyl-Cornyn amendment has been pending for 10 days. We have on your side Senator Dorgan who feels strongly about his amendment, and so does the Senator from Georgia, Mr. Isakson. Those are issues we could work through and then see the end of the tunnel. We all know what happens. I think we are down to something like 20 amendments on our side, and it would probably be less than that. But there are only so many major issues associated with this.

I thank the Senator from Illinois for his cooperation and his efforts to bring this process forward. I think any objective observer would argue that it is time we move forward with the process. As the Senator from Illinois said, it is almost too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Illinois. He has been involved in many, probably too many, conversations we have had on this issue and meetings and gatherings. It is very interesting. Everybody is expressing the same desire, yet we can't quite get there. That is hard to understand.

I would like to make one comment to my friend from Illinois about conferees. One, I am confident it will be a fair conference. Obviously, in my personal view, the Judiciary Committee will be the appropriate conference. But we have offered a right and a responsibility of the majority leader. We know the way it works around here. The majority leader appoints conferees. The majority leader wants to resolve this. He doesn't want the legislation gutted or destroyed in conference. We have worked too hard to get where we are. We have to proceed, at least a little bit, in good faith, recognizing if at some point as we are moving along that confidence is not there, you can derail it at any time. You can start the procedure that we have been in for the last 9 or 10 days. That seems to me the right thing to do, and I hope the discussion between the two leaders in 10 minutes will yield us an agreement.

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The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, if I may echo the comments of the Senator from Arizona, had we followed a normal procedure in the Senate over the last week or 10 days, we would have probably had way more votes than Senators on this side of the aisle are requesting. A modest number of amendments, as Senator McCain indicated, roughly 20 amendments, is an incredibly small number of amendments to consider the magnitude of the bill that is before us and the length of time that it has been before us. We could have been to the end of the process if we had had the kind of procedure that is typically followed in this body. I am hoping that we can get to that point and I am optimistic that the meeting between the two leaders may produce an agreement to get started. We have a group of amendments that are the logical place to start. I hope before the evening is over, we will have an opportunity to lock those in and to move forward, as we do on every other piece of legislation that we handle in this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I have been involved, along with many other people, trying to work hard. And if this were an easy problem, we would have solved it many years ago. As a nation, we have offered amnesty to Ronald Reagan, and 3 million people have turned into 11 million people. We can argue rightfully about what is punishment, what is amnesty. But what we can't afford is to take broken borders and combine them with a broken Senate.

America needs something to work around here on immigration. The House has spoken. I don't agree with their conclusion, but at least they spoke. The President is speaking. The Senate is trying to speak. We have reached a bipartisan compromise that enjoys support on both sides but also enjoys fair criticism. If it begins to be the rule that you can't offer an amendment to a Senate bill or you oppose probably not a good policy for our friends in the minority.

We want to be able to tell America why we differ with each other and in some constructive way vote on what our differences are. Three amendments on a bill this important is unfair to our colleagues who disagree with what we are trying to do. Some of them are trying to make the compromise better. I was in the Judiciary Committee. It has been a nightmare. I have a check of a bill I had known going in what it was about. I don't know if I would have accepted the job. But I have thoroughly enjoyed it in this sense: We have taken very important issues, and we talked about them and we voted. We spent days on this bill. We had dozens of votes, Senator Sessions. Nobody said you couldn't vote. We worked through it, and we came out with a bill that some like and some don't. Now we are on the Senate floor. Everybody who is not on Judiciary deserves at least a shot to have a say about this bill. As much as I like being on the Judiciary Committee, I don't
think we should take over the whole Senate. So what we are trying to do is give people on the committee and not on the committee a chance to revisit this legislation in some orderly process.

Here is what we propose. It really is about who to trust, and trust is pretty low around here. The country has lots of problems, but we have to be able to prove to each other we mean what we say. I hope I have proven this. I mean it when I say I am for a comprehensive bill. I have taken some votes that are not that popular at home. But I believe it is best for the country and the people of South Carolina to realistically solve this problem. Senator ISAKSON has a good amendment. Senator KYL and Senator CONROY, there are a bunch of good amendments out there. Some of them I will vote against, but they deserve the right to be voted on.

What do we do in conference? Senator FINSTER has been a very good leader this way. He has taken a majority of his conference in a way they really didn’t want to go, but they are now understanding it is better to get something done than nothing. And get to the end of the tunnel, we are going to have to work as we did with other little bit of legislation. Senator DURBIN has been terrific. You have been in every meeting I have been in, and I believe in your heart you believe it is good for the country to solve this problem. The only way we are going to get there from here is to have a little bit of faith. If at the end of the day this bill blows up, I don’t expect you to accept that result, nor will I. But I am willing to give the process an opportunity to prove to each other that we can do what we said we can do. I think we can deliver a bill with Republicans and Democrats that would honor the compromise we reached today, but we can’t do it shutting out our colleagues. I know if we give this a shot, this is the only way we can get it done.

I yield the floor.

The PRESIDENT pro tempore of the Senate from Alabama is recognized.

Mr. SESSIONS. Mr. President, I agree with much of what Senator CRAIG said—particularly about the ineffectiveness at the border. Let’s be real frank and honest about the bill we have today. The reason we are in trouble today, the reason we are not going to be able to pass this legislation is that the bill is a failure. It is a colossal failure. It is a dead horse. It has been lying out in the sun, and people have been having to look at it, and they are now able to smell it. A few amendments and a compromise is not going to revive this. It doesn’t do what we want it to do. It has a huge surge in immigration.

The compromise is 95 percent of what was in the bill we just rejected this morning by a 60-vote margin—95 percent of it. And the others were supposed to make some big difference, but in the end, you put it together, and you have essentially the same number of people who would come into the country, and there is not any restraint on the legislation. So the underlying bill that came out of committee was bad from the beginning. We debated the bill. We spent 5 days in markup, and 4 of those days basically were on border control issues. We debated individual words. Then, all of a sudden, on the last day, when the majority leader said we had to have the bill out, about noon we got around to the amnesty for the 11 million people and what we were going to do about future immigration policies. And without any amendments—maybe no more than 10 minutes of discussion. It is a complete failure. It is a colossal failure. We are not going to be able to pass this legislation. So the un-

I yield the floor.

The PRESIDENT. Senator "S3197"
years. That is clearly in violation of the Budget Act.

What about revenues? Joint Tax and CBO—our two agencies we depend on to tell us what the cost and impact of the legislation will be—estimate that the legislation to culminate in an on-budget revenue loss of $5 billion from 2007 to 2011 and $2 billion over the 2007-to-2016 period, largely because of lower tax payments by businesses.

Herculean discretionary spending. Assuming the appropriation of a necessary sum, CBO estimates that outlays for those purposes would total at least $16 billion from 2007 to 2011 and more than $30 billion over 2007 to 2016. And more governmental giveaways. The bill would impose mandates on State and local governments with costs that would exceed the threshold established by the Unfunded Mandates Act and at least 1 of the first 5 years after enactment, totaling $29 billion over 5 years.

Well, why am I saying that? First of all, that is a lot of money. We have Social Security in trouble, Medicaid in trouble, and we are going to add $29 billion more to that? What is really troubling is that it is symptomatic of the lack of thought and serious evaluation that went into writing this bill to begin with. It has good intentions. It desires to do the right thing. Unfortunately, as I have studied it, having been on the Judiciary Committee, I have come to believe it cannot be amended. And we are going to have three amendments that are going to somehow fix this bill? It fundamentally needs to be reviewed. I really think so.

I will repeat that I am optimistic about our ability to make this work. I am optimistic that, with just a commitment of will and some resources, we can create secure borders and increase the number of people who come into our country legally. We can deal humanely and fairly with the 12 million to 12 million—maybe even 20 million illegals who are here. We don’t have to give them every single benefit we give to those who follow the law, but we can allow most to stay and work and live here, if that is what they have been doing and if that is possible. We can work out all those things. We can deal with those issues in an effective way. But this legislation doesn’t do it, and it is too late to fix it.

We have real hearings, get the best minds in America to tell us about this problem, and work out legislation that is not amnesty, that doesn’t cost $27 billion, that creates a lawful system on our borders so people can easily with biometric identifiers if they are lawful and those who try to come in unlawfully get apprehended. That can be done. This bill doesn’t do it. The compromise legislation doesn’t do it. It needs to be voted down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, we have been in a stalemate over the issue of amendments for several days now on what is an issue which, as the Senator from Alabama so eloquently said, is very important to all Americans. It is a very important issue for those who support the bill and to those who might oppose the bill. It is an issue where the lives of many people in America are hanging on its outcome.

The President has spoken in the last 24 hours about the need for the Senate, with a seriousness of purpose, to move forward to try to arrive at a reasonable resolution of this issue. The fact is that, as we have over now several days endured, I am not so familiar with every nuance of Senate procedure so as to fully understand all that might be and could be done. But there is also a benefit to that, which is that I am so accustomed to what the rest of America thinks and hears and, frankly, have a view that I think is also fresh, which is to say that anyone who is acting in America that on something as fundamentally important as the immigration laws of this country, on a system that admittedly, while we cannot agree on much, we have to agree is a broken system, we cannot go on without recognizing America’s need for security of the border, that is not serving America’s need to know who those 12 million people are and why they are here, that today is a system that compounds and permits illegal behavior by those who cross the border illegally and those who employ them and benefit by their labor.

There is a tacit understanding that we have an illegal system and we are fine with that. In the midst of that need and in the midst of this overwhelming problem we have in the country, the Senate has a responsibility to do something about it.

So how do we explain to the people of America that the way they are doing it, if they are doing it, their leaders, have been hung up over the fact that they cannot agree on how many amendments they are going to have to this bill? Is that simple. We just cannot agree on the number of amendments that will be considered on the bill. Some would say it is too fragile to have the sufficient votes to defeat amendments to the bill, why, then, it would not pass anyway. That is an indication of a lack of will.

Some would say: It is too broken down and cannot be fixed. Let’s give it a try. I have never heard of a bill which I participated in in my short career in the Senate that came to the floor and there was not an up-or-down vote—well, sometimes they are done by unanimous consent. But on monumental, controversial legislation such as this, there are always going to be amendments. And I think about how am I going to explain to the people who are looking to me, telling me to get something done on this problem—and on both sides, people are demanding that the border be secure, and other people are asking that their status be resolved so they can move on to have a piece of the American dream—and say to both of them that the Senate has failed you and did not act; we could not act for the simple reason that we could not agree on the number of amendments, or as the President so eloquently said, the underlying idea—a majority of Senators, I believe, or perhaps a significant majority agreed on how we might perhaps make a contribution toward solving this problem with what now has been released as a compromise and we announced it with great fanfare. Then we get to the issue of how many amendments.

The bottom line is that this issue is too important—too many people are depending on it and the security of our Nation depends upon it—for us to fail this test of leadership. If we fail to act on this bill, as I seriously fear we will because of the reason that some would prefer to have the politics of this issue over the substance of the bill. We are acting in America that on something that is fundamentally important to the people of this country.

I don’t think I should say that if this issue fails to be acted upon, there will be people looking for places to hide and fingers to point as to who is to blame. I would blame all 100 of us for not getting it done. Those who agree with it can vote for it, and those who disagree with it can vote against. Those who have legitimate amendments should be able to offer them and be able to have a vote on them up or down.

Obviously, we have to limit the number of amendments that we are going to the decision of how many amendments. You would think that grown people could decide how many amendments to have on a bill of this significance and of this importance to the Nation. If we don’t agree on the question of how many amendments, I look forward to hearing suggestions on how we explain to the American people why we failed to act.

Ms. LANDRIEU. Mr. President, I would like to speak to an amendment designed to clarify existing immigration law and ease the burden on families sent abroad in service to the United States.

Under the Immigration and Nationality Act, there is a 3-year residence requirement for spouses of U.S. citizens to be naturalized. Section 319 (B)(3) waives that requirement for applicants whose citizen spouses are ordered abroad by our Government to keep families intact. And a certain percentage of them, in my country, wherever in the world that may require them to go. The same law rightly places value on cohabitation between
spouses in requiring that applicants spend no more than 45 days away from their citizen spouse. The waiver provided under existing law is clearly intended to prevent our Government from splitting up families whose members are in the service of this country for the mere purpose of satisfying shortsighted antifamily regulations. Yet that is exactly what has occurred as a result of the Bureau of Citizenship and Immigration Services’ overly narrow interpretation of this law.

I wish to briefly tell you a story about two constituents of mine, a husband and wife from New Orleans, who were subjected to this particular fate. Brett Schexnider has served as an Active-Duty officer in the Armed Forces for more than 20 years, and holds the rank of commander in the U.S. Navy. Commander Schexnider married his wife Gisele in March of 1999. When the Navy ordered Commander Schexnider to leave the United States for a foreign assignment—over 2 years later, Gisele, who is originally from France, understandably and dutifully accompanied her husband on his tour of duty. After 14 months, the Navy sent Commander Schexnider back home, and his wife returned with him. However, she was eligible for naturalization. Her application was denied as a result of her having joined her husband abroad, which caused a break in the 3 years of continuous residence normally required. Relying neither on New Orleans nor any statute, USCIS determined that she was no longer entitled to a waiver of the 3-year requirement because her husband had returned to the United States by the time she filed her application. After 6 years of marriage, Gisele was told that she would have to wait another 3 years before her application could be approved. I submit to my colleagues that this unwritten policy and absurd determination is not only brutally senseless but also a shameful offense to the institution of marriage.

Again, this amendment does not seek to do anything more than clarify existing law so that it may achieve its original purpose. The provision in Federal regulations requiring that duty abroad last at least 1 year would remain intact, as would the requirement that an applicant be present in the United States at the time of naturalization. My amendment would simply prevent applicants from falling residence requirements if they choose to follow their spouse to a Government-ordered post.

Our military families and the families of this Nation’s public servants who are sent abroad do not deserve to be punished for their service. The laws of this Government and the agencies that execute them must not be allowed to separate families whose members stand up to answer the call of duty, and I would hope all my colleagues could join me in protecting our Nation’s families from this disgraceful practice.

I ask unanimous consent that the text of the Amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the appropriate place, insert the following:

**SEC. 319. RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.**

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse and stationed abroad on orders from the United States Government for a period of not less than 1 year and re-signed to the United States thereafter, the following rules shall apply:

1. The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.
2. The period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

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 that the order for the quorum call be dispensed with.

**The PRESIDING OFFICER (Mr. Chambliss).** Without objection, it is so ordered.

**MORNING BUSINESS.**

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

**The PRESIDING OFFICER.**

Mr. FRIST. Mr. President, we are about to close in a few moments. We have some business to do. But I want to comment briefly on the events of today with respect to what I think is tragic in the sense that we are, in all likelihood, not going to be able to address a problem that directly affects the American people.

What the Senate does best is to identify a problem, to develop and take a solution through committee, and then bring that product to the floor of this body and allow 100 Senators—the body itself—to take a vote, or to add to that product and produce a bill. And it becomes especially important when you are addressing very complicated issues, tough issues, tough challenges that you produce a product that reflects the intent and the will of this entire body.

In this particular case, when we are discussing immigration, the problem has been clearly identified. Our borders are broken. Our immigration system does not work. Our laws that are on the books are not being enforced.

Again and again, we have heard over the last 2 weeks that we are a nation of laws, a proud nation, a rich nation because of our immigration history of immigrants. But with those laws not enforced, our workplace is not protected, and with employers not having the tools available to enforce those laws, with too many people living in the shadows, we have a set of problems that have to be addressed.

This body has moved in the direction of addressing that in a comprehensive way. We developed a product in the committee, we took that product to the floor, but when we came to the point where the minority, using their rights, which I would argue is abusing those privileges, caused the system of deliberation and amendment to fail, that resulted in postponement, it resulted in blocking amendments, not having votes, obstructions.

They did not allow amendments to be offered—the substantive amendments, the really important amendments—or to be voted on.

Everybody watching this debate over the last week and a half asked—we all have that telephone call or that question in town meetings: How in the world could the Senate possibly operate that way? How can a handful of Senators or a minority of Senators—something that has been an American way and developing a temporary work program.

People call it tyranny of a minority. Is that an overstatement? Not really, because the tyranny means that you have something bad happening, and the strength is of the minority, and that has actually taken place. We have seen it play out over the course of the last 12 hours, almost exactly 12 hours after a vote today to oppose a bill that gives illegal immigrants, undocumented people, a direct special path to citizenship. Many thought it would be a new day and, indeed, shortly thereafter, a large number, a bipartisan group of people, rallied in support of proceeding to an amendment put forth by Senators HAGGERTY and MARTINEZ, broadly supported with a number of cosponsors on both sides of the aisle.

That amendment, coupled with the work that the committee had done to date, that the Senate had done, did everything pretty much in terms of tightening the borders, worksite enforcement, looking at 12 million undocumented, illegal immigrants here and saying it is not a monolithic group and has to be addressed in a certain way. We are developing a temporary worker program.

However, at that point, the minority, having said the amendments could be
offered, reversed course, and over the course of today we have not had any amendments offered. We have had them offered—in fact, 396 amendments are at the desk—but we are not allowed to take any of those amendments out and debate and vote on them. And we did not take any votes. We all know a lot of people say they will file amendments, and they do not ultimately even want to debate them, but 396 amendments reflect a lot of Members with interest, on both sides of the aisle, with an interest in modifying or attempting to modify or discussing how they might modify the underlying bill.

I have been consistent in my remarks over the last several days, actually at the end of last week, as well, that it is important we begin debate and we begin that amendment process and get votes on some of those amendments. People say, well, you had three votes. There are 396 amendments, and we did have three votes. They were fairly non-controversial. The problem is that we have a lot more substantial amendments.

The amendment that we talked about earlier tonight, the Kyl amendment, was offered last night, and another amendment, the Dorgan amendment, was offered last week; and the Isakson amendment was offered last week. These are amendments we have not been allow to vote on. Earlier tonight, a couple of hours ago, when the Democratic leader and I were both on the floor, I suggested we go ahead and take up the Kyl amendment. Even if we could not come to all the agreements about what will happen weeks or months from now, let's go ahead and take up an amendment and maybe we could capture the good will of the Senate, show progress, and after that take up the Dorgan amendment and the Isakson amendment, and hopefully maybe—even if we could have been now—could see how we could proceed with other amendments.

That proposal was refused and, thus, we are here now a couple of hours later. A lot of other proposals have gone back and forth, and without talking too much about what the Democratic leader and I have talked about, we have tried to put together packages or groups of amendments that might be considered. I have been quite open. We would like to see about 20 amendments, out of 396, about 20 be considered at some point in the future, in a package, and ultimately have passage of the bill after those amendments. How they fall is important, but voting is important. And however they fall, if we can vote on the underlying bill, I think it would pass. But the response to that, again, was "no."

I mention that because we have seen this floor over the course of the day, a lot of two to three hours earlier today, but now, since we have had no amendments over the course of today, I don't see how cloture can be invoked tomorrow morning. We will have to wait and see how the votes go, but I would think all of the people who have been denied the opportunity to offer their amendments are not going to want to proceed where, in a process, they are being shut out, totally shut out. But we have to wait and see how that vote goes tomorrow morning.

Now, where do we go from here? I always say that tomorrow is a new day, and we do not know what exactly will happen tomorrow morning. I do see little peeks through tomorrow morning. I do see little light both to tomorrow because of the obstruction that we have run up against.

What is disheartening to me is that we do have a huge problem along our borders today. As I have said many times before, when I was last at the Rio Grande border, 400 people were caught that night. That means 400 people will probably be caught tonight in that one little sector. But in addition to those 400 people being gone, there are hundreds of thousands of people who are going to get through that border tonight—just that little sector to-night—and tomorrow night and the next night and the next night because we did not act and because we are not doing anything about border enforcement. I think that is a disservice to the people living along those borders. It is a disservice to the people who are going in those hospitals along the borders in the border States, who have to wait hours, sometimes several hours, maybe even a whole day. There is a disservice to the people who have come illegally across the border over the preceding days.

But we will have to see how the vote goes tomorrow morning. If cloture is not invoked—and I don't see how it can be, the way the process has proceeded—we will have a cloture vote on a strong border security bill, a bill that does deserve to be passed. If we cannot pass the comprehensive bill, because of obstruction, we have an opportunity after that to vote on a strong border security bill that also has interior enforcement and worksite enforcement tomorrow morning as well.

I do hope we can turn the corner here at some point and address these problems which do affect the American people. We have to stay above partisanship. We have to work together and be able to debate in a civil way. I stressed that initially when we began the debate, saying we will not allow this to turn sour, to be inflamed and dignified, but then I found that we were not even really able to debate because we have not been allowed to vote on these amendments.

Mr. President, does the Democratic leader want to have any comment? If not, I will proceed on with business. I do not want to cut off anything.

Mr. REID, Mr. President, I will say a few words, I wasn't planning on saying anything, but I think I must say something. Mr. President, no matter how many times I call this lectern a car, it does not matter, this is not a car. This is a lectern, used here in the Senate for us to put our papers on and deliver a speech. This is not a car. If I come to the Senate floor and, day after day, hour after hour, call this a car, it is not a car. It is a lectern.

I come to the Senate floor day after day and say what the Democrats have done is unusual, unwarranted, unbelievable, it is wrong, it is as wrong as this lectern being called a car.

Now, we are in a unique situation. The distinguished majority leader and I have really tried to take something out. I indicated that I thought it would be appropriate that we agree on who would be on the conference—the Judiciary Committee. It sounds reasonable. I also thought we should have—not that I was rushing forward with this, but I would agree, on behalf of my caucus, to a reasonable number of amendments. Mr. President, 20 or so is not a reasonable number of amendments. That is filibuster by amendment. It appears that the President, the Republicans, want to filibuster the Martinez bill.

So I do not know how much more reasonable we could be. We are united. We have produced votes this morning that we are terribly satisfied. We will continue to fight for stronger border enforcement, comprehensive immigration reform.

What we have suggested is reasonable. It is fair. And the distinguished majority leader said we will see how the vote goes. I think that is really important, that we see how these votes go. I would hope that the night will bring the confidence that we can move forward and invoke cloture on the Martinez bill and finish this legislation. There are still votes that would be valid postcloture on that.

I also make this commitment: If cloture is not invoked—and I think that would be a terrible disservice to this country—I will continue to work on immigration reform. This is something that has to be done. It has to be done. The leader and I have gone back and forth so many times today that we are beating paths to our offices.

I hope this legislation will move forward tomorrow. I know people feel that this lectern is a chair, but it is not. This is the Senate. This is how it works. The way to bring all this to a close is to invoke cloture. And then we will walk out and declare victory for the American people. This isn't a question of who filed a cloture motion or who allowed amendments or didn't allow amendments. This is the Senate. That is how it has worked for almost 220 years.

I hope the night will bring what I think is common sense and we can resolve this matter. It would sure be something I would like very much.

Mr. FRIST. Mr. President, I want to, one more time, make it clear that we have tried to move to take up the Kyl amendment tonight, but the other side refused that opportunity, and the Dorgan amendment and the Isakson
amendment, to proceed with debate. The Democratic leader and I have had the discussion. I want to make it clear that not supporting cloture tomorrow is the only way we can support our right to be able to offer amendments and debate them. It is important for everybody to understand that because it comes on the heels of broad support.

Mr. REID. If I could ask a question—pardon the interruption—that would be in addition to at least 17 other amendments at some time in the future; is that right?

Mr. FRIST. Mr. President, the intent is to start down the path of amendments and allow the debate and then to allow the votes. We have stopped short because I have said that our side, since 396 amendments have been offered, needs about 20 amendments—and this doesn’t have to be right now; this could be at some point in the future—that we could put into a package and then debate that, that we have not been able to reach agreement. That is where we are. But this willingness to debate and vote, I want to make it crystal clear we have attempted again to do that. I keep mentioning it because on all likelihood not being invoked tomorrow, it is solely because we have not been given that opportunity to offer amendments to improve the bill. Some of them would win; some would lose.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. FRIST. I am happy to.

Mr. DURBIN. If we fail to invoke cloture tomorrow, is the majority leader saying we then cannot amend the Martinez substitute that is before us?

Mr. FRIST. I believe that following the cloture, if cloture is not invoked on the Martinez amendment tomorrow, we will follow that immediately with a cloture vote on the bill itself, the border security. Mr. President, if we fail to invoke cloture tomorrow, it is solely because we have not been given that opportunity to offer amendments to improve the bill. Some of them would win; some would lose.

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Mr. DURBIN. If I might ask the majority leader, if I understand it, it is a cloture vote on the motion to commit which would make the Martinez substitute the bill before us. If that cloture vote prevails, there is ample opportunity then to amend that substitute that is before us. Why does the majority leader argue that Republicans would withhold their votes and stop the process? The process can still go forward, as long as cloture can still be offered at that point. We have not filed cloture on the underlying substitute. It is only on the motion to commit.

Mr. FRIST. Mr. President, the problem with tomorrow is, we will be in the exact same situation. If cloture is not invoked, we will have one amendment up. We will be exactly where we are now, with your ability to do whatever you have done, what the Democratic side has done, for the last week and a half, and that is not to allow amendments to come forward. I don’t think it makes any sense to blackbox and obstruct. That is the problem, that we can’t come to an agreement on a package. And we have tried to bring it up with a group of amendments, say 20 amendments. We have tried to say let’s take one amendment at a time. And the problem is that process is being thwarted, whatever technique we try.

Mr. REID. If I could ask a question, Mr. President. I ask the distinguished Chair, those slots were not filled with majority, were they? I think the point is made.

Mr. FRIST. Mr. President, the leader is aware that one amendment could be pending during that entire 30 hours. The minority could deny Members the right for votes on their germane amendments. I guess I would ask, would the minority leader agree to allow amendments be given 30 minutes of debate, equally divided, so we can be assured that we can debate and vote on that and other important amendments?

Mr. REID. Is that postcloture?

Mr. FRIST. Yes.

Mr. REID. I would be happy to consider that. I think we would have to see what amendments were offered. But I think something such as that within reason. I am happy to see what we can do. I cannot say until I know what the amendments are, which ones are germane or not.

My point is that there is a way we can have the amendments offered postcloture. All we have to do is have cloture invoked tomorrow.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to votes in relation to the following amendments: The Kyl amendment, the Dorgan amendment, and the Isakson amendment. I further ask that before each vote there be 30 minutes of debate equally divided in the usual form.

Before the Chair rules, I note that two Republican amendments in this agreement have been pending for over a week.

Mr. REID. Reserving the right to object, of course, Mr. President, until we have an agreement, as has been indicated, on what is going to happen postcloture, and we have talked about this, and a conference—these things sound very procedural in nature, but they are important to what this body does. So I object.

The PRESIDING OFFICER. Objection is heard.
back now as I reflect on it and realize what a great loan it was and what a great investor it was. I was one of millions who benefited.

The good news is that the number of students who enroll in higher education in America has increased over the past 35 years: 8.5 million college students in 1970 to approximately 16 million by 2005. There is some bad news to this story. Despite the importance of college education in the 21st century, many millions of young people make it through college education without ever graduating.

Never has higher education been more important than it is today. Over the course of a lifetime, a college graduate will earn over $1 million more than someone without a college degree. Today, six out of every ten jobs in America require some postsecondary education or training.

In addition to the individual benefits of a college education, we know that investing and producing more college-educated Americans is vital to our Nation’s future. Economists estimate that the increase in the education level of the U.S. labor force between 1915 and 1999 resulted directly in at least a 23-percent overall growth in U.S. productivity.

If you are a student of history, you come to realize how critical education was to where we are today. Why was the 20th century so great? Why did America become the leader of the modern world? Who stood where we are today? What was it that made America different? Why did we win? Why did we become the center of the modern world? Why did we change the course of history? How did we do it?

Between 1890 and 1912, during that 22-year period of time, we built, on average, one new high school every single day. All across America, communities decided that high school education was now something worth the investment. Was it a Federal mandate? No. It was the decision of local communities to make it happen. Why did we excel when other nations stalled? I think you look back to education there as well.

So with this rush of new high school graduates coming to lead America, in so many different fields—business and education and other places—the 20th century became the American century. We moved from the Model T from Ford Motor Company to launching our own rocket science. We moved forward, with the understanding that education was the key.

Recently, many reports have sounded the alarm that we may be losing our educational edge. The world’s technology is moving faster than our education. Countries such as China and India are showing dramatic progress when it comes to technology and innovation. To keep America at the economic forefront of the 21st century, we have to re-alize we need to continue to value education and to invest in it. We need to make certain that Americans are in the forefront, leading the world when it comes to educational standards. We also have to understand that many of these young college students, tomorrow’s leaders, will not have a chance unless we give them a helping hand, the same kind of helping hand that this college student had many years ago.

The nonprofit Pell grant program is far beyond the reach of many American students, not just those from poor families but those who come from middle-income households and farm families and families of recent immigrants to the United States. As the College Board, in recent dollars, the total cost for tuition fees and room and board at a 4-year public university has increased by 44 percent over the last 5 years. Federal financial assistance is not keeping pace. Twenty years ago, the maximum Pell grant for low-income and working-class families covered about 55 percent of the costs of attending a 4-year public college. Today, the maximum Pell grant of $4,650 covers about 33 percent of the cost.

More and more students find that grant is not enough. According to the U.S. Department of Education, the average student debt of $17 thousand has increased by more than 50 percent over the last decade. We know the stories, and I bet many of you have them: get the diploma, proudly walk down the steps, pose for photographs with their parents, and then try to figure out how in the world are they going to pay back that student loan. That student loan is going to have a lifetime impact on their decisions. I have met so many who said: I took this job because it paid a little more. It was not the job I wanted, it was not the thing I wanted to do, but I have to pay off a student loan. So these students, burdened with more debt, find their life choices limited and restricted.

Smart, hard-working kids deserve a chance to go as far as their talent will take them in America. Students who are qualified to go to college, students who have the desire to go to college, students who can make valuable economic, intellectual, and cultural contributions to America by pursuing higher education should not be kept away from school because they don’t have the money. These students are our future.

Let me tell you why I come to the floor and make a speech, which virtually everyone would agree with, and I do so every day: the financial aid bills that preceded this bill and that came before the students to keep interest rates down, guess who won. The special interest groups and the lobby, those who make money on the backs of the students to keep interest rates down, guess who won. The college students lost. As a consequence, they are burdened with more debt. Isn’t it great that this Government, which generates so much debt every single day to be heaped on the shoulders of future generations in terms of their national debt, now decided to increase the personal debt of that same generation when it comes to college student loans?

Large educational debt changes the future for many of these students. Career plans change. Lifestyles change. Home and auto purchases are put on hold. Family plans have to be delayed to accommodate debt payments.
Let me tell you two real-life stories that illustrate the effects of these large student loan debts.

Margo Alpert is a 29-year-old Chicago public interest lawyer who is on a 30-year repayment plan, 30 years to repay her student loan, which she will be paying off in her 50s and thinking about her retirement by the time she has finally paid off her student loan.

Carrie Gervitz, a 26-year-old social worker, has a master’s degree in social work last year from the University of Chicago. babysits and teaches kickboxing to supplement her $33,000 yearly income so she can pay off her $55,000 student loan. She is a social worker for goodness’ sakes. Here she is taking part-time jobs to pay off this mountain of debt which Congress, thank you, has just increased the cost of.

College graduates such as Margo and Carrie are forced to make lifestyle decisions based on their debt. But there are other lifestyle decisions that are being made as well. Are you familiar with an operation known as Sallie Mae? Sallie Mae is a quasi-governmental financial institution, one of the largest student loan corporations in America. They loan money to students, and they are making a fortune.

Let me give an illustration of how good life is at Sallie Mae, the institution that finances student loans for students across America. Sallie Mae’s chairman, Albert Lord, raked in $40 million a year to oversee the student loan business and took some of the money that he made and decided to buy over 200 acres in nearby Maryland, right outside of Washington. People in the area were nervous, wondering what Mr. Lord, the chairman of Sallie Mae, was going to do with over 200 acres. They were afraid he was going to build a subdivision.

He calmed their fears: Don’t worry. I am going to be building my personal, private golf course. It is just for me. So don’t worry, there will be a lot of people here.

Mr. Lord, the chairman of Sallie Mae, this operation that is financing student loans, is doing pretty well, don’t you think? Obviously, he is not sweating face such high penalties because they had the desire and determination to pursue higher education.

High school graduates who qualify for college should not be turned away because they can’t afford the cost. That is why I am introducing the Reverse the Raid on Student Aid Act of 2006. This bill would cut student loan interest rates to 3.4 percent for student borrowers, 4.25 percent for parent borrowers. 75 percent of the interest would be subsidized while in school in order to lock in lower interest rates. The bill would repeal the single holder rule and allow students who want to consolidate their loans to shop around for the best deals rather than being locked in with their current lender. This is a luxury everybody enjoys. Why shouldn’t students have it? The Pell Grant Program would be turned into a mandatory spending program with yearly increases.

An investment in our children’s education is an investment in America’s future. We must do what we can today to ensure that America remains a global leader. 

I recently spoke at a high school outside of Chicago in one of the suburbs. I wanted to meet with the math and science teachers. We have a serious challenge, not enough math and science students who are allowed to do this at the high school level. I walked down with a young lady who was very good and well liked by her students. I asked: How did you pick this high school?

She said: Honestly, Senator. I had hoped to teach in Chicago, but I couldn’t go to one of the inner-city schools. That is where I wanted to be. But this job paid me $200 more a month. I didn’t have any choice. I couldn’t pay off my student loan and buy a car and work in the Chicago public school system. I thought I would get a job in the suburbs.

That was perfectly understandable. But it is a clear illustration of how this debt drives career decisions and how this young woman might have made a significant difference in the life of some of the poorest kids in my State had to make a different choice and, having made that choice, you can understand the outcome when it comes to education in my State.

HONORING MIKE TRACY

Mr. CRAIG. Madam President, today I come to the floor to recognize the retirement from my staff of Mike Tracey, my director of communications. Mike started working for me 10 years ago. When I first met him, he said: ‘Finally someone works here with less hair than me.’ His head shines pretty brightly on a clear day.

Mike is always fond of saying that his job is not rocket science. It is not science, he is right. It is art—and Mike Tracey is a master at the art of communications. He is not afraid to let people know it. When you are around Mike, you cannot help but be boosted by this man’s passion.

I am sad to see Mike Tracey leave my staff, but he goes on to a new challenge, and I know he will tackle that challenge with the same tenacity he approaches life and has for 10 years approached the job he does for me. I wish him the best of luck and thank him for his service to me, to the State of Idaho, and to America.

Mike Tracey, have a great life in your next job, as I know you will.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 27 young Americans who have been killed in Iraq since February 1. This brings to 550 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 21 percent of all U.S. deaths in Iraq.

PFC Sean T. Cardelli, 20, died February 1 from enemy small arms fire while conducting combat operations near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

PFC Caesar S. Viglienzoni, 21, died February 1 in Baghdad when an improvised explosive device detonated near his up- armored Humvee. He was assigned to the Army’s 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Santa Rosa, CA.

Spc Roberto L. Martinez Salazar, 21, died February 4 in Mosul when an improvised explosive device detonated near his up- armored Humvee during patrol operations. He was assigned to Company A, 14th Engineer Battalion, 5th Maneuver Enhancement Brigade, Fort Lewis, WA. He was from Long Beach, CA.

PFC Javier Chavez, 19, died February 9 from wounds received as a result of an improvised explosive device while conducting combat operations near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Cutler, CA.

PFC Jose Ross A. Smith, 21, died February 9 from an improvised explosive device while conducting combat operations against enemy forces near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

PFC Daniel S. Stitt, 23, died February 9 from an improvised explosive device while conducting combat operations near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

PFC Lindsay E. Williams, 20, died February 9 as a result of an improvised explosive device in Al Anbar. The best of her was dedicated to Explosive Ordnance Disposal Mobile Unit Three, based in San Diego, CA.

LCpl Michael S. Probst, 26, died February 14 from an improvised explosive device.
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device while conducting combat operations at Abu Ghraib. He was assigned to 1st Tank Battalion, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. LCpl Matthew D. Conley, 21, died February 18 when his vehicle was attacked with an improvised explosive device while conducting combat operations in Al Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Ssgt Jose P. Martinez, 24, died February 10 from an improvised explosive device near Baghdad. He was assigned to Marine Light Attack Helicopter Squadron 267, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, he was attached to the U.S. Army 4th Infantry Division.

2Lt Almar L. Fitzgerald, 23, died February 21 at Landstuhl Regional Medical Center, Germany, from wounds received in an improvised explosive device while conducting combat operations against enemy forces in Al Anbar Province. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Adam J. Vanalstine, 21, died February 25 from an improvised explosive device in Al Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Spc Clayton P. Farr, 20, died February 26 in Baghdad when an improvised explosive device detonated near his Humvee during patrol operations. He was assigned to the 1st Squadron, 71st Cavalry, 1st Brigade Combat Team, 10th Mountain Division of Fort Drum, NY. He was from Bakersfield, CA.

LCpl Matthew A. Snyder, 20, died March 12 from an improvised explosive device resulting from a non-combat-related vehicle accident in Al Anbar Province. He was assigned to Combat Service Support Group 1, 1st Marine Logistics Group, Twentynine Palms, CA.

Cpl Adam O. Zanutto, 26, died March 12 from an improvised explosive device in Al Anbar Province. He was assigned to Headquarter Battalion, 2nd Marine Division, Camp Lejeune, NC. He was from Modesto, CA.

LCpl Kristen K. Figueroa Marino, 20, died March 12 due to injuries sustained during combat operations in the Al Anbar Province. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

Pfc Angelo A. Zawadieh, 19, died March 15 in Baghdad when his vehicle control point came under mortar attack during combat operations. He was assigned to the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade, 101st Airborne Division, Air Assault, Fort Campbell, KY. He was from San Bruno, CA.

SSg Ricardo Barraza, 24, died March 18 in Al Ramadi when he came under small arms fire by enemy forces during combat operations. He was assigned to the 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA. He was from Shafter, CA.

Sgt Dale G. Brehm, 23, died March 18 in Al Ramadi when he came under small arms fire by enemy forces during combat operations. He was assigned to the 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA. He was from Turlock, CA.

Hospitalman Geovani Padillaaleman, 20, died April 2 as a result of enemy action in Al Anbar Province. He was permanently assigned to Bethesda Naval Hospital, USNS Comfort Detachment and operationally assigned to Third Battalion, 8th Marine Regiment, 2/28 Brigade Combat Team. He was from South Gate, CA.

Cpl David A. Bass, 20, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA.

LCpl Felipe D. Sandoval-Flores, 20, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA. He was from Los Angeles, CA.

LCpl John J. Thornton, 22, died February 28 in Tarin Kowt, Afghanistan, when an improvised explosive device detonated near his Humvee during combat operations. He was assigned to the 3rd Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Turlock, CA.

Ssgt Jay T. Collado, 31, died February 13 north of Deh Rawod, Afghanistan, when an improvised explosive device detonated near his Humvee during combat operations. He was assigned to the 3rd Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Irvine, CA.

Mr. President, 550 men and women who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the two soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since February 1.

SFC Chad A. Gonzaives, 31, died February 13 north of Deb Rawid, Afghanistan, when an improvised explosive device detonated near his Humvee during combat operations. He was assigned to the 3rd Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Turlock, CA.

Mr. President, 37 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

STAFF ARMY SPECIALIST ANTOINE J. MCKINZIE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Indianapolis, Army Specialist Antoine J. McKinzie, 25 years old, died on March 21st when his unit came under attack during a patrol of western Baghdad. With his entire life before him, Antoine risked everything to fight for the values we Americans hold close to our hearts, in a land halfway around the world.

Antoine graduated from Pike High School in 2000 and joined the Army 3 years later, after receiving his associate's degree in computer-aided drafting from ITT Technical Institute. Jerry Henson, Antoine's best friend, described him as "one of the best guys I've ever known. I just remember his laugh. He had one helluva laugh. He was funny. He was happy. He felt like he was doing an important job. He was proud to serve his country."

Antoine was killed while serving his country in Operation Iraqi Freedom. He was a member of the 4th Battalion, 327th Field Artillery Regiment, 2nd Armored Division, based in Baumholder, Germany. Today, I offer Antoine's family and friends in mourning his death.
While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Antoine, the story that will burn brightly during these continuing days of conflict and grief.

Antoine was known for his dedication to his family and his love of country. Today and always, Antoine will be remembered by family members, friends, and the millions as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Antoine’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Antoine’s actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Antoine J. McKinzie in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Antoine’s can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Antoine.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of Congressional action on the 2006 budget and are current through April 4, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget. H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution as a result, the current level totals exclude the following amounts:

- $17.288 billion above the budget resolution.
- $16.301 billion for the Katrina Emergency Assistance Act of 2005.
- $16.301 billion for the Katrina Emergency Assistance Act of 2006.
- $16.301 billion for the Katrina Emergency Assistance Act of 2008.
- $16.301 billion for the Katrina Emergency Assistance Act of 2009.
- $16.301 billion for the Katrina Emergency Assistance Act of 2010.
- $16.301 billion for the Katrina Emergency Assistance Act of 2011.
- $16.301 billion for the Katrina Emergency Assistance Act of 2012.
- $16.301 billion for the Katrina Emergency Assistance Act of 2013.
- $16.301 billion for the Katrina Emergency Assistance Act of 2014.
- $16.301 billion for the Katrina Emergency Assistance Act of 2015.
- $16.301 billion for the Katrina Emergency Assistance Act of 2016.
- $16.301 billion for the Katrina Emergency Assistance Act of 2018.
- $16.301 billion for the Katrina Emergency Assistance Act of 2019.
- $16.301 billion for the Katrina Emergency Assistance Act of 2020.
- $16.301 billion for the Katrina Emergency Assistance Act of 2021.
- $16.301 billion for the Katrina Emergency Assistance Act of 2022.
- $16.301 billion for the Katrina Emergency Assistance Act of 2024.
- $16.301 billion for the Katrina Emergency Assistance Act of 2025.
- $16.301 billion for the Katrina Emergency Assistance Act of 2026.
- $16.301 billion for the Katrina Emergency Assistance Act of 2027.
- $16.301 billion for the Katrina Emergency Assistance Act of 2028.
- $16.301 billion for the Katrina Emergency Assistance Act of 2029.
- $16.301 billion for the Katrina Emergency Assistance Act of 2030.
- $16.301 billion for the Katrina Emergency Assistance Act of 2031.
- $16.301 billion for the Katrina Emergency Assistance Act of 2032.
- $16.301 billion for the Katrina Emergency Assistance Act of 2033.
- $16.301 billion for the Katrina Emergency Assistance Act of 2034.
- $16.301 billion for the Katrina Emergency Assistance Act of 2035.
- $16.301 billion for the Katrina Emergency Assistance Act of 2036.
- $16.301 billion for the Katrina Emergency Assistance Act of 2037.
- $16.301 billion for the Katrina Emergency Assistance Act of 2038.
- $16.301 billion for the Katrina Emergency Assistance Act of 2039.
- $16.301 billion for the Katrina Emergency Assistance Act of 2040.
- $16.301 billion for the Katrina Emergency Assistance Act of 2041.
- $16.301 billion for the Katrina Emergency Assistance Act of 2042.
- $16.301 billion for the Katrina Emergency Assistance Act of 2043.
- $16.301 billion for the Katrina Emergency Assistance Act of 2044.
- $16.301 billion for the Katrina Emergency Assistance Act of 2045.
- $16.301 billion for the Katrina Emergency Assistance Act of 2046.
- $16.301 billion for the Katrina Emergency Assistance Act of 2047.
- $16.301 billion for the Katrina Emergency Assistance Act of 2048.
- $16.301 billion for the Katrina Emergency Assistance Act of 2049.
- $16.301 billion for the Katrina Emergency Assistance Act of 2050.

Mr. LEVIN. Mr. President, in each of the last 4 years, amendments have been inserted in the Commerce, Justice,
Science, CJS, Appropriations Act by the House of Representatives which severely handicap the efforts of those working to stop the flow of guns from reckless gun dealers into the hands of criminals. These amendments prohibit the Bureau of Alcohol, Tobacco, Firearms, and Explosives, ATF, from disclosing important information from the Firearms Trace System Database to local law enforcement and government officials unless it is connected to a "bona fide criminal investigation or prosecution." This prevents the release for purposes of civil lawsuits.

According to published reports, these amendments have directly impacted a lawsuit by the city of New York against several gun manufacturers and distributors who it alleges have adopted sales and marketing practices which facilitate the transfer of guns to criminals. The city received ATF firearms trace data from 1998 to 2003 but has been unable to obtain data from subsequent years of the program. ATF has inserted the law on its release for the purposes of civil lawsuits.

Legislation has recently been introduced in the House of Representatives which would make the restrictions on ATF firearms trace data permanent. On March 28, 2006, New York City Mayor Michael Bloomberg testified before the House Judiciary Committee against this bill and said that it "would make it immeasurably harder to stop the flow of illegal guns to criminals, and deprive[e] local governments and their law enforcement agencies of the tools they need to hold dealers accountable. Specifically, these obstacles would take the form of severe restrictions on our use of ATF trace data, which is perhaps the most effective tool we have in combating illegal gun trafficking."

Mayor Bloomberg also expressed concerns regarding provisions in the bill and current law which limit the ATF firearms trace data available to local law enforcement officials to data regarding the local geographic data. Mayor Bloomberg testified that 82 percent of the guns used in crimes in New York City were purchased outside of New York State. As Mayor Bloomberg pointed out in his testimony, restricting the access of law enforcement officials to firearms trace data from other jurisdictions severely limits their ability to take action against reckless gun dealers in other States.

I am hopeful the House of Representatives will defeat efforts to continue restrictions on law enforcement and local government officials' access to important ATF firearms trace data. In addition, I am hopeful that the Senate will take up and pass legislation introduced last week by Senator MENENDEZ to repeal restrictions in current law. ATF firearms trace data related to reckless gun dealers should be made easily available to those who have the responsibility to protect our families and communities from the threat of gun violence.

NATIONAL AUTISM AWARENESS MONTH

Mr. LAUTENBERG. Mr. President, I rise today to commemorate National Autism Awareness Month and to urge my fellow Senators to continue to back efforts to fight this disorder and support the families affected by it. Autism is a complex developmental disability that is the result of a neurological disorder that affects the normal functions and development of the brain, which affects social and communication skills. Autism is a spectrum disorder, making early diagnosis crucial to minimize the symptoms through specialized intervention programs.

Autism and its associated behaviors have been estimated to occur in as many as 2 to 6 in every 1,000 individuals. As many as 1.5 million Americans today are believed to have some form of autism. The Department of Education indicates that autism is growing at a rate of 10 to 17 percent per year. At these rates, the prevalence of autism could reach 4 million Americans in the next decade.

The prevalence of autism has increased astronomically in the past decade. Since 1978 and is now finding a second life on DVD; I ask unanimous consent that this article be printed in the RECORD. I urge my fellow Senators to support the passage of this bill so that we can continue efforts to eliminate autism.

Congress approved the Individuals with Disabilities Education Act, IDEA, in 1975, requiring States to provide an appropriate education to students with special needs. While it committed to providing 40 percent of the additional costs for educating such students, today the Federal Government funds only 17.8 percent of the cost. In the fiscal year 2006 Labor, Health and Human Services, and Education appropriations bill, the Federal Government cut back on its share of the cost of providing special education. This leaves States governed by poor school districts all to choose between paying the extra cost or cutting programs. It is vital that Congress fund IDEA at the fully authorized level. I urge my fellow Senators to support IDEA and pass S. 2185, the IDEA Full Funding Act.

Congress must remain committed to supporting efforts by medical researchers, doctors, schools, State and local governments, and families to learn more about autism and to treat it. This disorder affects too many already. We must do what we can to eliminate future cases while we treat people who currently have autism. I hope we can all join together in this important fight and recognize the importance of National Autism Awareness Month.

BOB NEWHART

Mr. LEAHY. Mr. President, recently The New York Times ran another profile of Bob Newhart. I say "another" because it is one of so many glowing articles written about him over the years.

Marcelle and I are fortunate to know Bob and his wife Virginia, known by everyone as Ginnie. Bob is a wonderful family person who enjoys being with his wife, children, and grandchildren, but he has time for everyone who comes in contact with him. As many times as I have heard some of his comedy routines, I still find myself convulsed in laughter, though nothing can equal the quiet times Marcelle and I have been able to spend with the Newharts.

Bob is extraordinarily well read and well informed and brings a wry and insightful view to whatever is happening. I can think of no one who is his equal, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Mar. 25, 2006]

THE BUTTON-DOWN COMIC, STILL STANDING UP AT 76

BY BEN SASIO

LOS ANGELES, MARCH 24: Hidden behind a wide black gate, with a fountain in front and a big pool in back that the grandchildren love to dive into, and with the bookcases inside cluttered with the likes of David McCulloch and Joseph J. Ellis, Bob Newhart’s house in Bel Air would seem a perfectly comfortable spot for a man of 76 to come and write his memoirs.

But a comedian craves the sound of laughter, and Mr. Newhart, though happily deep into his golf-playing years, cannot stay away from the stand-up circuit at least 30 dates a year, mostly on short weekend trips. (He will perform tonight at the Brooklyn Center for the Performing Arts.)

I can’t imagine not hearing him, he said, sitting on an overstuffed sofa in his living room, in crisp gray slacks and a fuzzy blue sweater, with his narrow reading glasses resting at a steep angle almost at the tip of his nose. “It’s something I’ve done for 46 years, and at 5 o’clock I’ll start pacing up and down to get the adrenaline going. It’s like Russian roulette—you’re out there and it’s working and you’re saying, ‘Thank God the bullet’s not in the chamber.’”

Mr. Newhart built his career on a persona that would avoid the thrills at all cost. He emerged in the early 1960s as a former accountant and copywriter who acted out the mundane and ridiculous details of great moments in history through brilliantly minimalistic one-sided telephone calls, like a giggleingly skeptical Englishman talking to Sir Walter Raleigh about his discovery of tobacco. (“You take a pinch of tobacco and you stuff it up your nose and it makes you sneeze? Yeah, I imagine it would, Walt!”)

And on two-long-running sitcoms, he played versions of the same character, a slightly grouchy pragmatist always just a breath away from losing his cool over the neurotic foibles of his supporting cast.

The Bob Newhart Show ran from 1972 to 1978 and is now finding a second life on DVD; its third season is being reissued April 11.
And since his second sitcom, “Newhart,” ended in 1990 after eight seasons, Mr. Newhart has lent his almost-unflappable deadpan to a handful of films and television shows, most recently “ER” and “Desperate Housewives.” But his favorite activity remains simply standing in front of a crowd with a microphone.

“I’m proud of being a stand-up,” he explained, “because it’s harder. The degree of difficulty is 3.8 instead of 3.5.”

It was, indeed. Sitting in his spacious living room, dressed like the frumpy innkeeper of “Newhart” and speaking with a strategic stammer that sets up every punch line, his naturalistic technique of relying on his own personality to fill out his characters, he said, is a skill he picked up early in his stand-up career.

“You start out doing somebody else,” he said. “I’d watch the Sullivan show and I’d watch the Paar show, and a comedian would be on, and I’d be laughing but at the same time analyzing him. When I started, I was doing all the good comedians I’d ever seen. Then they should have been a red flag. But I saw it as my natural way of looking at the world.

Mr. Newhart discusses his performance like a serious method actor. He said: “With the stoop on TV, whether it’s Seinfeld or Cosby or Roseanne, more important than their knowledge of how to tell a joke is their knowledge of themselves, or the persona they’d created as themselves. And that’s something that when you’re in a room with writers you can say, ‘Guys, that’s a funny line but I wouldn’t say that.’”

As a stand-up, he draws from a lifetime of routines, and for his oldest fans he always includes a few numbers from his first album. His imitation of Mr. Susskind—working in his background, playing his plaid jacket, with the hair combed to one out front and in your face, ‘’cone, these biggest fans is Bernie Mac, who says he is influential, often in surprising ways. One of his trials, his ‘bottom-down mind’ found an angle on the 9/11 pilots, and he has been towing with it as a possible stand-up bit.

“They didn’t want to learn to take off and land,” he said. “They just wanted to fly. Some have criticized the F.B.I. because that was Bob. And I think the FBI is very much alive and well.”

On Christmas Eve 2004, Bravo Company entered Iraq to begin its mission of rebuilding the war-torn country. Bravo Company provided engineering support for our troops, upgrated an Iraqi Air Force base, repaired a damaged bridge on the Tigris River needed for troop movements, and provided infrastructure for refueling the airplanes that provided such critical support in Operation Iraqi Freedom. Through their determined efforts, these individuals secured the safety of their fellow American men and women in uniform, simultaneously serving as the embodiment of American commitment to the people of Iraq. For that, they deserve our sincere gratitude and deepest respect.

Tragically, Bravo Company’s mission was not completed without loss. On August 21, 2004, the life of Sgt. Joseph Nurre, of Wilton, CA was claimed by a roadside bomb near Samarra, Iraq. His fellow soldiers described him as an intensely dedicated soldier and a warm, engaging friend. As Bravo Company returns home, Sergeant Nurre and his family remain in our thoughts and prayers.

To all the men and women of Bravo Company, 463rd Engineering Battalion, I thank you for your service, patriotism, and commitment to our country and its defense. Your bravery and self-sacrifice speak to the admiration and respect of West Virginians and our Nation. God bless you all, and welcome home.

HONORING BRAVO COMPANY OF WEIRTON, WEST VIRGINIA

Mr. ROCKEFELLER. Mr. President, today it is my great honor to commend the soldiers of Bravo Company of the 463rd Engineering Battalion, Army Reserve Unit of Weirton, WV, for their return home. Selflessly leaving their families and communities behind during an 11-month deployment in Iraq, the 463rd served as a model of courage throughout their tour of duty.

In October 2004, more than 140 men and women of Bravo Company answered the call to service—leaving for training at Fort Bragg and in Kuwait. In doing so, they joined generations of West Virginians who have served our Nation in times of war, unselshly putting themselves in harm’s way to defend our country and protect the freedom of all Americans. I am not surprised by their actions—West Virginians, and our neighbors throughout the Ohio Valley, have always on behalf of the people of their country’s call to service—but I am nevertheless grateful for their service and commitment. Thanks to the 463rd and so many other West Virginia men and women who have fought in Iraq and Afghanistan, we know that West Virginia’s long tradition of patriotism is very much alive and well.

25 YEARS DEFENDING DIGNITY AND WORTH

Mr. CRAPO. Mr. President, 25 years ago, a community in my State found itself with some new unwelcome neighbors. North Idaho made displacing national headlines as “Hate’s New Haven.” These headlines were a terrible distortion of the truth; the neo-Nazi organization that moved its headquarters to Hayden represented only a tiny fraction of the people who called Idaho home. Still, the damage was done, and people were left with the dreadful and mistaken impression that Idahoans were intolerant, prejudiced and hateful. And to make matters worse, like a malignant growth, some who did embrace doctrines of intolerance and bigotry were drawn to the area.

It is at crisis points that we define ourselves as either cowards or people of honor. The citizens of Kootenai County had a choice to make, and they chose to be people of honor. The Kootenai County Task Force on Human Relations was founded, giving that region a chance to speak out against human rights violations and prejudice. When the Aryan Nation decided to march down Main Street in Coeur d’Alene, rather than return hatred for hatred, businesses simply closed, giving the marchers no audience for their message of intolerance. Last year, the residents of Hayden exercised perhaps the most powerful right granted us as American citizens—our vote—sending a clear message that a leadership of hatred was absolutely unacceptable. And what didn’t make the national press in recent years is the fact that according to the Southern Poverty Law Center, as of November 2005, Idaho had no white supremacy groups, or one for every 18,500 people. To put this in perspective, at that time, California had one for every 358,000 people and New York had one for every 167,000 people. Now that is worthy of headlines, as far as I am concerned.

In cooperation with the task force and with a vision of established, ongoing education and leadership in human rights, the generous support of the Greg C. Carr Foundation, and dedicated leadership of Human Rights Education Institute board of directors, the Human Rights Education Institute was established, opening its doors in December 2005.

North Idaho was unexpectedly presented with a choice 25 years ago. Its citizens have not only responded with honor and justice, they, in the words of a former task force leader, “made lemonade out of lemons.” I commend my fellow Idahoans on their vision for dignity and worth for all people. I applaud the citizens of Idaho for upholding our Declaration of Independence, Constitution, and our Bill of Rights which ensure equality for all under the law.
HONORING THE CITY OF MADISON ON ITS 150TH ANNIVERSARY

Mr. FEINGOLD. Mr. President, today I wish to recognize and honor the city of Madison as it celebrates its 150th year. As a Wisconsinite, I take great pride in our State's Capital, which is well known for a unique mix of culture, education, and natural beauty, as well as a vibrant civic and political life.

In the first part of the 19th century, James Duane Doty, who would later serve as Wisconsin’s territorial governor, became enamored with a piece of land near central Wisconsin that was nestled on an isthmus between two lakes. Doty purchased the land and named it after the fourth President, James Madison. It was this land that would become home to Wisconsin’s capital, its university, and one of the State’s thriving cultural centers.

Doty had the territorial capital moved from Belmont to Madison in 1837. By the time the Village of Madison was incorporated as a city in 1856 there were nearly 2,000 residents. Madison boasts a strong tradition of diversity. Yankees from the Eastern States came first, followed soon by German, Irish and Norwegian immigrants. After the turn of the century, Madison also became home to a growing number Italian, Greek, African-American, and Jewish residents.

The State constitution called for a university to be situated near the seat of government. In many ways, this provision was credited with paving the way for “the Wisconsin Idea” that has made Wisconsin such a center for innovative public policy. Putting the capital and the university together has encouraged educators and researchers to play a central role in addressing social problems, and it has revolutionized the way that Wisconsin, and the nation, approach public policy issues.

The University of Wisconsin-Madison is also a cornerstone of Madison’s rich cultural life. During a tremendous array of concerts, plays, lectures and other activities. UW’s students bring an energy to life in the city that is one of Madison’s hallmarks.

The State capital is another defining Madison landmark, both the building itself, and how it has contributed to the city’s character. Politics and public service have been a part of Madison from the very beginning, and they have made Madison home to some of the State’s most prominent figures. The passage of historic progressive legislation at the turn of the last century under the leadership of then-Governor Robert M. La Follette.

Madison has also achieved a wonderful system of parks and architectural beauty in its public spaces, which complement the natural beauty of the lakes’ shorelines. These areas also serve as host to outdoor concerts and countless other activities during summer and fall.

Having graduated from UW-Madison and served in the State Senate, and as a resident of nearby Middleton, I am not only proud to represent the people of Madison, I am privileged to be a part of this community. I know Madison residents will continue to draw on their city’s rich history and continue to enjoy the beautiful land that capsular. I hope that my colleagues will join me in congratulating the city of Madison as it celebrates its sesquicentennial.

SESQUICENTENNIAL OF MADISON, WISCONSIN

Mr. KOHL. Mr. President, I rise today to recognize the sesquicentennial of the great city of Madison, WI. Over the next few days people from all over Wisconsin will gather in Madison for the 150-year anniversary festivities.

Madison is a city unlike all others. The vibrant people who give life to the city care about their community and Madison’s student population is an important part of the community and drives fresh thinking and new ideas.

As the State Capital, Madison has been the center of Wisconsin’s proud progressive tradition. “Fighting Bob” La Follette, The Progressive, in 1909, and it is still published in Madison today. And we know that The Onion has its roots there, too. Parks and trails, lectures and sporting events, fine food and nightlife make Madison a great place to live and work. Money Magazine wrote what we enjoy their family and their golden years.

I wish John and his wife Dell well as they enjoy their family and their golden years.

CONGRATULATING UNIVERSITY OF WISCONSIN NCAA CHAMPIONS

Mr. KOHL. Mr. President, I rise today as a proud alumnus of the University of Wisconsin to congratulate the Men’s Cross Country and Women’s Hockey teams on their recent NCAA National Championship victories.

On November 21, 2005, the UW Men’s Cross Country team won their first NCAA Division I title since 1988. This fourth NCAA title for the Men’s Cross Country program broke their 3-year streak of second place finishes. Since that time, the UW Men’s Cross Country program has been no stranger to success. Just 5 years after UW Madison formed the team, the Badgers won the first Big Ten cross country championship in school history. Their success continued over the decades, with many more Big Ten Championship wins.

I also commend the UW Madison Women’s hockey team. On March 26, 2006, the Badger Women defeated the defending champions, the University of Minnesota, to claim the 2006 NCAA National Championship. This victory represents several firsts: the first National...
Messages from the President

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer referred the following messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 513. An act to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

H.R. 4561. An act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the “Francisco ‘Pancho’ Medina Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the “Coach John Wooden Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4564. An act to designate the facility of the United States Postal Service located at 500 Boyden Street in Badin, North Carolina, as the “Mayor John Thompson ‘Tom’ Garri son Memorial Post Office”; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes; to the Committee on Foreign Relations.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 513. An act to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the “Francisco ‘Pancho’ Medina Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read:

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of its policies against Israel.

H. Con. Res. 371. Concurrent resolution honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation’s citizen-soldier based militia, which was born out of the United States Army, has been and still is extremely important to the security and freedom of the Nation.

ENROLLED JOINT RESOLUTIONS SIGNED

At 6:04 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. STEVENS).

At 8:06 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes.

H. Con. Res. 365. Concurrent resolution to congratulate the Aeronautica and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12-14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people.


MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3127. An act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; to the Committee on Foreign Relations.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the “Francisco ‘Pancho’ Medina Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

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-6302. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report concerning the Agency’s Collective Bargaining Proposal to the National Air Traffic Controllers Association; to the Committee on Commerce, Science, and Transportation.

EC-6303. A communication from the Senior Vice President, Communications, Tennessee Valley Authority, transmitting, pursuant to law, the Authority’s Statistical Summary for Fiscal Year 2005; to the Committee on Environment and Public Works.

EC-6304. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Red-legged Frog, and Special Rule Exemption for Existing Routine Ranching Activities” (RIN0158-AJ16) received on April 4, 2006; to the Committee on Environment and Public Works.

EC-6305. A communication from the Principal Deputy Associate Administrator, Office of Economic, Community and Environment Protection Agency, transmitting, pursuant to law, the report of a rule entitled...
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April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-8337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-338, “Unemployment Compensation Contributions Federal Conformity Temporary Amendment Act of 2006” received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-8338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-339, “Procurement Practices Timely Competition Assurance and Direct Voucher Prohibition Amendment Act of 2006” received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-8339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-340, “White Collar Insurance Fraud Amendment Act of 2006” received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-8340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-341, “School Modernization Financing Act of 2006” received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 108-27 Mutual Legal Assistance Treaty with Germany (Ex. Rept. 109-14)]:

[Treaty Doc. 108-12 Mutual Legal Assistance Treaty with Japan (Ex. Rept. 109-14)] and the text of the committee-recommended resolutions of advice and consent to ratification are as follows:

108-27 MUTUAL LEGAL ASSISTANCE TREATY WITH GERMANY

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty Between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 14, 2003, and a related exchange of notes.

108-12 MUTUAL LEGAL ASSISTANCE TREATY WITH JAPAN

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty Between the United States of America and Japan on Mutual Legal Assistance in Criminal Matters, signed at Washington on August 5, 2003.

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. BAYH:

S. 2556. A bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. KOHL, Mr. DeWINE, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 2557. A bill to improve competition in the oil and gas industry, to strengthen anti-trust enforcement with regard to industry mergers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. SARABANES (for himself, Mr. WARNER, Mr. ALLEN, Ms. MUKULSKY, and Mr. CAMPBELL):

S. 2558. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to encourage insurance companies to provide health care costs and to health insurance companies for insurer catastrophic health care costs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 2559. A bill to make it illegal for anyone to defraud the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress; to the Committee on Appropriations.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. HATCH, Mr. GRASSLEY, and Mr. LEVIN):

S. 2560. A bill to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2561. A bill to require the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program, as provided in the Reclamation Efficiency and Management in the Reclamation States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2562. A bill to increase, effective as of December 3, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans’ Affairs.

By Mr. COCHRAN (for himself, Mr. ENZI, and Mr. TALENT):

S. 2563. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and toIDER such part; to the Committee on Finance.

By Mr. BURR (for himself, Mr. FRIST, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, and Mr. JOHNSON):

S. 2564. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself and Mr. LIEBHARDT):

S. 2565. A bill to designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a National Recreation Area; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself and Mr. DURBIN):

S. 2566. A bill to provide for coordination of proliferation interdiction activities and conventionally armed and nuclear arms disarmament, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2567. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region’s tourism economy by designating certain public lands as wilderness and certain rivers as wild a scenic rivers in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, Ms. MUKULSKY, and Mr. CAMPBELL):

S. 2568. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 2569. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving five per cent of the proceeds of the sale of public land lying within the United States as provided by their respective State enabling acts; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself, Mr. DOMENICI, Mr. KYL, and Mr. MCCAIN):

S. 2570. A bill to authorize funds for the United States Marshals Service’s Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 2571. A bill to promote energy production and conservation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself and Mr. ROCKEFELLER):

S. 2572. A bill to amend the Aviation and Transportation Security Act to extend the suspended service ticket honor requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 2573. A bill to amend the Higher Education Act of 1965 to provide interest rate reductions, to authorize and appropriate amounts for the Federal Pell Grant program, to allow for in-school consolidation, to provide the administrative account for the Federal Direct Loan Program as a mandatory program, to strike the single holder rule, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. KENNY)

S. 2574. A bill to suspend temporarily the duty on certain golf club driver heads; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNY):

S. 2575. A bill to suspend temporarily the duty on certain golf club fairway heads; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNY):

S. 2576. A bill to suspend temporarily the duty on certain golf club driver heads of titanium; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNY):

S. 2577. A bill to suspend temporarily the duty on certain golf club driver heads with plasma welded face plate; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNY):

S. 2578. A bill to suspend temporarily the duty on certain golf club driver heads with rhombus shaped face center; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNY):

S. 2579. A bill to suspend temporarily the duty on certain rubber basketballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNY):

S. 2580. A bill to suspend temporarily the duty on certain volleyballs; to the Committee on Finance.

S. 2581. A bill to suspend temporarily the duty on certain tennis racquets; to the Committee on Finance.

S. 2582. A bill to suspend temporarily the duty on certain baseball bats; to the Committee on Finance.

S. 2583. A bill to suspend temporarily the duty on certain lacrosse sticks; to the Committee on Finance.

S. 2584. A bill to suspend temporarily the duty on certain golf club head covers; to the Committee on Finance.

S. 2585. A bill to suspend temporarily the duty on certain golf club putters; to the Committee on Finance.

S. 2586. A bill to suspend temporarily the duty on certain golf club grips; to the Committee on Finance.

S. 2587. A bill to suspend temporarily the duty on certain golf club shafts; to the Committee on Finance.

S. 2588. A bill to suspend temporarily the duty on certain crossbow bows; to the Committee on Finance.

S. 2589. A bill to suspend temporarily the duty on certain archery arrows; to the Committee on Finance.

S. 2590. A bill to suspend temporarily the duty on certain bows; to the Committee on Finance.

S. 2591. A bill to suspend temporarily the duty on certain bows and arrows; to the Committee on Finance.
By Mr. KERRY (for himself and Mr. Kennedy):
S. 2582. A bill to suspend temporarily the duty on certain basketballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):
S. 2583. A bill to suspend temporarily the duty on certain synthetic basketballs; to the Committee on Finance.

By Mr. SALAZAR:
S. 2584. A bill to amend the Healthy Forests Restoration Act of 2003 to help reduce the increased risk of severe wildfires to communities in forested areas affected by insect and other diseases.

By Mr. SMITH (for himself and Mr. Kerry):
S. 2585. A bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts; to the Committee on Finance.

By Mr. KERRY:
S. 2586. A bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER:
S. 2587. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Forest Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mrs. Lincoln, and Mr. Levin):
S. 2588. A bill to provide for the certification of programs to provide uninsured employees of small businesses access to health coverage, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. Inhofe) (by request):
S. 2589. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository, to maintain, and to fund, for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COBURN (for himself, Mr. Obama, Mr. Carper, and Mr. McCain):
S. 2590. A bill to require full disclosure of all entities and organizations receiving Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DeWINE (for himself, Mr. Grassley, Mr. Harkin, and Mr. Voinovich):
S. 2591. A bill to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. Bingaman, Mr. Murkowski, Mr. Durbin, Mr. Chafee, and Mrs. Clinton):
S. 2592. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Mrs. Feinstein, Mrs. Murray, Ms. Mikulski, Mr. Lautenberg, Ms. Stabenow, and Ms. Cantwell):
S. 2593. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. Pryor, and Ms. Landrieu):
S. 2594. A bill to amend the Small Business Act to reauthorize the loan guarantee program under section 7(a) of that Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself and Mr. Pryor):
S. 2595. A bill to amend the Small Business Investment Act of 1958 to modernize the treatment of development companies; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY:
S. J. Res. 33. A joint resolution to provide for a strategy for successfully empowering a new unity government in Iraq; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM:
S. Res. 434. A resolution designating the week of May 22, 2006, as "National Corporate Compliance and Ethics Week."

By Ms. STABENOW (for herself, Mrs. Lincoln, and Mr. Levin):
S. Res. 435. A resolution honoring the entrepreneurial spirit of America’s small businesses during National Small Business Week, beginning April 9, 2006; considered and agreed to.

By Mr. McCaIN (for himself, Mr. Lugar, Ms. Collins, Mr. Lieberman, Mr. Enshin, Mr. Menendez, and Mr. Martinez):
S. Res. 436. A resolution urging the Federación Internacional de Football Association to prevent persons or groups representing the Islamic Republic of Iran from participating in sanctioned soccer matches; to the Committee on Foreign Relations.

By Mr. Enzi (for himself, Mr. Kennedy, Mr. Coburn, Mr. Jeffords, Mr. Coleman, Mrs. Boxer, Mr. Stevens, Mr. Lautenberg, Ms. Murray, Mr. Akaka, Mr. Isakson, and Mr. Dodd):
S. Res. 437. A resolution supporting the goals and ideals of the Year of the Museum; considered and agreed to.

ADDITIONAL COSPONSORS

At the request of Mr. Grassley, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 493, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

At the request of Mr. Santorum, the name of the Senator from Georgia (Mr. Chambliss) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

At the request of Mr. Leahy, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 654, a bill to prohibit the expansion, return, or relocation of persons by the United States to countries engaging in torture, and for other purposes.

At the request of Mr. Brown, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

At the request of Mr. Allard, the name of the Senator from Pennsylvania (Mr. Santorum) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

At the request of Mr. Coleman, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 1000, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

At the request of Mr. Dayton, the name of the Senator from Delaware (Mr. Carper) was added as a cosponsor of S. 1221, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee’s duty.

At the request of Mrs. Lincoln, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1791, a bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

At the request of Mr. Smith, the name of the Senator from Oklahoma (Mr. Coburn) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

At the request of Ms. Snowe, the name of the Senator from Massachusetts (Mr. Kerry) was added as a co-sponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

At the request of Mr. Feingold, the names of the Senator from Minnesota...
At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation through strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2235

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Nebraska (Mr. NEILSON) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2370

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2324

At the request of Mr. ALLEN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2324, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2429

At the request of Mr. LUGAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2429, a bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

S. 2446

At the request of Mr. OBAMA, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2446, a bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2462

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2462, a bill to authorize funding for State-administered bridge loan programs, to increase the access of small businesses to export assistance center services in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005, to authorize additional disaster loans, to require reporting regarding the administration of the disaster loan programs, and for other purposes.

S. 2554

Amendment No. 3295

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 3295 intended to be proposed to S. 2554, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. KOHL, Mr. DEWINE, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 2557. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Madam President, I am sending to the desk today legislation captioned as the Oil and Gas Industry Antitrust Act of 2006, legislation on behalf of myself and Senator DEWINE, Senator KOHL, Senator LEAHY, Senator FEINSTEIN and Senator DURBIN. The Judiciary Committee has held hearings on the escalating price of gasoline, which has risen some 25 percent in the past year, from $1.85 per gallon nationally in January of 2005 to $2.38 a gallon early this year.

We have seen rapid consolidation in the oil and gas industry, with many mergers which are specified in the written statement I will have included in the RECORD and enormous profits characterized by the profits reported by ExxonMobil, which earned over $36 billion in 2006, the largest corporate profit in U.S. history.

The legislation we are introducing will do a number of things. First, it will eliminate the judge-made doctrines that prevent OPEC’s members from being sued for violating the antitrust laws. Then, the bill will make it clear that their acts need not be joint action when deciding how much oil to sell, actions which would normally constitute unlawful price fixing.
This legislation would make them subject to our antitrust laws.

With fewer players in the industry, anticompetitive acts, including the withholding of supply and information sharing, become easier. The bill would prohibit future oil and gas mergers and acquisitions.

The bill also requires the FTC and the Attorney General to consider whether future oil and gas mergers should receive closer scrutiny. It requires the GAO to evaluate whether the divestitures required by the antitrust agencies for past mergers were adequate to preserve competition.

There is significant evidence that the concentration in the industry has been a contributing factor to increasing gasoline and oil prices. There are other factors, but it is not explained simply by the increase in the cost of crude oil. This bill takes a firm stand to protect the American consumer from anti-competitive practices.

Although rising crude oil prices are one factor that has contributed to higher retail prices, the bill focuses on the other factors.

Average gasoline prices nationwide have risen by 25 percent in the past year alone, from $1.85 per gallon in January 2005 to $2.38 per gallon at the beginning of this year.

Prices for heating oil, other petroleum products and natural gas—products that are important to the lives of American consumers—rose at a similar rate.

While Americans are paying more for the products they use to get to work and heat their homes, the mammoth integrated oil companies are making a profit. ExxonMobil is an example.

Although rising crude oil prices are one factor influencing gasoline prices, it is not the only factor. Increased prices simply cannot be entirely explained by higher crude oil prices.

In a hearing last month and another one next week, the Judiciary Committee is exploring the higher prices—the consolidation that has occurred in the industry over the past decade, and that continues today.

Over 2,600 mergers have occurred in the U.S. petroleum industry since the 1990s, including transactions involving the largest oil and gas companies in the nation. Last summer, the FTC approved Chevron's acquisition of Unocal.

In 2002, Valero acquired Ultramar Diamond Shamrock and Phillips, which merged with Conoco.

The year 2000 saw the merger of British Petroleum and ARCO.

The largest transaction occurred in 1999 when ExxonMobil acquired Amoco and Marathon's joint venture with Ashland Petroleum and another joint venture that combined the refining assets of Shell and Texaco.

Last month the Department of Justice just approved the proposed acquisition of Burlington Resources, a merger that creates the nation's largest natural gas company and the second largest oil company.

These transactions have resulted in significantly increased concentration in the oil and gas industry, particularly in the downstream refining and wholesale gasoline markets.

Fewer competitors in a market convey market power on remaining players, and with it, the opportunity to increase prices. As I have frequently said in this Senate, there is some evidence that consolidation in the industry has increased wholesale gasoline prices.

Fewer competitors in a market also makes collusion easier. Recent events suggest that increased concentration may be creating a "collusive environment" in the industry.

A number of experts have pointed to limited refinery capacity as a cause for price spikes in recent years. New refineries have been built in the U.S. for 30 years. While some existing refineries have expanded in recent years, other refineries have closed.

From 1994 to 1997, the capacity of existing refineries nationwide grew by less than one percent. Today, U.S. refineries routinely operate at over 90 percent of capacity. Critics have alleged that increased capacity among industry players has restrained the growth of refinery capacity.

ExxonMobil and British Petroleum were recently sued in a Pennsylvania case over the sale of the Alaskan Gasoline Port Authority for allegedly conspiring to withhold natural gas from customers who wished to transport the gas via pipeline to an Alaska oil port. An agreement between Exxon and British Petroleum not to sell their natural gas to the Alaskan project would violate the antitrust laws.

The Judiciary Committee has held two hearings this year to consider the effects of concentration in the industry. The most recent hearing in March considered whether concentration had resulted in increased gasoline prices and other petroleum-based fuels and natural gas.

The witnesses at that hearing—two experienced and respected antitrust lawyers, the attorney general of Iowa, an economist from the University of Berkeley and the senior assistant attorney general from California—agreed that there were problems with market power in the industry.

Most of the testimony also agreed that there was a serious problem with tacit coordination and information sharing in the industry made possible by fewer players in the oil and gas industry. Such conduct unquestionably leads to higher prices.

Based on the testimony the committee heard, it is pretty clear that increased concentration in the industry has led to higher prices. In part, the antitrust agencies need to adjust their enforcement posture to reflect existing market power.

I believe there is a need for legislation. The Oil and Gas Industry Antitrust Act of 2006, which I am introducing today, would require the antitrust agencies to establish increased concentration as a new standard.

The legislation would also allow the Justice Department to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities. The tools this bill would provide to law enforcement agencies are necessary to immediately counter OPEC and other anticompetitive practices, and these tools would help reduce gasoline prices now.

The Congress should pass this measure immediately instead of waiting until the price of gasoline at the pump is $4 a gallon. OPEC is paying over a barrel, and we should fight back. If OPEC were simply a foreign business engaged in this type of behavior, it

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This full text of my prepared statement be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:
would already be subject to American antitrust law. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of this cartel's member nations.

It is time for the President to join the bipartisan majority in the Senate which already said “NO” to OPEC by passing NOPEC and by sending it to the other body, where it was killed.

The Senate has already passed this bill, which would make OPEC subject to our antitrust laws. In fact, the Judiciary Committee has approved the NOPEC bill three times. Regrettably, even though President Bush promised in 2000 that he would “jawbone OPEC,” the Bush administration and its friends in the House have scuttled the NOPEC bill and the direct and daily relief it would bring to millions of Americans.

In addition, this bill makes it unlawful to divert petroleum or natural gas products from their local market to a distant market with the primary intention of increasing prices or creating a shortage in a market. This solves a real problem where products are being shipped for sale in that market but are later diverted and sold for less in another market.

We have an obligation to address these and other issues caused by oil cartels and by greedy companies who have money—that they have extracted from the American people—to burn. That is why I am so pleased that the bill includes provisions to conduct several studies that address serious competition, information sharing, and other antitrust problem areas related to the oil and natural gas industries. The American people deserve answers, and this bill also provides a path to getting those answers.

Authorizing tough legal action against illegal oil price fixing, and taking that action without delay, is one thing we can do without additional obstruction or delay.

The artificial pricing scheme enforced by OPEC affects all of us, not the least of whom are hardworking Vermont farmers. The overall increase in fuel costs for an average Vermont farmer last year was 43 percent, meaning that each farmer is estimated to pay an additional $700 in fuel surcharges in 2006 alone. Vermonters know what the terrible consequences of these high prices can be: forcing many farmers to make unfair choices between running their farms or heating their homes. No one should be forced to make these choices, certainly not our hard-working farmers.

In summary, this bill will provide law enforcement with the tools necessary to fight OPEC’s anticompetitive practices immediately, and help reduce gasoline prices now. I urge my colleagues to support this bill, and to say “NO” to OPEC as we have done in the past.

Mr. KOHL. Mr. President, I rise today with Senator SPECTER to introduce the Oil and Gas Industry Anti-trust Act of 2006. This legislation will make several important and overdue reforms to our antitrust laws to give our Federal Government more of the tools it needs to take action to combat unfair pricing in the oil and gas industry. It will also direct that our antitrust enforcement agencies undertake several actions to ensure that they are enforcing our current antitrust laws properly.

We have heard been the suffering felt by consumers and our national economy resulting from rising energy prices. Gasoline prices are once again on the rise, with the national average price increasing more than thirty cents in the last month alone. Many industry experts fear, if current trends continue, that last summer’s record levels of more than three dollars per gallon will be exceeded this coming summer. And prices for other crucial energy products—such as natural gas and home heating oil—have undergone similar sharp increases. These price increases are a silent tax that steals hard earned money away from American consumers every time they visit the gas pump and every time they raise their thermostat to keep their family warm.

There is much debate about the causes of these gas prices. The role of increasing worldwide demand and supply limitations obviously play a role. But our existing antitrust laws in the Judiciary Committee—including two hearings in the last several months—have made plain the facts that make many of us suspect that oil and gas markets are not behaving in a truly competitive fashion. The GAO has found that there were over 2600 mergers and acquisitions in the oil industry since 1990, and that these mergers have caused the price of gasoline to increase from one to seven cents per gallon. Despite a substantial growth in demand, no new refineries have been added in the United States in the last 25 years. Instead, more than half have been closed, so that overall national refining capacity declined by more than 9 percent from 1981 to 2004 while demand for gasoline rose 37 percent. Many argue that limiting refining capacity is actually in the oil companies’ interest, as it enables them to gain market power over supply to raise price.

And the oil industry has unquestionably enriched itself during this period of high prices. Oil industry profits reached record high levels last year, led by Exxon Mobil’s record high profits of over $36 billion. An independent study by the consumers group Public Citizen found that U.S. oil refiners increased their profits on each gallon of gasoline they refined by 79 percent in the five-year period ending in 2004. While it is true that the world price of crude oil has substantially increased, the fact that the oil companies can so easily pass along these price increases to consumers of gasoline and other refined products—and compound their profits along the way—demonstrates to many of us that there is a failure of competition in our oil and gas markets.

Indeed, at our hearing last month, the chief executives of our Nation’s largest oil companies admitted they have no idea how to reduce oil prices in the future. While oil prices increase ultimately along to the consumer of whatever the finished product may be,” David O’Reilly of Chevron agreed.

It also seems clear that there has been a failure of our antitrust enforcement agencies to take action to restore competition to this vital industry. Vigorous antitrust enforcement is essential to restore competition to these markets, and it is now time to strengthen our antitrust laws to ensure that they are up to the job. This bill that Senator SPECTER and I are introducing today will significantly enhance our antitrust laws to ensure that the government has the necessary tools to take action to restore competition in this industry, and also direct that the government examine its enforcement policy to determine if additional changes are needed.

Our bill has five elements, each essential to strengthening antitrust enforcement in the petroleum industry. It contains two important changes to our existing antitrust law. First, it will amend the Clayton Act to prohibit antitrust enforcement in the petroleum industry. It will authorize the Attorney General to file suit under the antitrust laws for redress, and will remove the protections of sovereign immunity and the act of state doctrine from nations that participate in the oil cartel. Our NOPEC provision passed the Senate last year as an amendment to the energy bill, but was subsequently dropped by the House-Senate Conference Committee without explanation. It is past time to pass this much needed anti-cartel measure finally.

Our bill also will direct that the antitrust enforcement agencies undertake several important actions to promote competition. The first two of these measures will address the government’s response to the huge wave of corporate mergers in the energy industry. First, the bill will direct that the Justice Department and Federal Trade Commission conduct a study and report their

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Mr. DEWINE. Mr. President, I am proud to join as a co-sponsor of Senator SPECTER's Oil and Gas Industry Antitrust Act of 2006. This bill should help us curb the skyrocketing energy prices that have been an increasing burden on our Nation's consumers and businesses. It also should help us figure out how we can address these problems in the future.

High fuel costs are affecting every family, whether they are driving across town or heating their homes, and we must continue our efforts to do something about it. This bill would take immediate steps to help decrease possible price manipulation by oil companies and allow government enforcement agencies to take action to prevent price-fixing by oil producing nations.

I have been working on this problem for a long time. In fact, Senator KOSH and I have been working hard in our Subcommittee on Antitrust, Competition Policy and Consumer Rights to encourage FTC monitoring of gas prices and their careful investigation of oil industry behavior. I believe that these efforts have helped limit the fuel price increases; unfortunately, we still face enormous problems in this area, and we are all paying higher and higher prices for gas and heating oil. So, we need to continue our efforts and try some different approaches, and this legislation does just that.

Specifically, this bill calls for the Government Accountability Office to undertake a thorough study of the past enforcement actions taken by the Federal Trade Commission and the Department of Justice in prior oil industry merger investigations. This study will provide much-needed information on how effective the antitrust agencies' actions have been in preventing harm to consumers within the petroleum industry. Even more important, this bill also will call on the FTC and DOJ to use the findings from that study to examine those specific mergers and determine if they need to take further enforcement action regarding those deals. In addition, the antitrust agencies will utilize this information to take a close look at the petroleum industry and to determine whether they require special antitrust rules—applicable specifically to the oil industry—to give the agencies the tools they need to promote competition in the oil industry. This would be a very significant step, of course, but it is something they will consider.

Another important provision of this legislation creates a Joint Federal and State Task Force to investigate information sharing among companies producing, refining, or marketing petroleum, gasoline or any other refined product.

As Ranking Member on the Senate Antitrust Subcommittee, I believe that this bill is an important step to reform our laws and to make sure that antitrust laws are being enforced to protect the public and our nation's consumers. This bill creates a powerful framework for continuing and increasing this very effective cooperation.

Moreover, this bill will put an end to certain types of activities that oil companies may use to drive up prices or create shortages for all types of fuels. Specifically, this bill makes sure that oil companies cannot manipulate prices by refusing to sell their products in particular markets or diverting oil products away from American shores to artificially create a shortage and pad their profits. I was particularly pleased that the bill includes a provision that Senator KOSH and I have pursued since 2000—a provision that would make it clear that the Antitrust Division can prosecute OPEC for its price-fixing.

I believe that some of the provisions of this bill will help right away, like limiting the ability of the oil companies to refuse to sell petroleum in markets that need it and putting OPEC on notice that they can be prosecuted if they violate our laws. These provisions should help in the short-term. And, the other provisions, which require studies and review of past enforcement actions and analysis of possible changes in the antitrust laws, may help us address this problem in the long-run.

This bill will make a difference and help consumers. I strongly encourage my colleagues to join in support of its passage.

By Mr. LEAHY:

S. 2559. A bill to make it illegal for anyone to defraud and deprive the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am proud to introduce the Honest Services Act of 2006—a bill to provide new tools for Federal prosecutors to combat public corruption in our government. The purpose of this bill is to strengthen the tools available to Federal prosecutors to combat public corruption. This bill articulates more clearly for lobbyists, members of Congress, and Congressional staff the line that cannot be crossed regarding links between gifts or special favors and official acts, without incurring criminal liability.

Just recently, the Senate passed the Legislative Transparency and Accountability Act of 2006, S. 2349—the first lobbying reform bill in Congress in over a decade. I voted for the lobbying reform bill and I believe that this legislation takes an important step toward restoring the public's confidence in Congress.

I was disappointed, however, that I did not have an opportunity to offer the bill that I now propose as an amendment to that bill because cloture was invoked very early in the floor debate. My amendment would have offered an important and needed new dimension to the lobbying reform bill by strengthening our criminal public corruption laws.

Although it is certainly important to have high ethical standards within Congress and more transparency in the lobbying process, vigorous enforcement of our Federal public corruption laws is also an important component of this effort to restore public confidence in government. Indeed, it was only with the indictments of Jack Abramoff, Michael Scanlon, and Randy “Duke” Cunningham that Congress took note of the serious ethics scandals that have grown over the last years. If we are serious about restoring public confidence in Congress, we need to do more than just reform the lobbying disclosure laws and ethics rules. Congress must send a signal that it will not tolerate this type of public corruption by providing better tools Federal prosecutors to combat it.

This bill will do exactly that. The bill creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of Honest Services Fraud Involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this bill, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside access on investments to Members of Congress and their staff would be held criminally liable for their actions. The law also prohibits Members of Congress and their...
staff from accepting these types of gifts and favors, or holding hidden financial interests, in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption, by removing some of the legal hurdles to public corruption prosecutions. Under current law, Federal prosecutors often have great difficulty bringing public corruption cases because it is difficult to prove a specific quid pro quo under the Federal bribery statute. In addition, the current honest services fraud statute—18 U.S.C. 1346—requires that prosecutors must also show that misconduct occurred via the mail or wire, even when there is clear evidence of an improper link between gifts and an official act. My bill makes it possible for Federal prosecutors to bring public corruption cases without having to first overcome these hurdles.

The bill also provides lobbyists, Members of Congress, and other individuals with much-needed notice and clarity about what kind of conduct triggers this criminal offense. For much of the 20th Century, honest services fraud was a common law offense which courts read into the federal mail and wire fraud statutes. In 1967, the Supreme Court invalidated this common law concept in the case of McNally v. United States. In response to the McNally case, Congress subsequently added an honest services mail and wire fraud statute—18 U.S.C. 1346—to the Federal criminal code. Section 1346 has been regularly relied upon by prosecutors in public corruption cases ever since. However, that provision is often criticized for being too vague or for falling to give public officials sufficient notice about what type of conduct is covered by the statute. Courts have also disagreed about exactly what this statute means. My bill will help to resolve the confusion about honest services fraud in the legislative context, by setting out a well-defined honest services fraud offense for violations involving Members of Congress. In addition, the bill’s intent requires ensure that corrupt conduct can be appropriately prosecuted, but that innocuous actions will not be inappropriately penalized.

Lastly, my bill authorizes $25 million in additional federal funds over each of the next four years to give federal prosecutors needed resources to investigate public corruption. According to the FBI’s 2004-2009 Strategic Plan, reducing public corruption in our country’s Federal, State, and local governments is one of the FBI’s top investigative priorities—behind only terrorism, espionage, and cyber crimes. However, an August 2005 report by the Department of Justice concluded that, since 2000, there has been an overall reduction in the number of public corruption matters investigated by the FBI. That report noted that, in 2004, the FBI referred 63 fewer public corruption cases to the United States Attorney’s offices across the Nation than it referred in 2000. My bill will give the FBI and the Public Integrity Section within the Department of Justice new resources to hire additional public corruption investigators and public corruption prosecutors.

If we are serious about addressing the egregious misconduct that we have recently witnessed, Congress must enact meaningful legislation to strengthen our public corruption laws and give investigators and prosecutors the resources they need to enforce these laws.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and former Representative Randy “Duke” Cunningham demonstrate that unethical conduct by public officials has broad ranging impact. The Washington Post reported that, as an outgrowth of the Cunningham investigation, federal investigators and the Pentagon are now looking into contracts awarded by the Pentagon’s new intelligence agency—Central Intelligence Agency Activity—to MZM, Inc., a company run by Mitchell J. Wade, who recently pleaded guilty to conspiring to bribe Mr. Cunningham. The Cunningham case demonstrates that our democracy and national security depend upon a healthy, efficient, and ethical government.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that Congress must do more to restore the public’s trust in their Congress, I urge all Senators to support this bill.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2568

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 “Honest Services Act of 2006”.

SEC. 2. HONEST SERVICES FRAUD INVOLVING MEMBERS OF CONGRESS.

(a) In General.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

§ 1351. Honest services fraud involving members of Congress

(a) In General.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud and deprive the United States, the Congress, or the constituencies of a Member of Congress, of the right to the honest services of a Member of Congress by—

(1) offering and providing to a Member of Congress, or an employee of a Member of Congress, anything of value or a series of things of value, with the intent to influence the performance of an official act or series of official acts; or

(2) being a Member of Congress, or an employee of a Member of Congress, accepting anything of value or a series of things of value or holding an undisclosed financial interest, with the intent to be influenced in performing an official act or series of official acts shall be fined under this title or imprisoned for not more than 20 years, or both.

(b) DEFINITIONS.—In this section:

(1) HONEST SERVICES.—The term ‘honest services’ includes the right to be conferred honest, loyal, faithful, interested, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

(2) OFFICIAL ACT.—The term ‘official act’ means any—

(A) has the meaning given that term in section 201(a)(3) of this title; and

(B) includes supporting and passing legislation, placing a statement in the Congressional Record, participating in a meeting, conducting hearings, or advancing or advocating for an application to obtain a contract with the United States Government.

(3) UNDISCLOSED FINANCIAL INTEREST.—The term ‘undisclosed financial interest’ includes any financial interest not disclosed as required by statute or by the Standing Rules or Orders of the Senate.

(4) NO INFRINGEMENT AND SCOPE.—Nothing in this section shall be construed to—

(A) create any inference with respect to whether the conduct described in section 1351 of this title was a criminal or civil offense prior to the enactment of this section; or

(B) limit the scope of any existing criminal or civil offense.

(5) AUTHORIZATION.—The chapter analysis for chapter 63 of title 18, United States Code, as amended by adding at the end, the following:

(a) AUTHORIZATION.—There are authorized to be appropriated to the Public Integrity Section of the Criminal Division, for the National Drug Control Policy Act of 2006. Senators HATCH, MR. BIDEN, MR. HATCH, MR. GRASSLEY, and MR. LEVIN:

S. 2560. A bill to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

Mr. SPECTER. Madam President, I further introduce the reauthorization for the Office of National Drug Control Policy Act of 2006. Senators HATCH, BIDEN, and GRASSLEY have worked with me on this issue. This is the office to establish our drug policy. Since 2001, according to the ONDCP—the Office of National Drug Control Policy—the combined use of illicit drugs by 8th, 10th, and 12th graders has decreased by some 19 percent. We have seen a serious problem with meth. This agency is very important to carry out the administration’s policy to try to reduce drug usage.
I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

INTRODUCTORY STATEMENT—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006

Mr. President, to reiterate I seek recognition today to introduce the ‘‘Office of National Drug Control Policy Reauthorization Act of 2006’’ and ask for the support of my colleagues important legislation concerning the war on illegal drugs.

This bill re-authorizes the Office of National Drug Control Policy—ONDCP, the Administration’s office responsible for establishing policy and objectives to reduce illicit drug use, manufacturing, and trafficking and their harmful consequences in the United States. This bill also authorizes the Office of National Drug Control Policy to establish up to 5 HIDTAs within ONDCP, and has successfully grown from 5 HIDTA offices responsible for the multitasking and their harmful consequences in the United States. This bill also authorizes the Office of National Drug Control Policy to establish up to 5 HIDTAs within ONDCP.

Mr. DOMENICI. Mr. President, an excerpt from John Steinbeck’s classic The Grapes of Wrath recounting the conditions preceding the great Dust Bowl is eerily similar to the conditions currently faced by the Southwestern United States. ‘‘The sky grew pale and the clouds that had hung in high puffs for so long in the spring were dissipated. The sun flared down on the earth like a great white oven day until a line of brown spread along the edge of each green bayonet. The clouds appeared, and went away, and in a while they did not try any more. The weeds grew darker green to protect themselves, and then they dried up. The surface of the earth crusted, a thin hard crust, and as the sky became pale, so the earth became pale, pink in the red country and white in the gray country . . . Every moving thing lifted the dust into the air. The dust was long in settling back again.’’

As of April 5, 2006, statistics provided by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture indicates that my home State of New Mexico is facing one of the worst droughts in the past 100 years. Historic snowpack data indicates the 2005-2006 snow season is the worst in more than 50 years. Severals river basins in New Mexico, including the Gila and Mimbres river basins currently have no snow pack. This fact is particularly troubling when one considers that we rely on our interstate rivers that are governed by compacts. These interstate agreements require that a certain amount of water be delivered to downstream States. Meanwhile, enormous amounts of water are lost because of antiquated water infrastructure. In many instances, relatively cheap water infrastructure upgrades can minimize water losses. For example, by lining dirt canals, large amount of water can be saved that would otherwise would have been lost to seepage. For the past 3 years, Congress has made available federal funding grants through the Administration’s Water 2025 program.

Ensuring adequate water supplies for the Southwestern United States is as important a matter of our national interest as any I can contemplate. As Chairman of the Energy and Natural Resources Committee, which has jurisdiction over this legislation, I assure it will receive prompt Committee consideration.

I would like to thank Representative HEATHER WILSON, our Congresswoman from the First Congressional District of New Mexico for introducing the House companion to this measure. She fully appreciates the breadth of this problem and I look forward to working with her on this critically important issue.

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

S. 2561

April 6, 2006

CONGRESSIONAL RECORD—SENATE
SEC. 1. SHORT TITLE.
This Act may be cited as the “Bureau of Reclamation Water Conservation, Efficiency, and Management Improvement Act.”

SEC. 2. DEFINITIONS.
In this Act:
(1) NON-FEDERAL ENTITY.—The term “non-Federal entity” means a State, Indian tribe, irrigation district, water district, or any other organization with water delivery authority.
(2) RECLAMATION STATE.—The term “Reclamation State” means each of the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.
(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

SEC. 3. AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.
(a) IN GENERAL.—The Secretary may, in accordance with the criteria published under subsection (b), provide grants to, and enter into cooperative agreements with non-Federal entities to pay the Federal share of the cost of a project to plan, design, construct, or otherwise implement improvements to conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions that prevent, mitigate, or resolve water-related issues or conflicts in watersheds that have a nexus to Federal water projects within the Reclamation States.

SEC. 4. RESEARCH AGREEMENTS.
The Secretary may enter into cooperative agreements with institutions of higher education, nonprofit research institutions, or organizations with water or power delivery authority to fund research to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary determines to be appropriate.

SEC. 5. EFFECT.
Nothing in this Act—
(1) affects any existing project-specific funding authority; or
(2) invalidates, preempts, or creates any exceptions to State water law, State water rights, or any interstate compact governing water.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2007 through 2016.

By Mr. CRAIG (for himself and Mr. AKAKA):
S. 2562. A bill to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans’ Affairs.
November 30, 2006, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) Amounts to be increased.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1114(a) through (f) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefits payable under a title of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(e)).

(d) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower dollar amount.

(e) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have a compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(c)(2)(D) of the Social Security Act (42 U.S.C. 415(c)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2007.

By Mr. COCHRAN (for himself, Mr. ENZI, and Mr. TALENT):

S. 3583. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug and Medicare Advantage plans under such part, to Committee on Finance.

Mr. COCHRAN. Mr. President, The Medicare prescription drug plan is a tremendous success with more than 27 million Medicare beneficiaries now enrolled in the program. Seniors are realizing significant decreases in the cost of their prescription drugs and the savings are even greater than expected. The Centers for Medicare and Medicaid Services (CMS) and health care providers are all working to improve this program. In particular, community pharmacists played an important role in making this benefit successful. Prior to the January 1 start of the program, pharmacists assisted their Medicare patients in the selection and enrollment process. This process was new and challenging, but pharmacists were diligent in serving their patients and providing much-needed medications while the program became functional.

We are introducing a bill today to assist pharmacists as they continue to serve their patients and as they help to continue the success of the Medicare drug benefit. All pharmacy managers have been working to achieve efficiencies in reimbursement for the products they have provided to new beneficiaries. This is especially needed by small, rural independent pharmacies. This legislation will also provide incentives for pharmacists and other providers to help beneficiaries better utilize their medications, adhere to their drug regimens, and utilize cost saving medication therapy management programs.

I am aware of a rule amendment that will help continue the success of the Medicare prescription drug benefit. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3583

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 “Physician Access and Recognition in Medicare (PARM) Act of 2006.”

SECTION 2. PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS AND MA-PD PLANS UNDER PART D.

(a) PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS.—Section 1860D–3(b) of the Social Security Act (42 U.S.C. 1395w–27(b)) is amended by adding at the end the following new paragraph:

(4) PROMPT PAYMENT OF CLEAN CLAIMS.—

(A) PROMPT PAYMENT.—

(i) In general.—A PDP sponsor under this section with respect to a prescription drug plan offered by such sponsor shall provide that payment shall be made, mailed, or otherwise transmitted with respect to all clean claims submitted under this part within the applicable number of calendar days after the date on which the claim is received.

(ii) CLEAN CLAIM DEFINED.—In this paragraph, the term ‘clean claim’ means a claim that has no apparent defect or impropriety in the claim and shall list all additional information or documents necessary for the proper processing and payment of the claim.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed on or after the date that is 90 days after the date of the enactment of this Act.
SEC. 3. RESTRICTION ON PHARMACY CO-BRANDING ON MEDICARE PRESCRIPTION DRUG CARDS ISSUED BY PRESCRIPTION DRUG PLANS AND MA-PD PLANS.

(a) In General.—Section 1860D-4 of the Social Security Act (42 U.S.C. 1395w-104(f)) is amended by adding at the end the following new subsection:

"(V) Promoting detection of adverse drug events and patterns of overuse and underuse of prescription drugs.

(VI) Developing a medication action plan which may alter the medication regimen, when permitted by the State licensing authority. This information should be provided to, or accessing an existing primary health care provider of the enrollee.

(VII) Monitoring and evaluating the response to therapy and evaluating the safety and effectiveness of the therapy, which may include laboratory assessment.

(VIII) Providing disease-specific medication therapy management services when appropriate.

(IX) Coordinating and integrating medication therapy management services within the broader scope of health care management services being provided to each enrollee.

(X) Delivery of services.

(I) Personal delivery.—To the extent feasible, face-to-face interaction shall be the preferred method of delivery of medication management services.

(II) Alternate delivery services shall be patient-specific and individualized and shall be provided directly to the patient by a pharmacist or other health care provider with advanced training in medication management.

(III) Distinct from other activities, such services shall be distinct from any activities related to formulary development and use, generalized patient education and information activities, and any population-focused quality assurance measures for medication use.

(III) Opportunity to identify patients in need of medication management services.—The program shall provide opportunities for health care providers to identify patients who should receive medication therapy management services.

(IV) Program operations, spending under this part, and the quality of care, spending under this part, and patient health.

(b) Effective date.—The amendments made by this section shall apply to each plan which issues prescription drug cards under a prescription drug plan offered by a PDP sponsor.

(c) In General.—By not later than January 1, 2008, the Secretary shall establish a 2-year demonstration program, based on the recommendations of the Best Practices Commission established under subparagraph (B), with both PDP sponsors of prescription drug plans and Medicare Advantage Organizations offering MA-PD plans, to examine the impact of medication therapy management furnished by a pharmacist in a community-based, population-based setting on quality of care, spending under this part, and patient health.

(ii) Sites.—In general.—Subject to the requirements of section 1860D-4(c) of the Social Security Act (42 U.S.C. 1395w-104(c)), the Secretary shall designate not less than 10 PDP sponsors of prescription drug plans or Medicare Advantage Organizations offering MA-PD plans, none of which provide prescription drug coverage under such plans in the same PDP or MA region, respectively, to conduct the demonstration program under this paragraph.

(ii) Establishing the demonstration program under this paragraph.

(1) The Secretary shall establish a Best Practices Commission composed of representatives from pharmacy organizations, health care organizations, beneficiary advocates, chronic disease groups, and other stakeholders (as determined appropriate by the Secretary) for the purpose of developing a best practices model for medication therapy management.

(2) Description of the demonstration program.

(A) In general.—The demonstration program shall be designed to examine the impact of medication therapy management furnished by a pharmacist in a community-based, population-based setting on quality of care, spending under this part, and patient health.

(B) Targeted beneficiaries.

(i) Definition.—The term "targeted beneficiaries" means beneficiaries who were identified by a Medicare Advantage Organization as likely to benefit from medication therapy management services.

(ii) Selection of beneficiaries.—Each PDP sponsor of a prescription drug plan or MA-PD plan shall select beneficiaries to participate in the demonstration program under this paragraph.

(C) Reports.

(i) Interim report.—Not later than 1 year after the commencement of the demonstration program, the Secretary shall submit to Congress an interim report on such program.

(ii) Final report.—Not later than 6 months after the completion of the demonstration program, the Secretary shall submit to Congress a final report on such program, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.
this bill that will help protect the valuable role that pharmacists play in our communities.

I have spent a lot of time over the past few months traveling around my home State of Wyoming talking to seniors about the Medicare prescription drug benefit. This new voluntary benefit represents the most significant improvement to Medicare since its inception in 1965. Because of this new benefit, more seniors have prescription drug coverage and are able to purchase the medicines they need. Since the benefit took effect on January 1, 2006, 17,700 beneficiaries in Wyoming have signed up for prescription drug coverage and 27 million beneficiaries nationwide have drug coverage. I encourage all beneficiaries to enroll in a prescription drug plan before May 15, 2006.

I strongly support our community pharmacists. The changeover to Medicare Part D hasn’t been easy and has produced several obstacles they have had to face, as they have worked hard to serve Medicare beneficiaries. In traveling around my State over the past few months, I have talked to a few pharmacists who mentioned a few key problems they are facing with this new Medicare program that I believe we should address.

The first is an issue of cash flow management. As the only accountant in the United States Senate, I understand this problem. Most pharmacists have to pay their wholesalers like clockwork two times a month, but they are not receiving their reimbursement from the prescription drug plans in a similar timely fashion. This bill changes that. The bill states that plans have to reimburse all “clean claims” every 14 days. The bill also facilitates a quicker reimbursement by specifying that claims submitted electronically shall be paid by electronic transfer of funds. This is a small change in the law that I think will play a large role in helping ease the transition to the new program for our local and community pharmacists.

The second issue I have heard about is called co-branding. Some of the prescription drug plans have partnered with some of the larger pharmacies and the plans are putting pharmacy logos on the benefit cards the beneficiaries use to get their prescriptions filled. Some people have told me that this is very confusing, because beneficiaries think that they must go to the pharmacy listed on the card. My bill states that co-branding is no longer allowed on the benefit cards the beneficiaries receive. The Wyoming PharmAssist program can save clients $152 per month and $1,844 a year. Wyoming PharmAssist pays registered pharmacists for these unique services and is a model for the Nation. My bill tries to make the Federal program more like the very successful program in Wyoming.

I commend all the pharmacists across the country who are working so hard to make this new Medicare program work. They are getting life-saving drugs to seniors who may not have been able to afford them before. I am proud to say I voted for this program back in 2003 and I am pleased with all the progress we are making.

I believe the Senate operates under the 80/20 rule. 80 percent of the time we are making good progress, but there are non-contentious issues with support from both parties. The other 20 percent are the contentious issues that we seem to spend all our time talking about. I think this bill falls into the 80 percent category. This is a small bill that will do a lot of good for our pharmacists. It has wide support and I look forward to working with Chairman Grassley to help move this bill through my Committee.

I invite my colleagues to join me and Senators Cochran and Talent as sponsors of this bill to allow pharmacists to continue to provide the best quality care for seniors and the disabled who rely on them for their medications.

I ask that the text of the bill following my statement be placed in the RECORD.

By Mr. BURR (for himself, Mr. FRIST, Mr. ENZI, Mr. GREGG, Mr. ALBERTI, and Mrs. DOLLY).

S. 2564. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SEC. 1. SHORT TITLE. This Act may be cited as the “Biodefense and Pandemic Vaccine and Drug Development Act of 2006”.

SEC. 2. TABLE OF CONTENTS. The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
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SEC. 3. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY: NATIONAL BIODEFENSE SCIENCE BOARD.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

"SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

(a) DEFINITIONS.—In this section:

"(1) BARDA.—The term ‘BARDA’ means the Biomedical Advanced Research and Development Authority.

"(2) FUND.—The term ‘Fund’ means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

"(3) OTHER TRANSACTIONS.—The term ‘other transactions’ means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

"(4) QUALIFIED COUNTERMEASURE.—The term ‘qualified countermeasure’ has the meaning given such term in section 319P-1.

"(5) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term ‘qualified pandemic or epidemic product’ has the meaning given the term in section 319P-3.

"(6) ADVANCED RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—The term ‘advanced research and development’ means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—

"(i) are conducted after basic research and preclinical development of the product, and

"(ii) are related to developing the product on a commercial scale and in a form that satisfies the requirements for an approved, cleared, or licensed product under the Federal Food, Drug, and Cosmetic Act, or under section 331 of this Act.

"(B) ACTIVITIES INCLUDED.—The term under subparagraph (A) includes—

"(i) testing of the product to determine whether the product is approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 331 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;

"(ii) design and development of tests or models, including animal models, for such testing;

"(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;

"(iv) activities to improve the shelf-life of the product or technologies for administering the product; and

"(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.

"(7) SECURITY COUNTERMEASURE.—The term ‘security countermeasure’ has the meaning given such term in section 319P-2."
“(8) Research tool.—The term ‘research tool’ means a device, technology, biological material (including a cell line or an antigen), reagent, animal model, computer system, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic products.

“(9) Program manager.—The term ‘program manager’ means an individual appointed to carry out countermeasures under this section, empowered to provide project oversight and management of strategic initiatives.

“(10) Person.—The term ‘person’ includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

“(b) STRATEGIC PLAN FOR COUNTERMEASURE RESEARCH, DEVELOPMENT, AND PROCUREMENT.—

“(1) In general.—Not later than 6 months after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006, the Secretary shall develop and make public a strategic plan to integrate and coordinate the activities of federal agencies, international agencies as appropriate, and other relevant persons, including relevant persons outside the United States, working on research and development of countermeasures and pandemic products.

“(2) CONTENT.—The strategic plan under paragraph (1) shall guide—

“(A) research and development, conducted or supported by the Department of Health and Human Services, of qualified countermeasures and qualified pandemic or epidemic products; and

“(B) innovation in technologies that may assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.

“(3) PROCUREMENT.—The Secretary shall procure such qualified countermeasures and qualified pandemic or epidemic products for countermeasure and product advanced research and development.

“(4) DUTIES.—

“(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

“(i) facilitate and increase the expeditious and effective exchange of information between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development; and

“(ii) facilitate such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

“(B) PROCUREMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

“(i) convene meetings with representatives from relevant industries, academia, and other persons, with respect to qualified countermeasures and qualified pandemic or epidemic products; and

“(ii) convene information sharing sessions and public workshops on the use of such qualified countermeasures and qualified pandemic or epidemic products.

“(C) PROCUREMENT.—The Secretary shall procure such qualified countermeasures and qualified pandemic or epidemic products for countermeasure and product advanced research and development.

“(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary shall—

“(i) accelerate countermeasure and product advanced research and development activities of the Department of Health and Human Services; and

“(ii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

“(iii) establish a mechanism to support such countermeasures and qualified pandemic or epidemic products to facilitate the translation of research findings to products for countermeasure and product advanced research and development.

“(E) PROCUREMENT.—The Secretary shall—

“(i) connect interested persons with the resources of the Federal Government on an ongoing basis, including, by such means as the Secretary deems appropriate, to identify as priority unmet need areas; and

“(ii) ensure that, with respect to persons outside the United States, the Secretary may enter into transactions under section 319F–1 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) on behalf of those persons.

“(F) ESTABLISHMENT OF RESEARCH CENTER.—

“(1) IN GENERAL.—The Secretary shall establish a research center to expedite the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products, and to carry out the purpose described in paragraph (2)(C), the Secretary shall—

“(i) establish such center in such manner as the Secretary deems necessary to facilitate the translation of research findings to products for countermeasure and product advanced research and development.

“(G) VULNERABLE POPULATIONS.—In carrying out the purposes under section 319F of this Act, the Secretary shall—

“(i) provide such products to individuals and organizations, including health and emergency service providers, who are likely to have a need for such products;

“(ii) support the research, development, and production of such products; and

“(iii) ensure that such products are safe and effective with respect to children.

“(ii) research on and development of research tools and other devices and technologies; and

“(iii) research to promote strategic initiatives to reduce the time and cost of countermeasure and product advanced research and development.

“(H) EXPEDITED AUTHORITIES.—In carrying out the functions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the authority to enter into transactions under section 319F of this Act, and to carry out the purpose described in such section 319F that apply to such transactions, under this section, the Secretary may use the authorities provided in such section.

“(I) APPLICATION OF PROVISIONS.—In applying provisions in such section 319F to such transactions, the Secretary shall—

“(i) ensure that such transactions are carried out in a manner that is otherwise designated to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products; and

“(ii) ensure that the Secretary shall discharge the functions and authorities as necessary to implement this section.

“(ii) research on and development of research tools and other devices and technologies; and

“(iii) research to promote strategic initiatives to reduce the time and cost of countermeasure and product advanced research and development.

“(J) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary shall—

“(i) accelerate countermeasure and product advanced research and development; and

“(ii) ensure that, with respect to persons outside the United States, the Secretary shall—

“(i) connect interested persons with the resources of the Federal Government on an ongoing basis, including, by such means as the Secretary deems appropriate, to identify as priority unmet need areas; and

“(ii) ensure that, with respect to persons outside the United States, the Secretary may enter into transactions under section 319F–1 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) on behalf of those persons.

“(K) ESTABLISHMENT OF RESEARCH CENTER.—The Secretary may establish one or more research centers in accordance with section 319F(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)).

“(L) VULNERABLE POPULATIONS.—In carrying out the functions under this section, the Secretary shall give priority to the advanced research and development of qualified countermeasures or qualified pandemic or epidemic products that are likely to be safe and effective with respect to children.
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Section 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

(a) In General.—

(1) Establishment and Function.—The Secretary shall establish the National Biodefense Science Board (referred to in this section as the ‘Board’) to provide expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to the Department of Health and Human Services, including current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

(2) Membership.—The membership of the Board shall be comprised of individuals who represent the Nation’s preeminent scientific, public health, and medical experts, as follows:

(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;

(B) four individuals representing the pharmaceutical, biotechnology, and device industries;

(C) four individuals representing academia; and

(D) five other members as determined appropriate by the Secretary.

(b) Special Consultants.—In carrying out this section, the Secretary may—

(1) appoint special consultants pursuant to section 207(f); and

(2) accept voluntary and uncompensated services.

(c) Fund.—

(1) Establishment.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be available to carry out this section.

(2) $500,000,000 for fiscal year 2008; and such sums as may be necessary for fiscal years 2009 through 2012.

(3) Availability of funds.—Such sums authorized under clause (1) shall remain available until expended.

(d) Authorization of Appropriations.—

(1) General.—There are authorized to be appropriated, in addition to the amounts appropriated under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Special Consultants.—In carrying out this section, the Secretary may—

(i) appoint special consultants pursuant to section 207(f); and

(ii) accept voluntary and uncompensated services.

(e) Nondisclosure.—Any Federal Government employee may be detailed to the Board for the purpose of acting as a member of the Board, and such detail shall be without interruption or loss of civil service status or privileges.

(f) Other Working Groups.—The Secretary may establish a working group of experts, or may use an existing working group or advisory committee, to—

(1) identify innovative research with the potential to be developed as a qualified countermeasure or a qualified pandemic or epidemic product;

(2) identify accepted animal models for particular diseases and conditions associated with any biological, chemical, radiological, or nuclear agent, as well as potential pandemic infectious diseases, and identity strategies to accelerate animal model and research tool development and validation; and

(3) obtain advice regarding supporting and facilitating advanced research and development related to qualified countermeasures and qualified pandemic products that are likely to be safe and effective with respect to children, pregnant women, and other vulnerable populations, and other issues regarding activities under this section that affect such populations.

(g) Definitions.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

(h) Authorization of Appropriations.—

(1) General.—There are authorized to be appropriated $50,000,000 to carry out this section for fiscal year 2007 and each fiscal year thereafter.

(i) Offset of Funding.—The amount appropriated under the subsection ‘‘Biodefense Countermeasures’’ under the heading ‘‘Emergency Preparedness and Response’’ in title III of the Department of Homeland Security Appropriations Act, 2004 (Public Law 108-90) shall be decreased by $150,000,000.

SEC. 4. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOShield.

(a) Qualified Countermeasure.—Section 319M(a)(1)(A) of the Public Health Service Act (42 U.S.C. 247d-6a(a)) is amended by striking paragraph (2) and inserting the following:

(2) DEFINITIONS.—In this section:

(A) QUALIFIED COUNTERMEASURE.—The term ‘‘qualified countermeasure’’ means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), that the Secretary determines to be a priority (consistent with sections 522(a) and 523(a) of the Homeland Security Act of 2002) for each of the following:

(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

(ii) identify innovative research with the potential to be developed as a qualified countermeasure or a qualified pandemic or epidemic product; and

[iii]...
“(i) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or diagnostic test is used as described in this subparagraph.

“(B) INFECTIOUS DISEASE.—The term ‘infectious disease’ means a disease potentially caused by the action of one or more pathogenic organisms (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.

(b) Security Countermeasure.—Section 319F-2(c)(1)(B) is amended by striking ‘‘treat, identify, or prevent’’ each place it appears and inserting ‘‘diagnose, mitigate, prevent, or treat’’.

(c) Limitation on Use of Funds.—Section 510(a) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)) is amended by adding at the end the following:

‘‘(A) no active ingredient (including a salt or ester of the active ingredient) of the drug has been approved as a food or water additive for an animal in the absence of any naturally occurring infectious disease.’’

SEC. 5. ORPHAN DRUG MARKET EXCLUSIVITY FOR COUNTERMEASURE PRODUCTS.

(a) In General.—Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ccc) is amended by adding at the end the following:

‘‘(B) MEETING AND CONSULTATION CONDITIONS.—(i) be chaired or, in the case of a consultation, may be conducted by the Secretary, and (ii) be open to persons involved in the development, manufacture, distribution, purchase, or storage of a countermeasure product, that person determines to be appropriate.

(c) Notice Respecting Designation.—Section 526 is amended by adding at the end the following:

‘‘(B) EFFECTIVE DATE.—This subsection shall apply only to products for which an applicant has applied for designation under section 526 after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act (as defined in section 319F-2 of the Public Health Service Act).’’

SEC. 6. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb et seq.) is amended by adding at the end the following:

‘‘SEC. 565. TECHNICAL ASSISTANCE.

‘‘The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish an office to provide technical assistance to a team of experts on matters relating to the development and regulation of vaccines and other countermeasures for infectious diseases.’’
(1) In general.—Subject to clause (1), it shall not be a violation of the antitrust laws for any person to participate in a meeting or consultation conducted in accordance with this paragraph.

(2) Submission of written agreements.—The Secretary shall submit each written agreement governing covered activities that is made pursuant to meetings or consultations conducted under paragraph (1) to the Attorney General and the Chairman for consideration. In addition to the proposed agreement, such submission shall include—

(A) an explanation of the intended purpose of the agreement;

(B) a specific statement of the substance of the agreement;

(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

(D) an explanation of the necessity for a cooperative effort among the particular participating persons to achieve the objectives of the agreement; and

(E) any other relevant information determined necessary by the Attorney General, in consultation with the Chairman and the Secretary.

(3) Exemption for conduct under approved agreement.—It shall not be a violation of the antitrust laws for a person to engage in conduct in accordance with a written agreement to the extent that such agreement has been granted an exemption under paragraph (4), during the period for which the exemption is in effect.

(4) Action on written agreements.—

(A) In general.—The Attorney General, in consultation with the Chairman, shall grant, deny, grant in part and deny in part, or propose modifications to an exemption request regarding a written agreement submitted under paragraph (2), in a written statement to the Secretary, within 15 business days of the receipt of such request. An exemption granted under this paragraph shall take effect immediately.

(B) Exception.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 business days.

(5) Limitation on and renewal of exemptions.—Exemptions granted under subparagraph (4) shall be limited to covered activities, and such exemption shall be renewed (with modifications, as appropriate, consistent with the finding described in paragraph (4)(C), on the date that is 3 years after the date on which the exemption is granted unless the Attorney General in consultation with the Chairman determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

(6) Certain information.—

(A) Consideration by the Attorney General for granting or renewing an exemption submitted under this section shall be considered an antitrust exemption for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.).

(B) Limitation on parties.—The use of any information acquired under an agreement for which an exemption has been granted under paragraph (4), for any purpose other than the enforcement of the Act and pursuant to the antitrust laws and any other applicable laws.

(C) Report.—Not later than one year after the date of enactment of this Act and biannually thereafter, the Attorney General and the Chairman shall report to Congress on the use of the exemption from the antitrust laws provided by this paragraph.

(D) Sunset.—The applicability of this section shall expire at the end of the 6-year period that begins on the date of enactment of this Act.

(E) Definitions.—In this section:

(1) Antitrust laws.—The term ‘‘antitrust laws’’ includes—

(A) has the meaning given such term in subsection (a) of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) Countermeasure or product.—The term ‘‘countermeasure or product’’ refers to a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product (as those terms are defined in subsection (a)).

(3) Covered activities.—

(A) In general.—Except as provided in subparagraph (B), the term ‘‘covered activities’’ includes activities relating to the development, manufacture, distribution, purchase, or storage of a countermeasure or product.

(B) Exception.—The term ‘‘covered activities’’ shall not include, with respect to a meeting or consultation conducted under a written agreement, any activities in which an exemption has been granted under subsection (a)(4), the following activities involving 2 or more persons:

(i) Exchanging information among competitors relating to costs, profitability, or distribution of any product, process, or service if such information is not reasonably necessary to carry out such activities;

(ii) with respect to a countermeasure or product regarding which such meeting or consultation is being conducted; or

(iii) are described in the agreement as exempted.

(ii) Entering into any agreement or engaging in any other conduct—

(III) for the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through the covered activities;

(II) to restrict or require participation, by any person participating in such covered activities, in other research and development activities that are necessary to prevent the misappropriation of proprietary information contributed by any person participating in such covered activities or of the results of such covered activities; or

(II) entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws under subsection (a)(4).

(iv) Exchanging information among competitors relating to production (other than covered activities) of a product, process, or service if such information is not reasonably necessary to carry out such covered activities.

(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not expressly exempted from the antitrust laws under subsection (a)(4).

(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person participating in such covered activities, in any unilateral or joint activities, is not reasonably necessary to carry out such covered activities.

(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a countermeasure or product is offered for sale, whether by bid or other means.

SEC. 8. PROCUREMENT.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended—

(1) in the subsection heading, by inserting ‘‘and security countermeasure procurements’’ before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ‘‘biomedical’’;

(B) in paragraph (5)(B)(i), by striking ‘‘to meet the needs of the stockpile’’ and inserting ‘‘to meet the stockpile needs’’;

(C) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through ‘‘Homeland Security’’ and inserting ‘‘—Interagency agreement; cost; Homeland Security Secretary’’; and

(ii) by striking clause (ii);

(D) in paragraph (7)(C)—

(i) by amending clause (1) to read as follows:

‘‘(1) Payment conditioned on delivery.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, not withstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary’s discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advancing payments at the time of the issuance of a solicitation. The contract shall provide that such advance payment is repayable if there is a failure to perform by the vendor under the contract.

The contract may also provide for additional advance payments of 5 percent each for the milestone specified in such contract. Provided that the specified milestones are reached, these advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall cause any contract to be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government.’’; and

(ii) by adding at the end the following:

‘‘(VII) Sales exclusivity.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another person without the approval of the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement. (51 U.S.C. 2530(c)(1))’’.

SEC. 9. SECURITY AND PROTECTION.

(a) In general.—Subject to this section, the Secretary may provide that a covered activity involving the production, development, manufacture, distribution, or otherwise involving the production of a countermeasure or product is a covered activity involving the production, development, manufacture, distribution, or operation of a national security product (as those terms are defined in subsection (a)(1)).

(b) In general.—In the case of an agreement entered into pursuant to subsection (a), an exemption under this section shall be considered an antitrust exemption for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.).

(c) Application.—

(1) Application of antitrust laws.—The applicability of this section shall be subject to such terms and conditions as the Secretary determines necessary to meet the needs of the stockpile and all that follows through

(d) Application of antitrust laws.

(e) Security Secretary and all that follows through
snowmobiling to hiking, which contribute to Vermont's economy. The forest is also an important wildlife habitat and source of clean, fresh water. If well managed, the Green Mountain National Forest will remain one of Vermont's most precious environmental resources. It also supports our state's economic and recreational needs for generations to come.

The Vermont Wilderness Act is responsible for most aspects of national forest management. The Forest Service has the authority to set aside undisturbed wilderness lands. Good stewardship of the forest requires leadership, and now is the time for us to accept this responsibility to designate additional wilderness areas.

Twenty-two years ago, as a member of the U.S. House of Representatives, I joined my Senate colleagues, Mr. Stafford and Mr. Leahy, to introduce the Vermont Wilderness Act of 1984. That act preserved Vermont's wilderness. Since that time the Green Mountain National Forest has acquired over 110,000 additional acres, while the populations of the State and the region have increased. These changing demographics have served the authority to set aside undisurbed wilderness lands. Good stewardship of the forest requires leadership, and now is the time for us to accept this responsibility to designate additional wilderness areas.

The Vermont Wilderness Act of 1984 directed Congress to consider additional wilderness designations in the Green Mountain National Forest only after 15 years had elapsed and the management plan for the Forest had been thoroughly reviewed. With last month's adoption of a completely revised Land Resource Management Plan for the Green Mountain National Forest, these conditions have been met and it is time to act.

I have worked for the past 6 years with the other members of Vermont's Congressional delegation, the Forest Service, and State leaders. I have reviewed comments from thousands of constituents, visited the forest on the ground and viewed it from the air, and spent countless hours studying maps. These new designations are the result of thorough analysis and thought, and we do not make them lightly.

Many Vermonters disagree with the need for any wilderness designations, much less additional lands to be set aside at this time. I understand their concerns, but I also recognize the intent of the Wilderness Act of 1964, and I believe deeply in the benefits of managing some areas so that forces of nature hold sway. The Vermont Wilderness Act of 2006 designates two significant new wilderness areas: the 28,491-acre Glastenbury wilderness in southern Vermont and the 12,437-acre Battell wilderness in central Vermont. These areas are pristine, remote forests that will remain undisturbed for future generations.

I recently introduced Land and Resource Management Plan for the Green Mountain National Forest with Senator Jeffords today to introduce the Vermont Wilderness Act of 2006. Our great state has been blessed with a beautiful natural landscape, which Vermonters have worked hard to preserve. This bill will continue in that tradition by helping to secure areas of the unspoiled wilderness that Vermont is known and admired for.

Mr. LEAHY. Mr. President, I join with Senator Jeffords today to introduce the Vermont Wilderness Act of 2006, to designate two new wilderness areas and to make a number of additional designations to existing wilderness areas in Vermont. These designations are included in this legislation, with some modification.

This legislation also calls for 16,890 acres of the Moosalamoo Recreation Area in Central Vermont and designated national recreation area designation. The Green Mountain National Forest is an important source of wood products and the timber industry is critically important to Vermont's economy. These outdoor recreation area designations are not meant to interfere with a robust timber management program within the forest, and I will work to support that program at every opportunity.

The Green Mountain National Forest is a credit to everyone who worked on it, and reflects the hard work of the U.S. National Forest Service. This plan calls for additions to several existing wilderness areas including Peru Peak, Big Branch, Breadloaf and Lye Brook. The recommendations are included in this legislation, with some modification.

This legislation will also amend the Westmore Management Plan for the revision of Final Environmental Impact Statement (FEIS) for the revision of

SEC. 9. RULE OF CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to affect any law that applies to the National Vaccine Injury Compensation Program under title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.), including such laws regarding:

(1) whether claims may be filed or compensation may be paid for a vaccine-related injury or death under such Program;

(2) claims pending under such Program; and

(3) any petitions, cases, or other proceedings before the United States Court of Federal Claims pursuant to such title.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 2565. A bill to designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation system and designate a National Recreation Area; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JEFFORDS. Mr. President, I rise today to join my colleague from Vermont, Mr. Leahy, in introducing the Vermont Wilderness Act of 2006. This legislation designates 48,651 acres within the Green Mountain National Forest for management under the 1964 Wilderness Act.

The Green Mountain National Forest constitutes more than 400,000 acres of woodlands in central and southern Vermont. The forest hosts more than 3.4 million visitors each year and is capable of supporting a variety of uses, from timber production to...
the Green Mountain National Forest Land and Resource Management Plan. This has been an effort encompassing several years, a lengthy process involving significant public involvement, and a great deal of difficult and detailed work on the part of the Forest Service staff in Vermont and our region.

I want to extend my appreciation and thanks to the staff of the Green Mountain National Forest for their perseverance and professionalism throughout the plan revision process. This has been by no means an easy task, with Vermonters and other interested citizens who care deeply about the National Forest weighing in with sincere and often conflicting views on land, resource and forest management decisions.

While there is much of interest in such a comprehensive plan, the primary role of the Congress lies with wilderness and other related special designations, such as National Recreation Areas. The Vermont Congressional Delegation has taken this responsibility seriously as we have sought a compromise between those who would prefer significant additions in wilderness areas and those who would prefer none. If this recommendation were enacted, about a quarter of the current Green Mountain National Forest would be designated as wilderness.

Just as the recently released Land and Resource Management Plan for the Green Mountain National Forest has elicited abundant feedback across the spectrum of interested citizens and organizations, we expect our proposal to do the same. We offer this legislation as a good-faith effort to find a middle ground, and once this proposal is referred to the Senate Committee on Agriculture, Nutrition, and Forestry—of which I am a member—we will welcome constructive comments and criticisms to improve the bill. Since the Vermont Congressional Delegation has long been on the public record in favor of additional wilderness designations within the Green Mountain National Forest, comments that are as specific as possible will be especially helpful in helping to refine our proposal.

Specifically, this legislation proposes a new wilderness area in the Glastenbury Mountain area of approximately 28,500 acres. In the Romance, Monastery and Worth Mountain areas the bill proposes adding approximately 12,500 acres, which together would become the Little Wilderness in honor of Joseph Battell, who once owned some 9,000 acres in this area and bequeathed thousands of acres to Middlebury College, which eventually became the core of the north half of the Green Mountain National Forest. The bill also proposes designating approximately 4,200 acres for addition to the existing Breadloaf Wilderness, 2,200 acres to the Lye Brook Wilderness, 800 acres to the Peru Peak Wilderness, and 40 acres to the Gristmill Branch Wilderness.

The proposed Moosalamoo National Recreation Area covers approximately 17,000 acres.

This legislation does not include additional acreage for the George D. Aiken Wilderness Area or the Bristol Cliffs Wilderness Area. It does not propose a wilderness designation for the area known as Lamb Brook, and it does not propose a new National Recreation Area in the region.

Our legislation builds on the recommendations of the Forest Service. In many areas the Delegation bill closely tracks the Forest Service plan—Bigelow, Bigelow Backcountry, Peak Peak areas are nearly identical. In the Glastenbury area, the Forest Service added more than 8,000 acres to their original plan, and we have further increased the acreage of a proposed Glastenbury Wilderness Area. In addition, this legislation adds about 2,000 acres to the Lye Brook Wilderness, above the Forest Service recommendation. Finally, we are proposing the new Battell Wilderness Area, which encompasses lands the Forest Service included in a Remote Backcountry management category, which is essentially managed as a wilderness area.

In the Moosalamoo area, this legislation codifies the Moosalamoo National Recreation Area, which has the strong support of surrounding communities and local partners in the area. We believe this designation best represents the actual goals of the various stakeholders and merits this national designation. Furthermore, we have included the Forest Service’s new management category in the designated area and have also included previously agreed upon management guidelines in the bill.

I would offer the following thoughts which we have returned to on those numerous occasions over recent years whenever this subject has been brought up for discussion in our State.

In sponsoring this legislation today, the Vermont Congressional Delegation is demonstrating commitment to additional wilderness designations on the Green Mountain National Forest. The Green Mountain National Forest is the largest contiguous public land area in Vermont and within a day’s drive for over 70 million people. We are committed to protecting some National Forest lands for future generations under the National Wilderness Preservation System.

Our proposals have not been driven by acreage quotas, but rather by data supplied by the Forest Service and by interested Vermonters. Therefore, what is too much for some will be too little for others.

The timing of this introduction was conditioned so as to allow the Forest Service process to reach its conclusion and, at the same time, to enable Vermonters and other interested parties to review both the Forest Service and the Delegation recommendations. Throughout our deliberations, we have worked in close conjunction with the Forest Service staff and have recognized their commitment to their planning regulations, guidelines and timetable. We invite all Vermonters to join us in thanking the Forest Service staff for all the hard work in their planning effort.

While this legislation proposes to add significant wilderness to the Green Mountain National Forest, it bears noting that most of the lands designated in this bill are not suitable for timber harvesting. This legislation would retain many thousands of acres available for timber harvesting which will have to be managed in an open and professional manner. We are committed to the development of such a process and we know the Forest Service shares this commitment. We invite all interested parties to join in this effort, and we hope that given the superior manner in which the Forest Service conducted the Forest Plan Revision process, unnecessary appeals and litigation of the plan and future management activities will be minimized.

The Green Mountain National Forest has expanded since the last wilderness designations were made. As Senator Stafford, then Congressman Jeffords and I remember, during the consideration of the last wilderness bill in 1984 there were many perspectives on the use of our National Forest. We assume there will be again this time. As we were 1984, we remain committed to carrying on the strong conservation legacy that generations of Vermonters, like Senator Robert Stafford, have fostered over the decades.

We urge anyone who is interested in the Green Mountain National Forest to review the whole Plan, as the Forest Service has recommended, and look beyond their own primary areas of concern so that we can all do what we can to help implement the Plan.

In closing, I would note that the Delegation knows that you cannot undertake every possible use on every acre of National Forest land, and we believe most Vermonters support our approach to this issue. In recognition of this fact, we are introducing this legislation as a vision for the Green Mountain Forest for this and future generations.

By Mr. LUGAR (for himself and Mr. OBAMA) S. 2566. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, let me rise today to introduce the Cooperative Proliferation Detection, Interdiction Assistance, and Conventional Threat Reduction Act of 2006. This bill is based upon the legislation that Senator Obama and I introduced last year by the Lugar-Obama bill. In the last six months we have worked closely with the Administration and the Department of State on legislation to improve U.S. programs focused on conventional weapons dismantlement and counter-proliferation assistance more effective and efficient.

The Lugar-Obama bill launches two major weapons dismantlement and
counterproliferation initiatives. Modeled after the Nunn-Lugar program, which dismantles weapons of mass destruction in the former Soviet Union and beyond, our legislation seeks to build cooperative relationships with willing countries to secure vulnerable stockpiles of conventional weapons and strengthen barriers against WMD falling into terrorist’s hands.

The first part of our legislation energizes U.S. programs to dismantle MANPADS and large stockpiles of other conventional weapons, including tactical missile systems. There may be as many as 750,000 MANPADS in arsenals worldwide. The State Department estimates that more than 40 civilian aircraft have been hit by such weapons since the 1970’s. In addition loose stocks of small arms and other weapons help fuel civil wars and provide ammunition for those who attack peacekeepers and aid workers seeking to help war-torn societies. Our bill would enhance U.S. capability to safely deactivate weapons in these countries.

If we cannot do this alone. We need the vigilance of like-minded nations. The Proliferation Security Initiative has been successful in enlisting the help of other countries, but many of our partners lack the capability to detect and interdict hidden weapons. Lugar-Obama seeks to address this gap by providing $50 million to establish a coordinated detection capabilities of foreign partners by providing equipment, logistics, training and other support. Examples of such assistance may include maritime surveillance and boarding equipment, aerial nonproliferation capabilities, enhanced port security, and the provision of hand-held detection equipment and passive WMD sensors.

On February 9 the committee on Foreign Relations held a hearing to examine the State Department’s efforts in these important areas. In response to a question on how important conventional weapons elimination and counter-proliferation is to U.S. security Under Secretary Joseph stated that “other than stopping weapons of mass destruction capability, I personally do not think that there is . . . a higher priority.” The Under Secretary also pointed out that with more resources he was confident additional progress could be achieved faster.

The second part of our legislation is an important complement to the Nunn-Lugar program, which aims to eliminate weapons of mass destruction at the former Soviet Union, Afghanistan and other countries. We have worked closely with Secretary Rice and her staff to improve this legislation. The bill has been modified in a number of ways to improve its effectiveness and to provide the Department with the ability to carry out important non-proliferation and counter-proliferation missions. At the Department’s request, we provide authorization for the entire Nonproliferation, Antiterrorism, Demining, and Related Programs account. We also authorize international ship-boarding agreements under the Proliferation Security Initiative, the use of the Nonproliferation and Disarmament Fund outside the former Soviet Union, and the use of funds for administrative purposes. In addition, we provide the Secretary with the authority to make a reprogramming request to use the funds required under this legislation for other nonproliferation and counter-proliferation activities in an emergency.

Earlier this week, Secretary Rice appeared before the Committee on Foreign Relations. I took the opportunity to ask her opinion of Lugar-Obama. She stated her personal support and that of the Bush Administration. I am pleased that efforts to craft this important effort not only have bipartisan Congressional support but the support of the Administration as well.

The U.S. response to conventional weapons threats and the lack of focus on WMD detection and interdiction assistance must be rectified if we are to provide a full and complete defense for the American people. Senator OBAMA and I understand that the United States cannot meet every conceivable security threat everywhere in the world. But filling the security gaps that we have described and that Secretary Rice and Under Secretary Joseph have confirmed, should be near the top of our list of priorities. We do not believe these problems have been adequately addressed and look forward to working with our colleagues in the Senate to rectify the situation.

Mr. OBAMA, Mr. President, Senator LUGAR has already outlined the legislation that we are reintroducing here today and the process that has led us to this point, so I will be brief.

I don’t want my brevity to be confused with indifference towards this legislation. I want to underscore the importance of this bill in establishing a broad framework to more effectively combat the proliferation of weapons of mass destruction and heavy conventional weapons. As I have said before, these are two critical issues that directly impact the security of the United States.

In some ways, the bill has already had its desired impact. There was a reorganization of the State Department that will improve the Department’s ability to deal with the proliferation of weapons of mass destruction and heavy conventional weapons. Moreover, the legislation has focused additional high-level attention—the scarce commodity in Washington—on these issues.

I will defer to the Chairman on the procedural issues, but my hope is that we can report this bill out of the Foreign Relations Committee as soon as possible and work for Senate passage shortly thereafter.

In closing, I want to thank Senator LUGAR for his steadfast commitment to these critical issues and look forward to collaborating with him in the coming months on this legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):
S. 2567. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region’s tourism economy by designating certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing “the Eastern Sierra Rural Heritage and Economic Enhancement Act,” a bill that will provide protection for thousands of some of the most pristine, wild, and beautiful acres in California. I am glad to be joined in this effort by my colleague, Senator FEINSTEIN. Representatives of the congressional districts contains these special lands, introduced companion legislation today in the House of Representatives.
My bill will protect three very special California treasures in the Eastern Sierra. It makes considerable additions to existing Hoover Wilderness areas, which border on Yosemite National Park. These additions will protect the stunning High Sierra landscape of 11,000-foot-long peaks, many high lakes, lush meadows and deep forests that people around the world associate with the Eastern Sierra.

These areas are also home to an abundance of wildlife, including black bear, mountain lion, mule deer, waterfowl, and bald eagles.

This land provides more than just visual beauty, however—it is also a recreational paradise. Year after year, hikers enjoy the approximately nine miles of the Pacific Crest National Scenic Trail that runs through this wilderness, and anglers enjoy the clear lakes and streams that support a number of species of wild trout. The bill will also protect areas adjacent to the Emigrant Wilderness, including another two miles of the Pacific Crest Trail.

My legislation will also designate about 24 miles of the Amargosa River as a Wild and Scenic River. As the only river flowing into Death Valley, the Amargosa is of ecologically important river in a dry desert area. Birds—and birdwatchers—abound in this area, both coming from far and wide to enjoy the river area.

In short, these areas are not just California’s treasures—they are America’s natural treasures. And that is why they deserve the highest level of protection possible. That is what this bill does.

I was proud to include most of these lands in my California Wild Heritage Act that I reintroduced last month. And I look forward to working with Senator FEINSTEIN and Representative MCKEON, and all my colleagues, to protect these special places forever.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, Mr. MIKULSKI, Mr. BIDEN, and Mr. CARPER):

S. 2568. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today I am introducing legislation, together with Senators WARNER, ALLEN, MIKULSKI, BIDEN, and CARPER to designate the route of Captain John Smith’s exploration of the Chesapeake Bay and its tributaries as a National Historic Trail. The proposed Trail is of great historical importance to all Americans in that it represents the beginning of our Nation’s story.

Next year our Nation will commemorate the 400th anniversary of the founding of Jamestown and the beginning of John Smith’s momentous explorations of the Chesapeake Bay. In April 1607, three ships, the Susan Constant, the Godspeed, and the Discovery, arrived at the mouth of the Chesapeake Bay after a four-month voyage from England carrying the colonists who would establish the first permanent English settlement in North America and plant the seeds of our nation and our democracy.

Under the leadership of Captain John Smith, the settlement could not only survive, but help ignite a new era of discovery in the New World sparked by reports of Smith’s voyages around the Chesapeake Bay.

John Smith’s explorations in the small, 30-foot shallop totaled some three thousand miles, reaching from present-day Jamestown, Virginia, to Smiths Falls on the Pennsylvania border with Maryland and from Broad Creek, in Delaware to the Potomac River and Washington, DC. His journeys brought the English into contact with many Native American tribes for the first time, and his observations of the region’s people and its natural wonders are still relied upon by anthropologists, historians, and ecologists to this day.

Chief Justice John Marshall wrote of the significance of Smith’s explorations, “When we contemplate the dangers, and the hardships he encountered, and the fortitude, courage and patience with which he met them; when we reflect on the useful and important additions which he made to the stock of knowledge respecting America, then possessed by his countrymen; we shall not hesitate to say that few voyages of discovery, undertaken at any time, reflect more honour on those engaged in them, than this does on Captain Smith.”

What better way to commemorate this important part of our Nation’s history and honor John Smith’s courageous voyages than by designating the Captain John Smith Chesapeake National Historic Trail? The Congress established the National Trails System “to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation.”

National Historic Trails such as the Lewis and Clark Trail, the Pony Express Trail, the Trail of Tears, and the Selma to Montgomery Trail were authorized as part of this System to identify and protect historic routes for public use and enjoyment, commemorate major events which shaped American history. In my judgment, the proposed Captain John Smith Chesapeake National Historic Trail is a fitting addition to the 13 National Historic Trails administered by the National Park Service.

Pursuant to legislation we enacted as part of the Fiscal 2006 Interior Appropriations Act authorizing the National Park Service to study the feasibility of so designating this Trail, on March 21, 2006 the National Park System Advisory Board concluded that the proposed trail is “nationally significant” as a milestone for the English exploration of North America, contact between the English and the Native American tribes of the region, and in commerce and trade in North America. This finding is one of the principal criteria for qualifying as a National Historic Trail. Well documented by the remarkably complete maps and chronicled as Smith made of his voyages, the trail also offers tremendous opportunities for public recreation and historic interpretation and appreciation. Similar in historic importance to the Lewis and Clark National Trail, this new Historic water trail will inspire generations of Americans and visitors to follow Smith’s journeys, to learn about the roots of our Nation and to better understand the contributions of the Native Americans who lived within the Bay region. It would also help highlight the Chesapeake Bay’s remarkable maritime history, the diversity of its peoples, its historical settlements and our current efforts to restore and sustain the world’s most productive estuary.

As Jamestown’s 400th anniversary quickly approaches, designating the Captain John Smith Chesapeake National Historic Trail will bring history to life. It would serve to educate visitors about the new colony at Jamestown and John Smith’s journeys, the history of 17th century Chesapeake region, and the vital importance of the Native Americans that inhabited the Bay area. It would provide new opportunities for recreation and heritage tourism not only for more than 16 millions Americans living in the Chesapeake Bay’s watershed, but for visitors to this area throughout the country and abroad.

This legislation enjoys strong bipartisan support in the Congress and in the States through which the trail passes. The trail proposal has been endorsed by the Governors of Virginia, Pennsylvania, Delaware and Maryland and numerous local governments throughout the Chesapeake Bay region. This measure is also supported by the National Geographic Society, The Conservation Fund, The Garden Club of America, the Izaak Walton League of America, the Chesapeake Bay Foundation and the Chesapeake Bay Commission as well as scores of businesses, tourism leaders, private groups, and intergovernmental bodies.

The Captain John Smith Chesapeake National Historic Trail Act comes at a very timely juncture to educate Americans about historical events that occurred 400 years ago right here in Chesapeake Bay, which were so crucial to the formation of this great country and our democracy. I urge my colleagues to support this measure.

By Mr. HATCH:

S. 2569. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving five per cent of the proceeds of the sale of public land lying within
said States as provided by their respective Enabling Acts; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce a bill that would restore balance to a system that disadvantaged public funding in the West. The Action Plan for Public Land and Education Act of 2006 would authorize the Secretary of the Interior and the Secretary of Agriculture to grant Federal land to western States where large proportions of public land hampers their ability to fund the public education. This is a product of the hard work and creativity of Representative Ron Bission, and I am working with him on this important effort.

Many of my colleagues may not know this, but 10 of the top 12 States with the largest student-teacher ratios are in the West. These States also have the lowest growth in per-pupil expenditures, and their enrollment growth is projected to grow dramatically.

The West’s education funding deficit is not due to lack of commitment or effort by the States. The fact is that Western States allocate as great a percentage of their budgets to public education as the rest of the Nation. Moreover, Western States pay on average 11.1 percent of their personal incomes to State and local taxes, whereas citizens of the remaining States pay 10.9 percent of their incomes to these same State and local taxes.

The funding discrepancy for education in the West is due in large part to the lack of a sales tax base, which can only be generated on private land. On average, the Federal Government owns 52 percent of the land located in the 13 Western States, while the remaining States average just 4 percent Federal land. Sales tax is not collected on Federal land, and as we know, public education is funded largely through sales taxes.

We all know, the school trust lands that are available to these States are not sufficient to make up the education shortfall in the West. This legislation would remedy that by granting public land States 5 percent of federally-owned land within the State boundaries. The land would be held in trust to be sold or leased, and the proceeds used strictly for the support of public education.

Again, I thank Representative Bission for his excellent work on this bill. My colleagues and I know of the need to address the West’s education funding problem. The Action Plan for Public Land and Education Act of 2006 is a solution to this problem, and I urge my colleagues to lend their support for this important proposal.

By Mr. DeWINE (for himself, Mr. DOMENICI, Mr. KYL, and Mr. MCCAIN).

S. 2570. A bill to authorize funds for the United States Marshals Service’s Fugitive Safe Surrender Program; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, today I join Senators DOMENICI, KYL, and MCCAIN in introducing a bill to support the Fugitive Safe Surrender Program, which encourages those with outstanding arrest warrants to turn themselves in peacefully. This program was conducted under the auspices of the U.S. Marshal Service, with the cooperation of public, private, nonprofit and faith-based partners—Invokes using a local church or community center as a safe courthouse, where fugitives can turn themselves in and have their cases adjudicated.

This is not an amnesty program. Those who surrender are still held accountable for their original charges. However, by moving the prosecutors, public defenders, and judges to the new location, non-violent cases can be resolved promptly on-site, in a setting where fugitives feel they can safely turn themselves in.

In a pilot program implemented last August in Cleveland, over 800 people turned themselves in during a four-day period, including 324 who had outstanding felony warrants. Almost all the cases were adjudicated on the day of the surrender. As means of comparison, the Fugitive Task Force conducted a more traditional sweep for three days following the implementation of the Fugitive Safe Surrender program, resulting in the capture of 65 people with outstanding warrants. Clearly, the Fugitive Safe Surrender program was a tremendous success, and I’d like to extend personal congratulations to Pete Elliot, the U.S. Marshal for the Northern District of Ohio, and Dr. C. Jay Matthews, the Senior Pastor of the Mt. Sinai Baptist Church in Cleveland, for their efforts in heading up this successful endeavor. This type of innovation and creative thinking is exactly what we need in the law enforcement community, and it has obviously paid off in Cleveland.

The Fugitive Safe Surrender program has expanded and demonstrated its value to the community. The logical next step is for the U.S. Marshals to expand their initiative nationwide. They already have been working with law enforcement, community, and church groups in eight cities that have volunteered to be sites for Fugitive Safe Surrender in 2006: Albuquerque, NM; Phoenix, AZ; Washington, DC; Louisville, KY; Camden, NJ; Indianapolis, IN; Richmond, VA; and Akron, OH. They are hoping to expand to even more cities in 2007 and 2008.

This expansion is worthy of federal support, and that is why I have joined Senators DOMENICI, KYL, and MCCAIN in sponsoring the Fugitive Safe Surrender Act of 2006, which authorizes $3 million for fiscal year 07, $5 million for fiscal year 08, and $8 million for fiscal year 09. These funds will allow the U.S. Marshals Service to coordinate with the Fugitive Safe Surrender program significantly, allowing the marshals to take serious steps now to reduce our growing dependence. That is what this bill is all about.

This is a good bill, and I encourage my colleagues to support it.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2570

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have nonviolent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

SEC. 2. AUTHORIZATION.

(a) In General.—The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the “Fugitive Safe Surrender Program”), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the United States Marshals Service to carry out this section:

(1) $3,000,000 for fiscal year 2007;
(2) $5,000,000 for fiscal year 2008; and
(3) $8,000,000 for fiscal year 2009.

(c) Other Existing Applicable Law.—Nothing in this section is construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

By Mr. CONRAD:

S. 2571. A bill to promote energy production, conservation, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to introduce a comprehensive energy bill, one that addresses our Nation’s Long-Term Dependency, or the BOLD Energy Act.

As President Bush has stated, our Nation is addicted to oil. Our economy requires over 20 million barrels of oil a day to fuel our cars, our trucks, heat our homes, and bring goods to market all across the country. Sixty percent of our consumption—60 percent—from imports. Many of these imports are coming from the most volatile parts of the world, the most unstable parts of the world, the most unstable parts of the world. How do we reduce our imports? We have to take serious steps now to reduce our growing dependency. That is what this bill is all about.
This legislation, which is comprehensive in nature and which we have worked on for over 6 months, I believe is a serious contribution to the discussion. Let me make clear: These are not tepid steps. This legislation is bold because that is what the situation requires if we are to seriously reduce our dependence.

This legislation invests approximately $40 billion over the next 5 years to meaningfully reduce our dependence on foreign energy. Much of our imports are from unstable parts of the world. Forty-five percent of our oil comes from Saudi Arabia, Venezuela, Nigeria, and Iraq. A major disruption to oil supplies in any of those areas could send oil over $100 a barrel. Threats to oil supplies and surging demand have contributed to a 95-percent increase in oil prices over the past 2 years.

Imported oil now accounts for $266 billion of our trade deficit. That is more than a third of our total trade imbalance.

Our Nation faces other challenges on the energy front as well. Fluctuating natural gas prices threaten the livelihood of our Nation's farmers and manufacturers. Natural gas sales are projected to increase by 50 percent over the next 25 years. Transmission capacity constraints prevent development of power production in many parts of the country, including North Dakota.

Fortunately, the United States has the domestic resources and the ingenuity to reduce our dependence on foreign oil and meet our energy challenges. It is time, I believe, to look to the Midwest rather than turning to the Middle East for our energy resources. We can turn to our farm fields to produce more ethanol and biodiesel.

Brazil shows what can be done. Thirty years ago Brazil was 80 percent dependent on foreign energy. They have reduced that dependence to less than 10 percent. At the same time, our country has gone from 35-percent dependence to now 60-percent dependence. We have been going the wrong way. Brazil has demonstrated what can be done to dramatically reduce one’s energy dependence. How did they do it? They did it by aggressive promotion of biodiesel, by aggressive promotion of ethanol, and by creating a fleet of flexible fuel vehicles.

My legislation will accomplish the following: It would increase production of alternative fuels. It would reward conservation and energy efficiency. It would provide more research and development funding for new energy technologies. It would promote responsible development of oil and gas resources, and it would facilitate upgrades to our Nation's electricity grid.

First, the BOLD Act takes aggressive steps to increase alternative fuel production. It includes the biodiesel and ethanol tax credit. It requires ethanol use in the United States to increase from 4.7 billion gallons in 2007 to 30 billion gallons in 2025. It creates a new biodiesel standard. It promotes alternative fueling stations, and it establishes a $500 million grant program for the development of coal-to-liquid powerplants.

Second, the experts tell us the single most important thing we can do to reduce our reliance on foreign oil is to improve the efficiency of our cars and trucks. My legislation provides a new rebate program for cars and trucks that achieve above-average fuel economy. The most fuel-efficient vehicles would qualify for rebates of up to $2,500. This will encourage consumers to buy, and manufacturers to produce, more fuel-efficient cars. We don’t do this with the command-and-control structure of CAFE standards; we do it with incentives for the marketplace.

My bill also recognizes that all vehicles sold in the United States by 2017 must include alternative fuel technologies, such as hybrid electric or flex-fuel systems. Auto makers will be eligible for a 35-percent tax credit or retiree health care costs for each vehicle that achieves this goal. And I urge them to look at this bill, to examine it. I urge them and hope that they could cosponsor it.

North Dakota E85 fueling systems will allow drivers to dramatically reduce gasoline usage. And in urban areas such as Washington, D.C. where most drivers commute fewer than 20 miles a day, new plug-in hybrids will allow most trips to be fueled by electricity rather than gasoline.

Third, the BOLD Energy Act promotes environmentally responsible energy development here at home. It increases the existing enhanced oil recovery tax credit to 20 percent for any new or expanded domestic drilling project that uses carbon dioxide to recover oil from aging wells. Again, we have consulted broadly with industry on what would be the most effective incentives to seriously increase domestic energy production.

It also includes language authorizing energy development in the Lease Sale 181 area in the Gulf of Mexico that prohibits this development from occurring within 100 miles of the Florida coast or interfering with military activities in the gulf.

These steps will allow us to substantially reduce our reliance on foreign oil for imports, creating jobs here at home and improving our energy security.

Fourth, my BOLD Energy Act promotes new technologies to improve energy efficiency and develop renewable energy, such as wind and solar. It extends the renewable energy tax credit for 5 years and establishes a national 10-percent renewable electricity standard.

My energy bill also creates a clean coal energy bonds program to allow electric cooperatives, tribal governments, and other public power systems to finance new, advanced clean coal powerplants.

Finally, my legislation will improve the electricity grid in the United States by making it easier for State governments to finance the construction of transmission lines through the issuance of tax exempt bonds.

A few weeks ago I met with the President and a bipartisan group of Senators at the White House to talk about energy policy. I told the President he was right to identify our addiction to oil as one of our challenges. I also told him it is time to be bold. No more tepid plans, no more plans that fundamentally do not make a difference. It is time for the United States to step up to this challenge of seriously reducing our dependence on foreign energy.

Make no mistake, this is a bold plan. This plan calls for the investment of approximately $40 billion over the next 5 years. That is what it is going to take. If we are going to be serious about reducing our dependence, it is going to take more than half steps. It is time to put politics aside and assemble our best collective ideas into a new, comprehensive energy policy. I ask my colleagues and I urge them to look at this bill, to examine it. I urge them and hope that they could cosponsor it. If not, I welcome their constructive criticism about what could be done to make it better.

I don’t think we have any time to waste. There is no time to lose. We need bold action. We need this BOLD Energy Act.

I send the bill to the desk for its assignment to the appropriate committee.

The PRESIDING OFFICER. The bill will be received and assigned to the appropriate committee.
Mr. CONRAD. Mr. President, I thank the very much the dozens of organizations that have contributed to writing this legislation. As I have indicated, we have spent 6 months in preparing this legislation. We have consulted with literally dozens of organizations throughout this country. We have consulted with Members in both the House and the Senate. We have consulted with Governors. We have consulted with every relevant energy group in the State of North Dakota and in the Midwest. I am delighted that so many of them have already endorsed this legislation.

It is time for us to get serious about reducing our dependence on foreign oil. I am delighted today to be presenting this BOLD Energy Act. I believe it is the direction we should take. I again ask my colleagues to give it their close consideration.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I compliment the Senator from North Dakota for thinking boldly and focusing on an urgent need for our country. I look forward to studying his proposal and working with him, especially in the consideration of conservation and efficiency. There is a consensus within the Energy and Natural Resources Committee that we can do more in conservation and efficiency. There is a consensus in the Senate, I believe, that we can do more in research and development. There is a consensus that we could do more in renewable fuels. So I look forward to looking at what he has to say.

I think our goal should be within a generation to end our dependence on foreign oil. That wouldn’t mean we wouldn’t buy oil from Mexico or from Canada or from anyone, really, but it would mean that no other country could hold the United States of America hostage to the oil supply.

That is a very constructive suggestion. There is one yellow flag I would wave a little bit, and we can talk about it as it makes its way through the process. The Senator mentioned wind power. In terms of the transportation sector, unless we begin to put these large, giant wind machines on the cars—which I fully expect someone to propose before very long, with a large subsidy—I think we ought to examine carefully just how much money we are already putting into giant windmills because it is a massive tax ripoff to the taxpayers of the United States.

The last figures I saw showed that we were now, over the next 5 years, about to spend $3 billion supporting these giant wind machines, which are twice as tall as the football stadium at the University of Tennessee and extend from 10-yard line to 10-yard line and only work when the wind is blowing. They deface the landscape of America.

The Senator has suggested that a comprehensive policy that sounds very attractive to me, but I would like us to examine carefully, as we go through this, whether it is wise, for example, to extend the renewable tax credit another 2 years because that is just code words for more billions of dollars to the wind industry. They have a very good lobby. They are very effective. But there are other forms of alternative energy, including the oil itself, which is what we are talking about when we are trying to reduce our dependence on foreign oil. That is where we use most of our oil, in the transportation sector. I hope we will and should be spending a lot of money on research and development, as the Senator has suggested, on conservation and efficiency, as the President suggested, and on other kinds of fuels—biodiesel, as the Senator suggested—and be very cautious about adding to the wind subsidy before we clearly understand what we are doing.

Perhaps the figures aren’t right, but the last figures I saw from the Department of Energy shows what we could do in the wind area. I think it is a very important policy.

Mr. CONRAD. Mr. President, might I get the attention of the Senator for a moment? I think it is important that I first of all, I appreciate very much his thoughtful remarks, as always. When you have a chance to look at this, this is a comprehensive bill. We have spent months talking to everyone we thought had a good idea. We have talked to people who sponsored legislation in the House and the Senate, trying to cull those legislative offerings for the best ideas. We have talked to the people who were sponsored by Hewlett-Packard to do a review of national energy policy in America.

As you know, they spent several years in a serious effort to come to grips with what we could do that would dramatically reduce our energy dependency. That is quite right. That is why so much of this legislation is focused on fuels; that is where a significant part of our imported energy is going—to fuel the fleets of our country.

Let me say with respect to wind energy, I truly believe that is a component of a comprehensive bill. Let me put it in perspective. In terms of our legislation, it is a very small part because I think that is the appropriate level of commitment to make in terms of comprehensive policy. There are many other things that have much more prominence in terms of where the investment is being made. I would say to my colleague, in North Dakota they have extraordinary wind energy capacity. We have the ability to reduce our dependence on coal-fired plants and our dependence on plants that are fueled by natural gas, and we have extreme problems, long term, with natural gas in this country. That is why natural gas prices have had such a runup.

I encourage steps towards clean coal, which would be coal gasification, which would limit the amount of nitrogen and sulphur and mercury that would come from the use of coal, which have a lot of coal in the United States—and research for carbon sequestration. If we could recapture the carbon, we could then use coal for large amounts of clean power.

Then we had significant support for nuclear power, which we should do more of. All those who want to solve global warming in a generation should be helping to support nuclear power because 70 percent of our carbon-free energy in the United States today comes from nuclear power. Seventy percent of the carbon-free electricity that we produce comes from nuclear power. There is a growing consensus that we should begin to proceed with that in the United States, and even help India and China avoid dirty coal plants that pollute the area. If we want clean air and low-cost power that is reliable, the approach toward nuclear power is important. That was in the bill.

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amount to much. It is not very reliable. And there is no excuse for spending $3 billion over the next 5 years on gigantic windmills that give big subsidies to investors and scar the landscape when we could be spending it on conservation and efficiency. Of course, what I hope, finally, and in pursuit of Senator CONRAD’s goal, is that we double our interest in the hydrogen fuel cell economy. Major manufacturers are telling me they are investing hundreds of millions of dollars each year in hydrogen fuel cells which will have no emissions except water, and one major manufacturer said to me that his company, one of the largest in the world, would have a commercially available car on the market within 10 years, and that was last year. That seems soon to me. But the sooner that happens—the sooner that happens, the better.

To reduce our dependence on foreign oil so that we are not held hostage, and to make sure that we have clean air and to make sure that we do our part not to add to global warming, we should do all these things. We do not need a national windmill policy. We need a comprehensive energy policy.

I see the Senator from Massachusetts.

We would have to put enough giant windmills to cover 70 percent of Massachusetts to equal the amount of energy in the oil we would get from ANWR.

My main purpose is to say to Senator CONRAD that I welcome his proposal. It is a serious, thoughtful effort, as is the characteristic of his efforts.

I wish to ask that we carefully consider where the tax subsidies go before we spend more billions of dollars on a source that is already oversubsidized, that scars the landscape, that only works when the wind blows, that requires large new power lines to be built and that can fend for its own in marketplaces where it is appropriate to be.

I thank the Chair. I yield the floor.

By Mr. BURNS (for himself and Mr. ROCKEFELLER):

S. 2572. A bill to amend the Aviation and Transportation Security Act to extend the suspended service ticket honor requirement; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, I come to the floor today to introduce the Aviation Consumer Protection Extension Act. The bill is a 1-year extension of section 145 of the Aviation and Transportation Security Act, which passed in 2001. The current extension expires in November of this year.

Currently, the aviation industry is going through a difficult time with numerous airline bankruptcies and overall uncertainty. In this environment, airline consumers deserve protection in the circumstance that their air service provider suspends service because of a bankruptcy.

This extension provides that airline passengers holding tickets from a bankrupt carrier are entitled to a seat on a standby basis on any airline serving that route if arrangements are made within 60 days after the bankrupt airline suspends operations.

Under the provision, the maximum fee that an airline can charge for providing standby transportation would not exceed $50 each way. The extension does not apply to charter flights but does cover frequent flyer tickets.

Like all Members of this body, my State of Montana has a number of traveling families. In the unfortunate circumstance that an air carrier discontinues service, those families should not have to foot an outrageous bill to get back home.

In these times of unease and uncertainty in the airline industry, we need to make sure hard-earned family vacations don’t turn into unnecessarily costly expenditures. I look forward to working with my colleagues on a timely passage of this important extension.

By Mr. DURBIN:

S. 2573. A bill to amend the Higher Education Act of 1965 to provide interest rate reductions, to authorize and appropriate amounts for the Federal Pell Grant Program, to allow for in-school consolidation, to provide the administrative account for the Federal Direct Loan Program as a mandatory program, to strike the single holder honor requirement; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2573

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 “Reverse the Raid on Student Aid Act of 2006”.

SEC. 2. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—Section 427A(i) (20 U.S.C. 1077a(b)) is amended—

(1) in paragraph (1)—

(A) by striking “6.8 percent” and inserting “4.25 percent”; and

(B) by inserting before the period at the end the following: “, except that for any loan made pursuant to section 428H for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 7.9 percent on the unpaid principal balance of the loan”;

and

(2) in paragraph (2), by striking “8.5 percent” and inserting “4.25 percent”; and

B) by striking the rating before the period at the end the following: “, except that for any Federal Direct or Federal Direct Unsubsidized Stafford Loans”;

(C) by striking “6.8 percent” and inserting “4.25 percent”; and

(D) by inserting before the period at the end the following: “, and for any Federal Direct Unsubsidized Stafford Loan made for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 7.9 percent on the unpaid principal balance of the loan”; and

SEC. 3. ADMINISTRATIVE ACCOUNT FOR DIRECT LOAN PROGRAM.

Section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h) is amended—

(1) in subparagraph (B), by striking “7.9 percent” and inserting “4.25 percent”;

SEC. 4. IN-SCHOOL CONSOLIDATION.

Section 428(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7)) is amended by striking “shall begin” and all that follows through the period and inserting “shall begin”.

(b) by inserting before the period at the end the following: “, the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the Secretary) between an earlier date and an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.”

SEC. 5. ADMINISTRATIVE ACCOUNT FOR DIRECT LOAN PROGRAM.

Section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h) is amended as read above as follows:

S. 258. FUNDING FOR ADMINISTRATIVE EXPENSES.

(a) ADMINISTRATIVE EXPENSES.—

(1) In general.—Each fiscal year there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—
have become fuel for disease, fire, and insect infestations.

Mr. President, the bark beetle, a pest that normally kills only a few weak trees in a stand, has fed off entire forests of drought-weakened trees. It is a plague that is sweeping through the Rockies.

The bark beetle problem in Colorado is of unprecedented magnitude. The infestation is killing trees over hundreds of thousands of acres, leaving huge, dry fuel loads in its wake.

Across the State, but particularly in the Arapaho National Forest in northern Colorado, bark beetles are turning entire forests into brown, dead stands. In 2004, bark beetles killed an estimated 7 million trees over 1.5 million acres in Colorado.

When you see pictures that show the stands that have been hit by the bark beetle, you can see why people who live nearby are so concerned. You can imagine what a fire would look like if it got into a stand of beetle-infested timber—it would jump from crown to crown, racing up ridges and through the forest soon enough.

Bark-beetle-killed stands are everywhere in Grand County and Larimer County, Summit and Eagle, Saguache and San Miguel. They are increasingly visible in pockets along the Front Range, among houses and communities in the wildland-urban interface.

The areas with smaller outbreaks, like those in the Piute National Forest and the Gunnison National Forest, are just as worrisome as the massive outbreaks in northern Colorado. When we see even a handful of beetle-killed trees, it usually means that the insects are already attacking the surrounding stands.

Private land owners and local governments are doing all they can to combat this problem—they are using their chainsaws to protect their homes, they are spraying trees, and they are devising protection plans. They wonder, though, what can the Federal Government do?

Beetle-kill stands are everywhere in the wildland-urban interface. The people who see the browned-out, dead forests from their kitchen windows wonder why Washington isn't moving faster to curb this onslaught on our public lands—why is the government not clearing out the dead trees, creating buffers to prevent the beetle from spreading, or providing more resources and matching local communities protect themselves?

I have pressed Secretary Johanns to find funds to deal with this emergency in Colorado and across the West. At the current budget levels, we are simply working our way up the bark beetle problem and preparing for the upcoming fire season. We could be treating 2 or 3 times as many acres this year if we only had adequate funds.

We must also give local communities and landowners the tools they need to combat the bark beetle infestation. That is what S2584, the “Rocky Mountain Fires Act,” will do.

My bill will facilitate a swifter response by the Forest Service and BLM to widespread insect infestations in our forests; provide additional money to communities that are preparing or revising their wildfire protection plans; make grant funding available for enterprises that use funds for energy production and other commercial purposes, so that we can put beetle-killed trees and wood from hazard fuels-reduction projects to good use; and allow the Forest Service and the BLM to award stewardship contracts to nearby landowners, so that residents can do hazard fuels reduction on federal lands to protect their homes.

Coloradans are anxious for Congress to take action on the bark beetle issue because they know the dangers they face. They remember the fire storms of 2002, when the Hayman Fire burned 138,000 acres on the Front Range, the Missoury Ridge Fire burned 70,000 acres near Durango, and scores of other fires across the Southern Rockies, that used up our resources and claimed property and lives.

This year could be as bad, or worse, if we don't take action right now.

We must find funds or provide emergency funding so that we can gear up for the fire season. We must pass bark beetle legislation that gives communities and land managers the tools they need to protect property and lives.

We must take action right now. As I am reminded by the reports of fires in Colorado just this summer the summer’s fire season is already upon us.

By Mr. SMITH (for himself and Mr. KERRY):

S. 2585. A bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts; to the Committee on Finance.

Mr. SMITH. America’s service men and women continue to make the ultimate sacrifices for our Nation. In the tragic cases where brave soldiers, marines, airmen, and sailors lose their lives in support of Operation Enduring Freedom or Operation Iraqi Freedom, we must honor their service by ensuring that their families are not forced to shoulder undue financial strain. Therefore, I am honored to introduce the Fallen Heroes Family Savings Act.

This legislation will increase the flexibility given to families while managing the death gratuity payment to the survivors of fallen service men and women. This bill will provide these families expanded financial options to invest the $100,000 death gratuity payment in health, education, and retirement savings accounts. Allowing families to transfer these funds will help them save money for a college education, medical expenses, or to finance a future retirement.

Allowing military families increased financial flexibility is the least we can do to honor the legacy our troops have worked so hard to create. It is my hope that this legislation will assist the
families of fallen service men and women in their time of grief and allow them to plan for their future. I ask for unanimous consent to have printed in the RECORD the following letter from the Military Officers Association of America in support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY OFFICERS ASSOCIATION OF AMERICA, Alexandria, VA, April 6, 2006.

Hon. Gordon Smith, U.S. Senate, Washington, DC.

Dear Senator Smith: I am writing on behalf of the 360,000 members of the Military Officers Association of America (MOAA) in support of your planned legislation, the Fallen Heroes Family Savings Act. This important bill would help military survivors manage the increased death gratuity amounts permanently authorized in the FY2006 National Defense Authorization Act.

The new $100,000 death gratuity provides greatly improved compensation for military survivors but also presents a challenge as to where to safely invest such sizeable sums to provide for future financial security. Your bill would allow survivors to invest death gratuity lump sums in Roth IRAs and other savings accounts, above the contribution limits now allowed. This makes perfect sense and is a logical extension of efforts to increase benefits to widows.

MOAA is grateful for your leadership on this and other issues important to our service members. We pledge our support in seeking enactment of this important legislation.

Sincerely,
Nora Ryan, Jr., President.

Mr. KERRY. Mr. President, today Senator Smith and I are introducing “The Fallen Heroes Family Savings Act” that will help military families that have suffered a tragic loss. In recent years, the Congress has generously increased the amount of the military death gratuity to $100,000 and expanded eligibility to all in uniform.

Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred accounts that help with saving for retirement, health care, or the cost of education. Our legislation would allow families who already have given so much to contribute the death gratuity to certain tax-preferred accounts. These contributions would be treated as qualified rollovers. The contribution limits of these accounts will not be applied to these contributions.

This legislation will not ease the pain of military families that suffer the loss of a loved one, but it can help families put their lives back together. It will enable military families to save more for retirement, education, and health care by being able to put the death gratuity payment in an account in which the earnings will accumulate tax-free.

These changes to our tax laws will help military families with some of their financial burdens. It can not repay the sacrifices that they have made for us, but it hopefully demonstrates the gratitude of a Nation that will not forget the families of the fallen.

By Mr. KERRY:
S. 2586. A bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I rise today to introduce the Minority Entrepreneurship and Innovation Pilot Program, legislation aimed at addressing this Nation’s growing economic disparities through entrepreneurship and business development. It is the spirit of entrepreneurship that has made America’s economy the best in the world. And it is through the energy and vitality of the small business sector that we will help all sectors of American society benefit from our robust economy.

Exactly one year ago, the National Urban League released a report on the State of American Race Relations, which discussed the growing economic gap between African Americans and their white counterparts. The report states that the median net worth of an African American family is $6,100 compared with $60,000 for whites. The report makes clear that closing the racial wealth gap needs to be at the forefront of the civil rights agenda moving into the twenty-first century.

Disproportionate unemployment figures for minorities versus their white counterparts have also been a persistent problem. Even as the administration has been touting the current low nationwide unemployment rate, the African American unemployment rate was 9.5 percent, the Hispanic unemployment rate was 6 percent, while the unemployment rate for whites averaged 4.1 percent.

As the Ranking Member on the Senate Committee on Small Business and Entrepreneurship, I have received first-hand testimony and countless reports documenting the positive economic impact that occurs when we foster entrepreneurship in underserved communities. There are signs of significant economic returns when minority business owners are able to grow in size and capacity. Between 1987 and 1997, revenue from minority owned firms rose by 22.5 percent, an increase equivalent to an annual growth rate of 10 percent and employment opportunities within minority owned firms increased by 23 percent during that same period. There is a clear correlation between the growth of minority owned firms and the economic viability of the minority community.

We have come a long way, but we still have a long way to go if this country is going to keep the promise made to all its citizens of the American dream. In 2005, African Americans accounted for 12.3 percent of the population and only 4 percent of all U.S. businesses. Hispanics Americans represent 12.5 percent of the U.S. population and approximately 6 percent of all U.S. businesses. Native Americans account for approximately 1 percent of the population. Legislation that will help all sectors of American society benefit from our robust economy.

Economic disparities in this country are a very complex issue, particularly when racial demographics are involved. I am well aware that there is no one-size-fits-all solution and there is no single place of legislation that will level the playing field. However, I strongly believe that education and entrepreneurship can help to close the gap in business ownership and the wealth gap that exists in this country. Minorities are already turning to entrepreneurship as a means of realizing the American dream. According to U.S. Census data, Hispanics are opening businesses 3 times faster than the national average. Business development and entrepreneurship have played a significant role in the expansion of the black middle class in this country for over a century.

The Minority Entrepreneurship and Innovation Pilot Program offers a competitive grant to Historically Black Colleges and Universities, Tribal Colleges and Hispanic Serving Institutions to create an entrepreneurship curriculum at these institutions and to open Small Business Development Centers on campus to serve local businesses. The colleges and universities that participate in this program will foster entrepreneurship among their students, the best and brightest of the minority community, and develop a pool of talented entrepreneurs that are essential to innovation, job creation, and closing the wealth gap. The bill would make 24 grants, for $1 million each, available to institutions that include entrepreneurship and innovation as a part of their organizational mission and open a business-counseling center for those graduates that start their own businesses as well as the surrounding community of existing business owners.

The goal of this program is to target students who have skills in highly skilled fields such as engineering, manufacturing, science, and technology, and make these individuals entrepreneurs as a career option. Minority-owned businesses already participate in a wide variety of industries, but are
disproportionately represented in traditionally low-growth and low-opportunity service sectors. Promoting entrepreneurial education to undergraduate students at colleges and universities expands the pool of potential business technology, financial services, legal services, and other non-traditional areas in which the overall development of minority firms has been slow. Growing the size and capacity of existing minority firms and promoting entrepreneurship among minority students already committed to higher education will have a direct relationship on the employment rate, income levels and wealth creation of minorities throughout the nation.

The funds are also to be used to open a Small Business Development Center (SBDC) on the campus of the institution to assist in capacity building, innovation and market niche development, and to offer traditional business counseling to other SBDCs.

The one-to-one counseling offered by the business specialists at these centers has proven to be the most effective model available for making entrepreneurs run more effective, more efficient, and more successful businesses. By placing the centers on campus, the institutions will be able to leverage the $1 million grant for greater returns and coordinate efforts with the school’s academic departments to maximize the efficacy of the program.

While the funding in this bill is modest relative to the multi-billion dollar budgets we discuss on a daily basis, these funds can go a long way and be leveraged to create economic growth in the most needed areas of this country. With this legislation, we will help foster long-term innovation and competitiveness in the small business sector. Mr. President, this bill is a small investment in the future of this country, and I am sure will do much to foster economic growth in our minority communities and beyond. I urge my colleagues to join me as cosponsors of this important piece of legislation.

By Mr. DOMENICI (for himself and Mr. INHOFE) (by request): S. 2589. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes:

Committee shortly after the conclusion of the upcoming recess. I look forward to working with the administration, Senator INHOFE, and other interested Senators to facilitate the construction and operation of the repository, a project so important to the continued development of safe, clean, and efficient nuclear power in this country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2589

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 “Nuclear Fuel Management and Disposal Act”.

SEC. 2. DEFINITION. (a) DEFINITIONS FROM NUCLEAR WASTE POLICY ACT OF 1982.—In this Act, the terms “Commission”, “disposal”, “Federal agency”, “high-level radioactive waste”, “repository”, “Secretary”, “spent nuclear fuel”, and “Yucca Mountain site” have the meaning given those terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) OTHER DEFINITIONS.—In this Act: (1) PROJECT.—The term “Project” means the Yucca Mountain Project.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means the Secretary of the Air Force or the Secretary of the Interior, or both, as appropriate.

(3) WITHDRAWAL.—The term “Withdrawal” means the withdrawal under section 3(a)(1) of the geographic area consisting of the land described in this Act.

SEC. 3. LAND WITHDRAWAL AND RESERVATION. (a) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.— (1) LAND WITHDRAWAL.—Subject to valid existing rights and except as provided otherwise in this Act, the land described in subsection (c) is withdrawn permanently from all forms of entry, appropriation, and disposal under the public land laws, including, without limitation, the mineral leasing laws, geothermal leasing laws, and mining laws.

(2) JURISDICTION.— (A) IN GENERAL.—Except as otherwise provided in this Act, the Secretary shall have jurisdiction over the Withdrawal.

(B) TRANSFER.—There is transferred to the Secretary the land covered by the Withdrawal that is under the jurisdiction of the Secretary concerned on the date of enactment of this Act.

(3) RESERVATION.—The land covered by the Withdrawal is reserved for use by the Secretary for the development, preconstruction testing and performance confirmation, siting, management and operation, monitoring, closure, post-closure, and other activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(b) REVOCATION AND MODIFICATION OF CITED USES.—(1) IN GENERAL.—The term “cited uses” means the withdrawal under section 3(a)(1) of the geographic area described in this Act.

(2) CITED USES.—The cited uses, as defined in section 2 of the Nuclear Waste Policy Act of 1982, do not apply to the land covered by the Withdrawal and reserved by subsection (a) except as provided in paragraph (3).
of non-Project-related uses that the Secretary considers to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with clauses (ii) and (iii).

(ii) Grazing.—Subject to regulations, policies, and practices that the Secretary, after consultation with the Secretary of the Interior, determines to be necessary or appropriate, the Secretary may permit grazing on land covered by the Withdrawal to continue on areas on which grazing was established before the date of enactment of this Act in accordance with applicable grazing laws and policies, including—

(I) the Act of June 28, 1949 (commonly known as the "Taylor Grazing Act") (43 U.S.C. 315 et seq.);

(ii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1551 et seq.);

(ii) Hunting and Trapping.—The Secretary may permit hunting and trapping on land covered by the Withdrawal on areas in which hunting and trapping were permitted before the date of enactment of this Act, except that the Secretary, after consultation with the Secretary of the Interior and the State of Nevada, may establish periods during which, no hunting or trapping is permitted for reasons of public safety, national security, administration, or public use and enjoyment.

(F) Mining.—

(i) in general.—Except as provided in subparagraph (B), surface or subsurface mining or oil or gas production, including slant drilling from outside the boundaries of the land covered by the Withdrawal, is not permitted on or under the land covered by the Withdrawal.

(ii) Validity of claims.—The Secretary of the Interior shall evaluate and adjudicate any claim or interest in land covered by the Withdrawal, or the airspace above land covered by the Withdrawal, the Secretary—

(i) may close the portion of land or the airspace; and

(ii) shall provide public notice of the closure.

(iii) Implementation.—The Secretary and the Secretary of the Interior concerned shall implement the management plan developed under paragraph (2) in accordance with terms and conditions on which the Secretary and the Secretary concerned concurred in the final Environmental Impact Statement.

(f) Immunity.—The United States (including each department and agency of the Federal Government) shall be held harmless, and shall not be liable, for damages to a person or property suffered in the course of any mining, mineral leasing, or geothermal leasing activity conducted on the land covered by the Withdrawal.

(g) Land Acquisition.—

(1) in general.—The Secretary may acquire land, and interests in land within the land covered by the Withdrawal.

(2) method of acquisition.—Land and interests in land described in paragraph (1) may be acquired by donation, purchase, lease, exchange, easement, right-of-way, or other appropriate methods using donated or appropriated funds.

(iii) Exchange of Land.—The Secretary of the Interior shall consummate any exchange of land covered by the Withdrawal for Federal land not covered by the Withdrawal.

Sec. 4. Application Procedures and Infrastructure Activities.

(a) Application.—Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended—

(i) by striking "If the President" and inserting the following:

(1) "If the President";

(2) by adding at the end the following:

(2) "required information.—An application for construction authorization shall not be required to contain information any surface facility other than surface facilities necessary for initial operation of the repository.

(b) Application Procedures and Infrastructure Activities.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended—

(i) in the first sentence, by striking "The Commission shall consider" and inserting the following:

(1) "The Commission shall consider";

(ii) by striking the last 2 sentences; and

(iii) by inserting after paragraph (1) (as designated by paragraph (3)) the following:

(2) "amendments to application for construction authorization.—

(1) in general.—If the application for construction authorization submitted to the Secretary contains an application for an infrastructure activity undertaken under this paragraph, the Secretary shall not be required to consider the need for the action, alternative actions, or a no-action alternative.

(ii) other agencies.—

(1) in general.—To the extent that a Federal agency is required to consider the potential environmental impact of an infrastructure activity undertaken under this paragraph, the Federal agency shall adopt, to the maximum extent practicable, an environmental impact statement or similar analysis prepared under this paragraph without further action.

(2) Effect of Adoption of Statement.—Adoption of an environmental impact statement or similar analysis described in subsection (1) shall be considered to satisfy the responsibilities of the adopting agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and no further action for the activity covered by the statement or analysis shall be required by the agency.

(c) Denials of Authorization.—The Commission may not deny construction authorization, permission to receive and possess spent nuclear fuel or high-level radioactive waste, or any other action concerning the repository on the ground that the Secretary undertook an infrastructure activity under this paragraph.

(d) Connected Actions.—Section 114(f)(6) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)(6)) is amended—

(1) by striking "or"; and

(2) by inserting before the period the following: 

- or any other action connected or otherwise related to the repository, to the extent the action is undertaken outside the geologic repository operations area and does not require a license from the Commission; or

- Section 120 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10140) is amended—

(1) in subsection (a)(1)—

(A) by striking the first sentence, by inserting 

- or the conduct of an infrastructure activity," after "repository";
SEC. 5. NUCLEAR WASTE FUND.

(a) CREDITING FEES.—Beginning on October 1, 2007, and continuing through the end of the fiscal year 2018, fees from the sale of any material owned by the Secretary, if (A) located on the land covered by the license issued by the Commission for the construction or operation of a nuclear reactor or in-...
historical awards dating from 1972 to the present.

This type of information should be available for all Federal contracts, grants, loans, and assistance provided by all Federal agencies and departments.

It often takes agencies months to verify or to determine an organization’s funding when requested by Congress. There are numerous examples of Federal agencies or entities receiving Federal funds actually trying to camouflage how Federal dollars are being spent or distributing public funds in violation of Federal laws.

In October 2005, the House Government Reform Committee’s Subcommittees on Crime, Justice, Drug Policy and Human Resources questioned the U.S. Agency for International Development, USAID, assistant administrator to determine if the agency was funding a prostitution-nongovernmental organization called Sampa Grameen Mahila Sanstha, SANGRAM, in apparent violation of Public Law 108-25. This law prohibits funds from being used “to promote or advocate the legalization or practice of prostitution or antitrafficking aid or organizations.”

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According to an unclassified State Department memorandum, Reparandum, Reparandum, International, an antitrafficking organization working in India, was “confronted by a USAID-funded NGO, SANGRAM while the former attempted to rescue and provide long-term care for child victims of sex trafficking. The confrontation led to the release of 17 minor girls—victims of trafficking—into the hands of traffickers and sex traffickers.” According to this memorandum, SANGRAM “allowed a brothel keeper into a shelter to pressure the girls to cooperate with his counselors. The girls are now back in the brothels, being subjected to rape for profit.”

On November 16, 2005, a USAID brief noted that USAID had “nothing to do with” the grant to the prostitution-nongovernmental organization called SANGRAM and that the subcommittee’s inquiries were “destructive.” Nonetheless, congressional investigators continued to pursue this matter and determined that USAID money financed the prostitution SANGRAM through a second organization named Avert, which was established with the assistance of four USAID employees as a pass-through entity. USAID has held the ex-officio vice chairmanship of Avert since inception. According to documents obtained by the subcommittee, the USAID board member of Avert voted twice to award funding to SANGRAM—July 27, 2002 and again on December 3, 2004—the last time being some 18 months after the provisions of Public Law 108-25 prohibited taxpayer funding of prostitution groups like SANGRAM.

Last August, HHS sponsored a conference in Utah entitled the “First National Conference on Methamphetamine, HIV and Hepatitis” that promoted illegal drug abuse and dangerous sexual behavior. Conference sessions included: “Vic’s Not New, Our ‘War’ on Methamphetamine”; “You Don’t Have to Be Clean & Sober. Or Even Want To Be!”; “Tweaking Tips for Party Boys”; “Barebacking: A Harm Reduction Approach”; and “Without condoms: Harm Reduction and Safer Sex” by project officer, Utah did not inform the project officer about the particular source of the funding for the conference.

Previously, the CDC was questioned about its financial support for a number of dubious HIV prevention workshops, including “flirting classes” and “Booty Call,” orchestrated by the Stop AIDS Foundation of San Francisco. While CDC repeatedly denied to both Congress and the public that taxpayer funds were used to finance these programs, a Stop AIDS Project official eventually admitted in August 2001 to using Federal funds for the programs. An HHS Office of Inspector General, OIG, investigation also concluded in November 2001 that Federal funds were used to finance the programs and that the programs themselves contained content that may violate Federal laws and Federal guidelines were not followed. The project, funded to support the conference. While Utah informed a CDC project officer that Utah and the Harm Reduction Coalition were sponsoring the conference and shared a draft agenda with the project officer, Utah did not inform the project officer about the particular source of the funding for the conference.

By Mr. HARKIN. Mr. President, our Nation faces a public health crisis of the first order. Poor diet and physical inactivity are contributing to growing rates of obesity, a chronic disease in the U.S. These problems do not just affect adults, but increasingly affect the health of our children as well. Research suggests that one-third of American children born today will develop type II diabetes at some point. For some minority children, the numbers are even more shocking, as high as 50 percent. At the same time, rates of overweight among children are skyrocketing: tripling among children ages 6-11, and doubling among children ages 2 to 5 and ages 12-19 over the past three decades. Indeed, just this week the Journal of the American Medical Association released a new study that found that in the past 5 years, rates of childhood overweight and obesity rose very significantly.

There are many reasons for this public health crisis, and accordingly, addressing the crisis will require multiple solutions as well. One place where we can start is with our schools, which have been inundated with foods and drinks having little or no positive nutritional value. A recent study from the Government Accountability Office found that at some point, for some minority children, the numbers are even more shocking, as high as 50 percent. At the same time, rates of overweight among children are skyrocketing: tripling among children ages 6-11, and doubling among children ages 2 to 5 and ages 12-19 over the past three decades. Indeed, just this week the Journal of the American Medical Association released a new study that found that in the past 5 years, rates of childhood overweight and obesity rose very significantly.

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of our children, but they also have a negative impact of the investment of taxpayer dollars in the health of our kids. Every year the Federal Government spends nearly $10 billion to reimburse schools for the provision of meals through the National School Lunch Program and School Breakfast Program. In order to receive reimbursement, these meals must meet nutritional standards based upon the Dietary Guidelines for All Americans, the official dietary advice of the U.S. government. These guidelines state that food choices and even issues in our schools do not fall under these guidelines. Therefore, as children consume more and more of the foods typically sold through school vending machines and snack bars, it undermines the nearly $10 billion in Federal reimbursements that we spend on nutritionally balanced school meals.

Finally, the heavy selling of candy, soft drinks and other junk food in our schools undermines the guidance, and even the instruction and authority of parents who want to help their children consume sound and balanced diets. The American public agrees. A Robert Wood Johnson Foundation poll from several years ago found that 90 percent of parents would like to see schools remove the typical junk food from vending machines and replace it with healthier alternatives. My bill seeks to restore the role and authority of parents by ensuring that schools provide the healthy, balanced nutrition that contributes to health and development.

What really hurts children and undermines parents is the junk food free-for-all that currently exists in so many of our schools. How does it help kids if the school sells them a 20-ounce soda and a candy bar for lunch when their parents have sent them to school with the expectation that they will have balanced meals from the school lunch program? For the first time ever, bipartisan legislation is being introduced in both Chambers of Congress to address this problem—and to do what is right for the health of our kids. This bill is supported by key health and education groups, and I would like to thank the National PTA, the American Medical Association, the Center for Science in the Public Interest, the American Heart Association, the American Dietetic Association, the American Diabetes Association, and others for their strong support.

The Child Nutrition Promotion and School Lunch Protection Act of 2006 does two very simple but important things:

First, it requires the Secretary of Agriculture to initiate a rulemaking process to update nutritional standards for foods sold in schools. Currently, USDA relies upon a very narrow nutritional standard that is nearly 30 years old. Since that definition was formulated, children’s diets and dietary risk have changed dramatically. In that time, we have also learned a great deal about the relationship between poor diet and chronic disease. It is time for public policy to catch up with the science.

Second, the bill requires the Secretary of Agriculture to apply the updated definition of junk food on school campuses and throughout the school day. Currently, the Secretary can only issue rules limiting a very narrow class of foods, and then only stop their sales in the actual school cafeteria during the meal period. As a result, a child only has to walk into the hall outside the cafeteria to buy a “lunch” consisting of soda, a bag of chips and a candy bar. This is a loophole that is big enough to drive a soft drink delivery truck through—literally. It is time to close it.

The bill is supported in the Senate by a bipartisan group of Senators. Joining me in introducing the bill are Senator SPECTER of Pennsylvania, Senator BINGAMAN of New Mexico, Senator MURkowski of Alaska, Senator Durbin of Illinois, and Senator CHAFEE of Rhode Island. The diverse group of supporters of this bill cuts all lines and shows that when the health of our children is at stake, we can put aside our differences in the interest of our children.

This bill, by itself, will not solve the problem of poor diet and rising rates of chronic disease among our children and adults. But it is a start. Scientists predict that—because of obesity and preventable chronic diseases—the current generation of children could very well experience shorter lives than their parents. If this isn’t a wakeup call, I don’t know what is.

Our children are at risk. The time to act is now. And that’s why I am pleased to introduce the Child Nutrition Promotion and School Lunch Protection Act of 2006. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Child Nutrition Promotion and School Lunch Protection Act of 2006”.

SEC. 2. FINDINGS.

Congress finds that—

(A) regulations to revise the definition of “food of minimal nutritional value” and promulgated regulations for the sale of those foods during meal times, nutrition science has evolved and expanded;

(B) the current definition of “food of minimal nutritional value” is inconsistent with current knowledge about nutrition and health;

(C) because of obesity and pre-

4. R EQUIREMENTS.

(1) outside the school meal programs;

(2) outside the school meal programs; and

(3) in order to promote child nutrition and health, Congress—

(A) has authorized the Secretary to establish nutritional standards in the school cafeteria during meal times;
foods (including calories, portion size, saturated fat, trans fat, sodium, and added sugars) to the diets of children;

(ii) evidence concerning the relationship between consumption of certain nutrients, ingredients, and foods to both preventing and promoting the development of overweight, obesity, and other chronic illnesses;

(iii) a method for setting appropriate nutritional standards for foods sold outside of the reimbursable meal programs in schools; and

(iv) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

(2) IMPLEMENTATION.

(A) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the proposed regulations shall take effect at the beginning of the school year following the date on which the regulations are finalized.

(ii) EXCEPTION.—If the regulations are finalized on or before the date that is 1 year after the date of enactment of this paragraph, the Secretary has not promulgated final regulations, the proposed regulations shall take effect at the beginning of the following school year.

(B) FAILURE TO PROMULGATE.—If, on the date that is 1 year after the date of enactment of this paragraph, the Secretary has not promulgated final regulations, the proposed regulations shall be considered to be final regulations.

(S. 2593) A bill to protect, consistent with Roe v. Wade, a woman’s freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing the Freedom of Choice Act. When the Supreme Court issued its landmark Roe v. Wade decision in 1973, it affirmed that our constitutional right to privacy grants women the freedom to choose whether to begin, prevent, or continue a pregnancy.

The purpose of this bill is very simple: It ensures that the guarantees of Roe v. Wade will be there for every generation of women.

We know what Roe has meant for women these past 33 years. It has allowed them to make their most personal and difficult reproductive decisions in consultation with loved ones and health care providers. It has given them the dignity to plan their own families and the ability to participate fully in the economic and social life of our country. And, most important, it has protected women’s health and saved lives.

Many of us are old enough to remember what it was like in the days before Roe. More than a million women a year were forced to seek illegal abortions, pushed into the back alleys where they risked infection, hemorrhage, disfigurement, or death. We all know that thousands of women died every year because of illegal abortions before Roe.

When the Senate debated the Supreme Court nomination of Judge Alito, women wrote to me with their own heart-breaking stories. For one woman, the year was 1956. She was only four when her mother died of an illegal abortion performed with a coat hanger. Too scared to ask for help, her mother bled to death at work.

Another woman wrote to me about how hard her mother and father struggled during the depression, how they worked day and night to make ends meet and support their two children. When her mother found out she was pregnant again, she had health problems, and she knew she couldn’t take care of another child. She made the very difficult decision to get an illegal abortion. The procedure left her bleeding for weeks, and she almost died.

Mr. President, the American people do not want us to go back to those dark days. In a recent CNN poll, 66 percent said they do not want Roe overturned. Congress has a moral obligation to protect Roe’s decision afoot to overrule Roe and, in the meantime, to severely undermine its promises.

Make no mistake: The threat to Roe is real and immediate. President Bush has already appointed anti-choice justices on the Supreme Court, where reproductive freedom now hangs by a thread. More than 450 anti-choice measures have been enacted by the states since 1995.

Recently, South Dakota enacted a ban on abortion in nearly all circumstances, even when a woman’s health is at stake, even when she is the victim of rape and incest. And South Dakota is not alone. Several other states are considering similar bans.

The extremists behind these abortion bans make no secret about their goal. They want to use these laws to overturn Roe, and they think that the changes on the Supreme Court give them a chance. We must act now. That is why I am introducing legislation today to protect the reproductive freedom of women across America.

The Freedom of Choice Act writes Roe v. Wade into federal law. It says that every woman has the fundamental right to privacy grants. She can terminate a pregnancy when necessary to protect the health or life of the mother, after viability; or, if necessary to protect the life or health of the mother; or, if necessary to prevent a serious risk of serious, physical harm to the mother; or, in the case of a fertilized egg, if the mother’s life would be endangered by the pregnancy. Through these provisions, a woman is guaranteed the right to privacy to make her most intimate decisions, whether to bear a child or terminate a pregnancy.

S. 2593

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 “Freedom of Choice Act.”

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States was founded on core principles, such as liberty, personal privacy, and equality, which ensure that individuals can make their own reproductive decisions without governmental interference and discrimination.

(2) One of the most private and difficult decisions an individual makes is whether to begin, prevent, continue, or terminate a pregnancy. Those reproductive health decisions are best made by women, in consultation with their loved ones and health care providers.

(3) In 1965, in Griswold v. Connecticut (381 U.S. 479), and in 1973, in Roe v. Wade (410 U.S. 113) and Doe v. Bolton (410 U.S. 179), the Supreme Court recognized that the right to privacy protected by the Constitution encompasses the right of every woman to weigh the serious and important considerations involved in deciding whether to begin, prevent, continue, or terminate a pregnancy.

(4) Roe v. Wade decision carefully balances the rights of women to make important reproductive decisions with the State’s interest in potential life. Under Roe v. Wade decision, the right to privacy protects a woman’s decision to choose to terminate her pregnancy prior to fetal viability, with the State permitted to ban abortion after viability except when necessary to protect a woman’s life or health.

(5) These decisions have protected the health and lives of women in the United States. Prior to the Roe v. Wade decision in 1973, an estimated 1,200,000 women each year were forced to resort to illegal abortions, despite the risk of unsanitary conditions, incompetent treatment, infection, hemorrhage, disfigurement, and death. Before Roe, it is estimated that thousands of women died annually in the United States as a result of illegal abortions.

(6) In countries in which abortion remains illegal, the risk of maternal mortality is high. According to the World Health Organization, of the approximately 500,000 pregnancy-related deaths occurring annually around the world, 80,000 are associated with unsafe abortions.

(7) The Roe v. Wade decision also expanded the opportunities for women to participate equally in society. In 1992, in Planned Parenthood v. Casey (505 U.S. 833), the Supreme Court observed that, “[t]he right of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.”

(8) Even though the Roe v. Wade decision has stood for more than 30 years, there are increasing threats to reproductive health and family planning services emerging from all branches and levels of government. In 2006, South Dakota became the first State in more than 15 years to enact a ban on abortion in nearly all circumstances. Support of this ban has been admitted it is an attempt to directly challenge Roe in the courts. Other States are considering similar bans.

(9) Legal and practical barriers to the full range of reproductive services endanger women’s health and lives. Incremental restrictions on the right to choose imposed by Congress and States have made access to abortion care extremely difficult, if not impossible, for many women across the country.
country. Currently, 87 percent of the counties in the United States have no abortion provider.

(10) While abortion should remain safe and legal, we also have more meaningful access to family planning services that prevent unintended pregnancies, thereby reducing the need for abortion.

(11) Rejections of Roe v. Wade, Federal legislation is necessary.

(12) Although Congress may not create constitutional rights without amending the Constitution, the Constitution may, where authorized by its enumerated powers and not prohibited by the Constitution, enact legislation to create and secure statutory rights in areas of legitimate national concern.

(13) Congress has the affirmative power under section 8 of article I of the Constitution and section 5 of the 14th amendment to the Constitution to enact legislation to facilitate interstate commerce and to prevent State interference with interstate commerce, liberty, or equal protection of the laws.

(14) Federal protection of a woman’s right to choose to prevent or terminate a pregnancy falls within this affirmative power of Congress, in part, because—

(A) many women cross State lines to obtain abortions and many more would be forced to do so absent a constitutional right or Federal protection;

(B) reproductive health clinics are commercial actors that regularly purchase medicine, medical equipment, and other necessary supplies from out-of-State suppliers; and

(C) reproductive health clinics employ doctors, nurses, and other personnel who travel across State lines in order to provide reproductive health services to patients.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT.—The term “government” includes a branch, department, agency, instrumentality, or official (or other individual acting under color of law) of the United States, a State, or a subdivision of a State.

(2) STATE.—The term “State” means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States.

(3) VIABILITY.—The term “viability” means that stage of pregnancy when, in the best medical judgment of the attending physician based on the particular medical facts of the case before the physician, there is a reasonable likelihood of sustained survival of the fetus outside of the woman.

SEC. 4. INTERFERENCE WITH REPRODUCTIVE HEALTH PROHIBITED.

(a) STATEMENT OF POLICY.—It is the policy of the United States that every woman has the fundamental right to choose to bear a child, to terminate a pregnancy prior to fetal viability, or to terminate a pregnancy after fetal viability when necessary to protect the life or health of the woman.

(b) PREVENTION OF INTERFERENCE.—A government may not—

(1) deny or interfere with a woman’s right to choose—

(A) to bear a child;

(B) to terminate a pregnancy prior to viability; or

(2) discriminate against the exercise of the rights set forth in paragraph (1) in the regulation of any benefit, facilities, services, or information.

(c) CIVIL ACTION.—An individual aggrieved by a violation of this section may obtain appropriate relief (including relief against a government) in a civil action.

SEC. 5. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of such provision to persons or circumstances other than those to which the provision is held to be unconstitutional, shall not be affected.

SEC. 6. RETROACTIVE EFFECT.

This Act applies to every Federal, State, and local statute, ordinance, regulation, administrative order, decision, policy, practice, or other action enacted, adopted, or implemented before, on, or after the date of enactment of this Act.

By Mr. KERRY (for himself, Mr. PRYOR, and Ms. LANDRIEU):

S. 2594: A bill to amend the Small Business Act to reauthorize the loan guarantee program under section 7(a) of that Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, every three years, this committee reviews the majority of the Small Business Administration’s (SBA) programs to see what’s working, what’s broken, and what can be improved. As ranking member of the Small Business and Entrepreneurship Committee, I have reviewed, and small businesses for more than 20 years. I have worked on many reauthorizations. I can tell you that the SBA reauthorization process is a great opportunity to examine programs, to work with the small business community and SBA’s partners to see who use these programs on a day-to-day basis—and the SBA, to ensure that they serve their intended purpose and make the dream of a small business a reality to those who might not be eligible for business loans through conventional lending, don’t have an MBA but need some management counseling, or need help cutting through red tape to get government contracts.

Today I am focusing on the SBA’s largest and most successful loan programs. Specifically, I am introducing legislation to reauthorize the 7(a) Loan Guarantee Program for three years. This bill, the “7(a) Loan Program Reauthorization Act of 2006,” authorizes the SBA to back more than a combined $38 billion in 7(a) loans to small businesses, gives borrowers more options when choosing SBA financing, reduces program fees on borrowers and lenders if the government charges excess fees or has excess funds, and establishes minority depository programs. The Small Business Development within SBA to increase the availability of capital to minorities, and creates a National Preferred Lenders program to streamline the application process for exemplary lenders to operate on a national basis and reach more borrowers. 7(a) loans are the most basic and widely used loan of the SBA business loan programs. These loans help qualified, small businesses obtain financing which is guaranteed for working capital, machinery and equipment, furniture and fixtures, land and building (including purchase, renovation and new construction), leasehold improvements, and debt refinancing, under special conditions. The loan maturity is up to 10 years for working capital and generally up to 25 years for fixed assets. A key concept of the 7(a) guarantee loan program is that the loan actually comes from a commercial lender or the government.

This excellent private/public partnership has made this program one of the agency’s most popular, with over 400,000 approved loans in the past six years. Last year alone, 96,000 small businesses received $15 billion in 7(a) loans, creating or retaining an estimated 460,000 jobs. To ensure that we continue to have enough authorization levels to manage the increasing demand, my bill reauthorizes the 7(a) Loan Program for three additional years at $18,500,000,000 fiscal year 07, $19,500,000,000 fiscal year 08 and $20,500,000,000 fiscal year 09. These authorization levels ensure that program levels are sufficiently high to enable the SBA to back the maximum amount of loans as possible and avoid credit rationing or shutdowns.

Providing appropriate authorization levels to adequately address the capital needs of small businesses will be important as ensuring that eligible borrowers have access to both fixed asset financing and working capital to address all of their small business needs. Currently, borrowers who need working capital may be forced to choose between the two programs. To prevent a situation where a borrower is forced to choose between getting a much-needed facility or getting working capital, my bill specifies that the borrower can have financing under both loan programs at the maximum level, given they qualify for both programs. In the last three years, both 7(a) and 504 loans were subsidized by appropriated funds to pay losses. It was therefore appropriate to restrict small businesses to choose between the two programs. However, both of these programs are now self-supporting, and it makes no sense to continue this restriction on borrowers.

One of our jobs on the Committee is to make sure that SBA-backed financing remains affordable to the small business community. As referenced, the 7(a) program is now self-funding. The Administration insisted on eliminating all funding for the loans, shifting the cost to borrowers and lenders, by imposing higher fees on them. The administration refers to this as a “savings” of $100 million to taxpayers while the small business community considers this a “tax.” In addition to this “tax,” the President’s budget shows that borrowers and lenders already pay too much in fees, generating over $200 million overpayments since 1992 because the government routinely under-estimates the amount of fees needed to cover the cost.
of the program. This is part of the reason that many of us in Congress, on both sides of the aisle, opposed eliminating funding for the program. This legislation seeks to address overpayments by requiring the SBA to lower fees and lenders plus, rather than is necessary to cover the program costs or if the Congress happens to appropriate money for the program and combined with fees there is excess funding to cover the cost of the program. The Senate adopted this provision, offered by me and Senator LANDRIEU last year, to the fiscal year 2006 Commerce Justice State Appropriations bill.

In this reauthorization process, as I mentioned previously, I think it is important to look at specific programs and examine whether or not they are meeting their goals and intended mission. Part of the agency’s mission is to fill the financing gap left by the private sector. According to a recent study by the U.S. Chamber of Commerce and Business Loan Express, availability of capital remains a priority for all small businesses, but for Hispanics and African Americans, it is one of their three concerns. These are still more likely to use credit cards to finance their businesses, and they face denial from lenders. Knowing of this need, I was deeply disappointed to see that although SBA’s loan programs have outgrown lending overall, the figures surrounding the percentage of small business loans going to African Americans, Hispanics, Asian Americans, and women have not changed much since 2001. The administration will tell you that SBA has “highly successful” in making business loans to minority firms. For all small businesses groups facing competitive opportunity challenges, they claim that in fiscal year 2005, almost 30 percent of 7(a) loans and about 25 percent of 504 loans were made to minority groups. According to a recent SBA’s own data, since 2001, while numbers of 7(a) loans have gone up for African Americans, the dollars have remained at 3 percent of all money loaned. In the 504 program, loans to women have decreased from 19 percent in number to 15 percent, and dropped from 16 percent to 14 percent in dollars. In the Microloan program, African Americans received 28 percent of the total number of microloans made in 2001 and only 21 percent of the total number of loans made in 2005. Their microloan dollars have also decreased from $7.1 million to $5.7 million in 2005. Native Americans went from 2 percent of the total number of microloans made in 2001 to less than 1 percent—a mere 93 percent—in 2005.

These statistics are of great concern and demonstrate that the SBA has not been highly successful in playing an active role in fostering and encouraging robust and useful activity in small business ownership amongst these minority groups. The stagnant percentage of small business loans in these communities represents a failure of this Administration to provide an alternative means of obtaining capital to our underserved communities where funding is not yet available through conventional lending methods.

To break this trend and increase the proportion of small business loans to minorities, and the percentage of loans to African Americans, Hispanics, and Asians relative to their share of the population, my bill creates an Office of the Minority Small Business Development at the SBA, similar to offices devoted to business development of veterans and women and rural areas. In charge of the office will be the Associate Administrator for Minority Small Business and Capital Ownership Development with expanded authority and an annual budget to carry out its mission. Currently this position is limited to carrying out the policies and programs in the Small Business Act required in sections 7(i) and 8(a) of the Small Business Act. To make sure that minorities are getting a great share of loan dollars, venture capital investments, counseling, and contracting, this bill expands its authority and duty and monitor and evaluate the outcomes for programs under Capital Access, Entrepreneurial Development, and Government Contracting. It also requires the head of the Office to work with SBA’s partners, trade associations, and groups to identify more effective ways to market to minority business owners, and to work with the head of Field Operations to ensure that district offices have staff and resources to market to minorities. The latter is important because when SBA implemented its extensive workforce transformation plans several years ago, it eliminated lending-related jobs with a partial justification that remaining staff would be trained to do what and help the community. However, district offices are not provided with sufficient funds or resources to do the job.

In addition to setting sufficient program levels, giving our borrowers maximum loan options, reaching the underserved, and lowering fees to our borrowers, my bill makes great improvements in our lender operations. Lenders are key to providing these loans to small business borrowers. My bill requests that an additional provision in the 7(a) program will often become a “preferred lender,” with the authority to approve, close, and make loans to minority business owners, and to work with the head of Field Operations to ensure that district offices have staff and resources to market to minorities. The latter is important because when SBA implemented its extensive workforce transformation plans several years ago, it eliminated lending-related jobs with a partial justification that remaining staff would be trained to do what and help the community. However, district offices are not provided with sufficient funds or resources to do the job.

As a result, we need to reform the process by requiring the SBA to establish a simple and straightforward alternative size standard for business loan applicants under section 7(a), similar to what is already available for small businesses in the 504 loan program, which utilizes maximum tangible net worth and average net income as an alternative to the use of industry standards. Currently, in order to be eligible for an SBA business loan, the borrower must meet the definition of a small business. Pursuant to the Small Business Act, SBA has promulgated size standards by industry utilizing the North American Industry Classification System. The SBA table based on this system is about 20 pages, single-spaced, which has made this size standard very complicated for lenders to utilize.

In closing, I want to commend the community of 7(a) lenders for the tens of thousands of borrowers they reach every year, and for working with us to understand how to improve the program to attract more lenders and reach more borrowers. I hope that the Committee will act on this bill and other similar reauthorization bills before the laws they are based on expire on September 30, 2006. I ask unanimous consent that my remarks be printed in the RECORD.
By Mr. KERRY (for himself and Mr. PEYTON):

S. 2595. A bill to amend the Small Business Investment Act of 1958 to modernize the treatment of development companies; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, today, as Ranking Democrat on the Committee on Small Business and Entrepreneurship, I am introducing a reauthorization of the Small Business Administration’s (SBA) 504 Loan Guaranty Program. This legislation goes beyond simply reauthorizing the 504 loan program. Not only does this bill provide adequate authorization levels in the 504 loan program, but it also takes on important oversight and accountability issues pertaining to the operation of Certified Development Companies (CDC). The issues that I will present in detail below are well overdue and failure on Congress’s behalf to deal with them before the end of the fiscal year when the program expires will short-change our borrowers, and ultimately our communities who reap the benefits of the local economic development that the 504 loan program is intended to provide.

For more than 20 years, the 504 loan program has provided long-term financing for growing businesses with long-term (up to 20 years), fixed-rate financing for major fixed assets, such as purchasing land and making improvements, including existing buildings, grading, street improvements, utilities, parking lots and landscaping; construction, renovation or converting existing facilities; or purchasing long-term machinery and equipment. The 504 loan is made through a collaboration between the Certified Development Company (which provides 40 percent of the financing), a private sector lender (covering up to 50 percent of the financing) and a contribution of at least 10 percent from the small business being helped. This program is a national leader in economic development financing programs and demonstrates it through, creating or retaining over 1.4 million jobs, backing more than $25 billion in loans, and leveraging over $30 billion in private investment.

The returns to our community could not be possible without the solid mission of the program that drives the types of projects and borrowers it serves. This program was not established only to make loans, but was established to promote local economic development and to create jobs. I cannot think of another federal economic development program that has created over 605,000 jobs, as the 504 program has, through a year alone. The 504 program created over 145,000 jobs. As the demand for 504 loans continues to grow, it is more important than ever to re-affirm the mission of the 504 program and to ensure that the 504 program is reapplied at adequate levels to meet this growth.

To address this issue, my bill reauthorizes the 504 Loan Program for three additional years at $8,500,000,000, fiscal year 07, $9,500,000,000, fiscal year 08, and $10,500,000,000, fiscal year 09. These levels are based on the current pace of program growth to ensure that there is more than adequate authorization. The total demand in the pipeline is projected to exceed $7 billion, and the last 3 years have shown growth rates of 28 percent, 26 percent, and 26 percent. A low authorization level would either force the SBA to shut down the program or, as we saw last year, go through, creating or retaining over 1.4 million jobs, backing more than $25 billion in loans. This has the potential to drive up subsidy costs of the program and therefore fees on borrowers, CDCs and lenders. This bill puts forward a solution to this issue by decentralizing liquidation functions and allowing CDCs, if they choose, to foreclose and liquidate defaulted loans or to contract with a qualified third-party to perform foreclosure and liquidation of defaulted loans in its portfolio. However, CDCs would not be required to do so. If the borrower is not able to make the payments to the SBA, the program has come up with a program to compensate and reimburse them for all expenses pertaining to foreclosure and liquidation. The expenses would be approved in advance by the Administrator or on an emergency basis. The biggest structural change that has had a tremendous impact on our not-for-profit CDCs is the ability to expand operations into multiple states. This structural change, in conjunction with the program guarantee for 504 loans, has made CDC operations in providing these loans to small businesses, requires Congress to set a statutory course that preserves the local economic development intent and mission of the program through accountability measures. The 504 program was not created for CDCs to expand operations and simply create revenue from one state to another. CDCs are more than lenders and should not act like for-profit banks. My bill ensures that local communities’ focus continues on CDCs by requiring that the 25 members of their board and board of directors be residents of the area of operations. In addition, CDCs will be required to annually submit to the SBA a report on the use of all excess funds and local economic development activities in each state of operation. This ensures that the members engage, invest, and are accountable to the communities they serve.

In addition to preserving and growing the 504 loan program, I think it is very important to ensure that low-income communities have access to 504 loans. As you may know, in 2000 Congress enacted the New Markets Tax Credit program to facilitate private sector investment in low-income communities. Theoretically, the program was designed to encourage private investors who may never have considered investing in low-income communities to do so, thereby attracting new sources of private capital for a variety of projects, including retail, childcare and primary healthcare centers, which in turn creates jobs and additional opportunities to areas that have historically had a difficult time sustaining economic development. My bill creates a new public policy goal for the “expansion of business in low-income communities” and defines low-income areas as those which would be eligible for new market tax credits. Under public policy goals, a borrower can get a higher loan than the standard limit of $1.5 million. For example, a borrower could receive a 504 loan of up to $2 million if the proceeds will be directed toward this new public policy goal, or any of the currently established eight public policy goals. It is my hope that this incentive will increase the number of 504 loans in low-income communities and therefore build wealth, economic security, and employment opportunities which benefit the entire surrounding community.

I come to this magnificent house of worship tonight because my conscience leaves me no other choice.

His message was clear. Despite the difficulty of opposing the government’s policy during time of war, he said, “We must speak with all the humility that is appropriate to our limited vision, but we must speak.”
I am here today to speak about Iraq. There should be humility enough to go around for a Congress that shares responsibility for this war. I believe the time has come again when, as Dr. King said, we must move past indecision to action.

I have many times visited the Vietnam Memorial Wall, as many Vietnam veterans have. When you walk down the path of either side of that wall, east and west of the panels, you walk down the center of the wall where it comes together in a V. That V represents both the beginning of the war and the end of the war because the names start at that V and go all the way up one end, east, and then they come back from the west. I remember standing there once after reading “A Bright Shining Lie,” by Neil Sheehan, Robert McNamara’s memoirs, and many other histories of that war. One cannot help but feel the enormity of the loss, of the immorality that war represents, the fact that the strategy was wrong and that almost half the names were added to that wall after the time that people knew our strategy would not work. It was immoral then and it would be immoral now to engage in the same delusion with respect to our policy in Iraq.

Obviously, every single one of us would prefer to see democracy in the whole Middle East. The simple reality is, Iraqis must embrace it. If the Iraqi middle East. The simple reality is, Iraqis would prefer to see democracy in Iraq. We want democracy in the whole Middle East, and it would be immoral now to engage in the same delusion with respect to our policy in Iraq.

Yet the President continues to insist on a vague and counterproductive path. That is why today I am introducing legislation that will hold the Iraqis accountable or Congress should insist on a change in policy. And I set a goal then, back in November, that we should try to reduce American combat forces and hold them by the end of this year.

The situation on the ground has now changed for the worse since then. In fact, we are now in the third war in Iraq in as many years. The first war was against Saddam Hussein and his alleged weapons of mass destruction. The second war was against Jihadist terrorists whom the administration said it was better to fight over there than over here. And now we find our troops in the middle of a low-grade civil war that could explode into a full civil war at any time.

While the events in Iraq have changed for the worse, the President has not changed course to a better one. It is time for those of us in Congress who share responsibilities constitutionally for our policy to stand up and change that course. We have a constitutional responsibility, and we have a moral responsibility, not to sit on the sidelines while young Americans are in harm’s way.

That is why today I am introducing legislation that will hold the Iraqis accountable and make the goal of withdrawing the most American forces a reality. I personally believe that most of those forces could be and should be out of Iraq by the end of the year. This war, in the words of our own generals, cannot be won militarily. It can only be won politically.

General Casey said, of our large military presence, it “feeds the notion of occupation” and it “extends the amount of time that it will take for Iraqi security forces to become self-reliant.”

That is General Casey saying that the large force of American presence in...
President are powerless to end. We pay for the crossfire of vicious conflict that they cans will be killed and maimed in a silence, summed it up simply: Our presence is what feeds the insurgency.

The bottom line is that as long as American and Iraqi political leaders are divided in their views on the war, U.S. forces will remain in Iraq. There is no end in sight to a multiyear conflict that is now in its second decade. The Iraqis have been fighting for their country's survival for more than six years, and the Americans have been fighting for theirs for almost six years. The American public has grown weary of this conflict, and the Iraqi people are equally tired of the war.

The United States has been making progress in Iraq, but it is not enough. The U.S. military has made significant strides in fighting al-Qaeda, but the situation in Baghdad is still perilous. The Iraqi people are divided, and the government is weak. The U.S. and Iraqi military need to cooperate more closely to ensure the safety of American soldiers.

President Bush has said that he will not leave Iraq until the Iraqi people are able to stand on their own. However, it is not clear if this is achievable. The Iraqi people need the support of the United States to stand on their own, but it is not clear if the United States is willing to provide that support. The Iraqis need to be able to stand on their own before the United States can withdraw its forces from the country. The sooner the United States is able to withdraw its forces, the better it will be for both the United States and the Iraqi people.

The United States needs to work with the Iraqi government to ensure that it is capable of standing on its own. The Iraqi government needs to be able to provide security for its people and to enforce the law. The United States needs to work with the Iraqi government to ensure that it is capable of doing this.

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There was a genuine and real effort to leverage the full prestige and full power of the United States behind a goal. That is absent here.

Ambassador Khalilzad is a good man, and he has done a terrific job, almost by himself, to his credit, of changing the situation. That is not the way to succeed. Given what is at stake, it is past time to engage in diplomacy that matches the effort of our soldiers on the ground. We should immediately bring the leaders of the Iraqi factions together at a Dayton-like summit that includes our allies, Iraq’s neighbors, members of the Arab League, and the United Nations. The fact is, a true national compact is needed to bring about a political solution to the insurgency. That is how you end the sectarian violence. Our soldiers going on patrol in a striker or a humvee, walking through communities will not end this violence. Our generals have told us, it can only be ended politically. Yet where is the kind of political effort that our Nation has seen in history now, trying to effect what our soldiers have created an opportunity to effect through their sacrifice?

Iraqis have to reach a comprehensive agreement that includes security guarantees from all the militias, and ultimately, though not necessarily at this conference, confronting some of the questions of the Constitution. All of the parties must reach agreement on a process for reviving reconstruction efforts and securing Iraq’s borders. Our troops cannot be left hanging out there without that kind of effort to protect them.

At this summit, Shiite religious leaders must agree to rein in their militias and to commit to disbanding them. They also have to work with Iraqi political leaders to ensure that the leadership of the Interior Ministry and the police force under its control is non-sectarian. Shiite and Kurdish leaders must address Sunni concerns about federalism and equitable distribution of oil revenues. There is no way the Sunnis are going to suddenly disband or stop the insurgency without some kind of adequate guarantee of their security and their participation in the process. That was obvious months ago. It is even more obvious today. It still remains an open question.

The Sunnis have to accept the reality that they cannot dominate Iraq. Until a sufficient compromise is hammered out, a Sunni base cannot be created that isolates the hard-core Baathists and jihadists and defuses the insurgency itself. We must work with Iraqis at the summit to convince Iraq’s neighbors that they can no longer stand on the sidelines while Iraq teeters on the edge of a civil war that could bring chaos to the entire region. Where they can help the process of forming a government, they need to stop their support. We have heard it over and over that somehow withdrawing American forces will put that region at greater risk. I say “no.” I say that an over-the-horizon deployment, a deployment in Kuwait and elsewhere, diffusing the insurgency, and an adequate effort to diplomatically pull together this kind of summit is the only way to diffuse the insurgency and ultimately strengthen the region.

The administration must also work with Iraqi leaders in seeking a multinational force to help protect Iraq’s borders until finally a national army of Iraq has developed the capacity to do that. That force, if sanctioned by the United Nations Security Council, could attract participation by Iraq’s neighbors, countries such as India and others, that would be a critical step in stemming the tide of insurgents and of encouraging capital to flow into Iraq.

To be credible with the Iraqi people, the new government must deliver goods and services at all levels. It is absolutely stunning—I don’t know how many Americans are even aware of the fact—that after all the electricity production is below where it was before the war. It is at 4,000 megawatts compared to the 4,500 before the war. Crude oil production has declined from a prewar level of 2.5 million barrels per day to 1.9 million barrels per day. We were told that oil was going to pay for this war. That has to change. Countries that have promised money for reconstruction, particularly of Sunni areas, haven’t paid up yet. The modernization package we can also do our part on the ground. Our own early reconstruction efforts were—now known to everybody—poorly planned and grossly mismanaged. But as I saw on a recent trip to Iraq, the efforts of our civilian military provisional reconstruction teams, which have the skills and capacity to strengthen governance and institution building around the country, are beginning to take hold. We need to stand up more of those teams as fast as possible. If we do that in the same context as we find the political resolution, then you have a chance.

We must also continue to turn the job of policing the streets and providing security over to Iraqi forces. That means giving our generals the tools they need to finish training an Iraqi police force that is trusted and respected on the street by the end of the year. It also means finishing the training of Iraqi security forces with U.S. troops acting only on the basis of hard intelligence to combat terrorist threats.

The withdrawal of American forces from Iraq is necessary not only to give democracy in Iraq the best chance to succeed, it is also vital to our own national security interests.

We need to pay more attention to our own vital national security interests. We will never be as safe as we ought to be if Iraq continues to distract us from the most important war we need to win—the war on Osama bin Laden, al-Qaida, and the terrorists who are resurging even in Afghanistan.

To make it clear, despite everything this administration has said, today, al-Qaida, and the Taliban, even, are more dangerous in northwest Pakistan and northeast Afghanistan than Iraq is to us at this moment in time. There is a direct threat from al-Qaida, which has dispersed cells and through its training and abilities to organize, in Afghanistan than in the place that is consuming most of America’s forces and money.

The way to defeat al-Qaida is not by serving as their best recruitment tool. Even Brent Scowcroft, George H. W. Bush’s National Security Adviser, has joined the many experts who agree that the war in Iraq actually feeds terrorism and increases the potential for terrorist attacks against the United States. The results speak for themselves: The number of significant terrorist attacks around the world increased from 175 in 2003 to 651 in 2004, and it has continued to increase in 2005.

The President keeps talking about al-Qaida’s intent to take over Iraq. I have not met anybody in Iraq—none of the leaders on either side, the Shia, or Sunni—who believes a few thousand, at most—and by many estimates, less than a thousand—foreign jihadists are a genuine threat to forcibly take over a country of 25 million people. And while mistake after mistake by this administration has actually turned Iraq into the breeding ground for al-Qaida that it was not before the war, large numbers of United States troops are not the key to crushing these terrorists.

In fact, Iraqis have begun to make clear their own unwillingness to tolerate foreign jihadists. Every Iraqi I talked to said to me: When we get control and start moving forward, we will do what the Americans cannot do. They don’t want them on Iraqi soil, and they have increasingly turned on these brutal foreign killers who are trying to foment a civil war among Iraqis. This process will only be complete when the United States has taken full responsibility for its own future, and resistance to a perceived occupation no longer provides them any common cause with jihadists.

As General Anthony Zinni said on CNN, building up intelligence-gathering capability from Iraq is essential to defeating the insurgency. He said: We’re not fighting the Waffen S.S. here. They can be policed up if the people turn against them. We haven’t won the hearts and minds yet.

Once again, I remind my colleagues, the hearts and minds of the Iraqis will be more susceptible to being won when American forces are not there in the way they are now, in a way that can be used as the recruitment tool that it has been, when 80 percent of the Iraqi people suggest that American forces ought to leave.

After the bulk of U.S. forces have been withdrawn, I believe it is essential to keep a rapid reaction force over the horizon. That force can be over the horizon within the desert itself, or it can
be in Kuwait, and that can be used to act against terrorist enclaves. Our air power—the air power we used to police two-thirds of the no-fly zone in Iraq before the war—will always ensure our ability to bring overwhelming force to bear to protect U.S. interests in the region. The bottom line is that working together with Iraqis from inside and outside Iraq, we can prosecute the war against al-Qaeda in Iraq more effectively than we are today.

With our troops will also enable us to more effectively combat threats around the world. But winning the war on terror requires more than the killing we have seen from 3 years of combat. The fact is that just taking out terrorists, as our troops have been doing, is not going to end the flow of terrorists who are recruited, for all of the reasons that we understand. The cooperation critical to lasting victory in the region is going to be enhanced when Abu Ghraib, Guantanamo, civil chaos after mistake in Iraq no longer deplete America’s moral authority within the region.

This is also key to allowing us to repair the damage that flag officers fear has been done to our Armed Forces. I know that intelligence on the other side of the aisle—members of the Armed Services Committee and Intelligence Committee—have heard from flag officers in private about what is happening to the Armed Forces of our country. We know it will take billions of dollars to reset the equipment that has been lost, damaged, or worn out from 3 years of combat. In the National Guard alone, units across the country have only 34 percent of their authorized equipment, including just 14 percent of the chemical decontamination equipment they need. That is a chilling prospect if they are ever asked to respond to a terrorist incident involving weapons of mass destruction.

The fact is the Army is stretched too thin. Soldiers and brigades are being deployed more frequently and longer than the Army believes is best in order to continue to attract the best recruits. Recruiting standards have been changed and recruitment is suffering. The Army fell 6,700 recruits short of their needs in 2005—the largest shortfall since 1979. Recruitment is suffering today. Not only are American troops not getting leadership equal to their sacrifice on the civilian side, but our generals are not getting enough troops to accomplish their mission of keeping the country safe.

The fact is that in the specialties—special forces, translators, intelligence officers, for the Marines, for the Army, for the National Guard—our recruitment levels are below the levels they ought to be.

Withdrawing from Iraq will also enable us to strengthen our efforts to prevent the proliferation of weapons of mass destruction. Iran, the world’s leading state sponsor of terrorism, is absolutely delighted with our presence in Iraq. Why? Because it advances their goals, keeping us otherwise occupied, and it allows them to make mischief in Iraq itself at their choice. Their President is so emboldened that he has openly called for the destruction of Israel, while defying the international community’s demands to stop developing its nuclear weapons capability. Could that have happened prior to our being bogged down the way we are?

North Korea has felt at liberty to ignore the six-party talks, while it continues to stockpile more nuclear weapons material.

Any effort to be stronger in dealing with the nuclear threat from Iran and North Korea is incomplete without an exit from Iraq. It will also enable us to more effectively promote democracy in places such as Russia, which is more than content to see us bogged down while President Putin steadily rolls back democratic reforms.

China benefits from us throwing hundreds of billions of dollars into Iraq instead of into economic competition and job creation here at home. Our long-term security requires putting the necessary resources into building our economy and a workforce that can compete and win in the age of globalization. We cannot do as much as we need to—not nearly as much as we need to—while the war in Iraq is draining our treasury.

Finally, we have not provided anyplace near the resources necessary to keep our homeland safe. Katrina showed us in the most graphic way possible that 5 years after 9/11, we are woefully unprepared to handle a natural disaster that we know is coming a week in advance, let alone a catastrophic terrorist attack we have no notice of. Removing the financial strain of Iraq will free up funds for America’s homeland defense.

The time has come for the administration to acknowledge the realities that the American people are increasingly coming to understand—the realities in Iraq and the requirements of America’s national security. Stop telling us that terrible things will happen if we get tough with the Iraqis, when terrible things happen every single day because we are not tough enough. If we don’t change course and hold the Iraqis accountable now, I guarantee you it will get worse.

Ignoring all of the warnings, and ignoring history itself, in a flourish of civilization look a lot like Vietnam. But there is a path forward if we start making the right decisions.

As Dr. King said so many years ago:

‘The choice is ours, and though we might prefer it otherwise, we must choose in this crucial moment of human history.

Now is the moment of choice for Iraq, for America, and for this Congress.'
Whereas the Small Business Administration has been a critical partner in the success of the Nation’s small businesses and in the growth of the Nation’s economy;

Whereas the Small Business Administration has time and again proven their value, having helped to create or retain over 5,300,000 jobs in the United States since 1953;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation’s economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment for small businesses and their competitors; and

Whereas, for more than 50 years, the Small Business Administration has helped more than 23,000,000 Americans start, grow, and expand their businesses and has placed almost $280,000,000,000 in loans and venture capital financing in the hands of entrepreneurs;

Whereas the Small Business Administration, established in 1953, has provided valuable service to small businesses through financial assistance, procurement assistance, business advocacy, and disaster recovery assistance;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business, and has played a key role in fostering economic growth in underserved communities;

Whereas the Small Business Administration will mark National Small Business Week, beginning April 9, 2006; Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of Americans during the Small Business Administration’s National Small Business Week, beginning April 9, 2006;

(2) supports the purpose and goals of National Small Business Week, and the ceremonies and events to be featured during the week;

(3) commends the Small Business Administration for its work, which has been critical in helping the Nation’s small businesses grow and develop; and

(4) applauds the achievements of small business owners and their employees, whose entrepreneurial spirit and commitment to excellence has been a key player in the Nation’s economic vitality.

SENATE RESOLUTION 436—URGING THE FEDERATION INTER-NATIONALE DE FOOTBALL ASSOCIATION TO PREVENT PERSONS OR GROUPS REPRESENTING THE ISLAMIC REPUBLIC OF IRAN FROM PARTICIPATING IN SANCTIONED SOCCER MATCHES

Mr. MCCAIN (for himself, Mr. LUGAR, Ms. COLLINS, Mr. Lieberman, Mr. Ensign, Mr. MENENDEZ, and Mr. Martinez) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 436

Whereas, since 1984, the Islamic Republic of Iran has been identified by the Department of State as an active sponsor of terrorism;

Whereas an Iran capable of deploying nuclear weapons constitutes a threat to international peace and security;

Whereas, in July 2003, the Iranian Ministry of Defense confirmed the results of a successful test of an intermediate range ballistic missile capable of striking Israel; and

Whereas, since February 2003, Iran has—

(1) consistently misled the United Nations, the International Atomic Energy Agency, the European Union, and the United States about the scope of its nuclear activities; and

(2) taken steps to produce weapons-grade uranium;

Whereas top officials of Iran have repeatedly threatened the United States, including—

(1) Ayatollah Ali Khamenei, who stated in June 2004 that “the world of Islam has been mobilized against America for the past 25 years. The peoples call, ‘death to America’. Who used to say death to America? Who, besides the Islamic Republic and the Iranian people, used to say this? ‘Today, everyone says this.’”; and

(2) members of the parliament of Iran who, on October 2004, shouted “Death to America” as that body unanimously approved legislation requiring the Government to resume uranium enrichment;

(3) President Ahmadinejad, who stated on October 2005 that “God willing, with the force of God behind it, we shall soon experience the United States and its Zionism”, and referred to a world without the United States as “a possible goal and slogan”;

Whereas the Iranian President, Mahmoud Ahmadinejad, in an October 26, 2005, address at the World Without Zionism conference in Tehran, declared:

(1) Israel is “a disgraceful blot [on] the face of the Islamic world”;

(2) Israel “must be wiped off the map”; and

(3) “anybody who recognizes Israel will burn in the fire of the Islamic nation’s fury”;

Whereas President Ahmadinejad also stated on December 8, 2006, that “If the Europeans are honest they should give some of their provinces in Europe . . . to the Zionists, and the Zionists can establish their state, in Europe”;

Whereas Iran supports and provides funds to terrorist groups that are determined to destroy the State of Israel;

Whereas an estimated 6,000,000 Jews were killed in the Holocaust;

Whereas President Ahmadinejad has denied the existence of the Holocaust on numerous occasions, including—

(1) on December 8, 2006, when at an Islamic conference in Mecca, Saudi Arabia, he declared that “Some European countries insist on saying they have killed millions of innocent Jews in furnaces— and, although we don’t accept this claim”;

and

(2) on December 14, 2006, when on Iranian television, he remarked that “They have invented a myth that Jews were massacred and place this above God, religions and the prophets”;

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust;

Whereas on June 9, 2006, the Federation Internationale de Football Association (referred to in this resolution as “FIFA”) World Cup soccer tournament is scheduled to begin in the Federal Republic of Germany;

Whereas the Islamic Republic of Iran is a member of FIFA, and the Iranian national team is scheduled to play its opening match on June 11, 2006, in Nuremberg, Germany, which was the site of war crimes tribunals that tried Nazi leaders for atrocities and genocide against Jews during the Holocaust;

Whereas the International Olympic Committee barred the Republic of South Africa from the Olympics until 1992, when the country repealed all of its apartheid laws during the previous year;

Whereas, in October 1964, FIFA suspended the national soccer team of South Africa from international competition until the Government of South Africa ended its policy of apartheid in 1991;

Whereas, on May 30, 1992, in a resolution imposing diplomatic and economic sanctions on Yugoslavia, the United Nations Security Council called on member states of the United Nations to “take the necessary steps to prevent the participation in sporting events on their territory of persons or groups representing Yugoslavia.”;

Whereas, in 1992, the Union of European Football Associations banned Yugoslavia from participating in the European soccer championships and prevented it from participating in the 1994 World Cup qualifying matches; and

Whereas Article 3 of the “Regulations Governing the Application of the FIFA Statutes” states that “Discrimination of any kind against a country, private person or group of people on grounds of sex, origin, gender, language, religion, politics or any other reason is strictly prohibited and punishable by suspension or expulsion.”; Now, therefore, be it

Resolved, That the Senate—

(1) condemns the terrible statements issued by the Iranian president and demands that he repudiate them;

(2) calls on the United Nations Security Council and all countries to prevent Iran from acquiring nuclear weapons;

(3) strongly urges the Federation Internationale de Football Association (referred to in this resolution as “FIFA”) to ban persons or groups representing the Islamic Republic of Iran from national and international sporting competitions, including the 2006 FIFA World Cup, until such time that Iran—

(A) rescinds its position disavowing the Holocaust;

(B) repudiates its calls for the eradication of the State of Israel;

(C) ends its support for terrorism; and

(D) ceases its pursuit of nuclear weapons; and

(4) calls on all FIFA members to support such actions within the appropriate FIFA governing bodies.

SENATE RESOLUTION 437—SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE MUSEUM

Mr. ENZI (for himself, Mr. KENNEDY, Mr. COCHRAN, Mr. JEFFORDS, Mr. COLEMAN, Mrs. BOXER, Mr. STEVENS, Mr. LAUTENBERG, Ms. MURKOWSKI, Mr. AKAKA, Mr. ISAKSON, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. Res. 437

Whereas museums are institutions of public service and education that foster exploration, study, observation, critical thinking, contemplation, and dialogue to advance a greater public knowledge, understanding, and appreciation of history, science, the arts, and the natural world;

Whereas, according to survey data, the people of the United States view museums as one of the most important resources for educating children; and

Whereas museums have a long-standing tradition of inspiring curiosity in schoolchildren that is a result of investments of
more than $1,000,000,000 and more than $18,000,000 instructional hours annually for elementary and secondary education programs in communities across the United States, creating educational partnerships with schools, professional development for teachers, traveling exhibits to local schools, digitization of materials for access nationwide, creation of educational materials that use local and State curriculum standards, and the hosting of interactive school field trips;

Whereas museums serve as community landmarks that contribute to the livability and economic vitality of communities throughout the United States;

Whereas museums rank in the top 3 family vacation destinations, revitalize downtowns (often with signature buildings), attract relocating businesses by enhancing quality of life, provide shared community experiences and meeting places, and serve as a repository and resource for each community's unique history, culture, achievements, and values;

Whereas there are more than 16,000 museums in the United States and admission is free at more than half of these museums;

Whereas 86,000,000 people visit museums annually and these people come from all ages, groups, and backgrounds;

Whereas research indicates Americans view museums as one of the most trustworthy sources of objective information and believe that authentic artifacts in history museums and other sites are secondary to their families in significance in creating a strong connection with the past;

Whereas museums enhance the public's ability to engage as citizens, through developing a deeper sense of identity and a broader understanding of the world, and by holding more objects and living specimens in the public trust to preserve and protect the cultural and natural heritage of the United States for current and future generations;

Whereas museums are increasingly entering into new partnerships with community educational institutions that include schools, universities, libraries, public broadcasting, and 21st Century Community Learning Centers, and these partnerships reach across community boundaries to provide broader access to learning and energy for their community educational programs;

Whereas supporting the goals and ideals of the Year of the Museum would give Americans an opportunity to celebrate the contributions museums have made to American culture and life over the past 100 years; and

Whereas in 2006, museums of the United States are celebrating 100 years of collective contribution to our communities: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of the Year of the Museum."

**AMENDMENTS SUBMITTED AND PROPOSED**

**SA 3427.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3428.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3429.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3430.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3431.** Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3432.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3433.** Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3434.** Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3435.** Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3436.** Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3437.** Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3438.** Mr. GREGG (for himself and Mr. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3439.** Mr. GREGG (for himself and Mr. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3440.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3441.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3442.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3443.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3444.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3445.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3446.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3447.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3448.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3449.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3450.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3451.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3452.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3453.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3454.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3455.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3456.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3457.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3458.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3459.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3460.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3461.** Mrs. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3462.** Mrs. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3463.** Mr. INHOFE (for himself, Mr. ENZI, Mr. BYRD, Mr. COBURN, Mr. BUNNING, Mr. CHAMBLISS, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3464.** Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3465.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3466.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3467.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

**SA 3468.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.
SA 3469. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3471. Mr. INHOFE (for himself, Mr. ENZI, Mr. BYRD, Mr. COHURN, Mr. Bunning, Mr. Chambliss, and Mr. Roberts) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3471. Mr. INHOFE (for himself and Mr. Vitter) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3473. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3474. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3475. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3476. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3477. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3478. Mr. DOMENICI (for himself, Mr. Bingaman, Mr. Kyl, Mr. Cornyn, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3479. Mr. DOMENICI (for himself, Mr. Dorgan, Mr. Burns, Mr. Bingaman, Mr. Kyl, Mr. Cornyn, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3480. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3481. Mr. DOMENICI (for himself, Mr. Kyl, Mr. Cornyn, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3482. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3483. Mr. BOND (for himself and Mr. Gekko) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3484. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3485. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3487. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3488. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3490. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3491. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3492. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3493. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3494. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3495. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3496. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3497. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3498. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3499. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3500. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3501. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3502. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3503. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3504. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3505. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3506. Mr. REID (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3507. Mr. REID (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3508. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3509. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3510. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3511. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3512. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3513. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3514. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3515. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3516. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3517. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3518. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3519. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3520. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3525. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3526. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3527. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3528. Mr. THOMAS (for himself and Mr. Kyl) submitted an amendment intended to
be proposed by the bill S. 2454, supra; which was ordered to lie on the table.

SA 3529. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3530. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3531. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3532. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3533. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3534. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3535. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3536. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3539. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3540. Mr. KENNEDY (for himself and Mr. DeWINE) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3541. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3542. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3543. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3544. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3545. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3546. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3547. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3548. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3549. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3550. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3551. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3552. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3553. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3554. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3555. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3556. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3557. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3558. Mr. NELSON, of Florida submitted an amendment intended to be proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3559. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3560. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3561. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3562. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3563. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3564. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3565. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3566. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3567. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3568. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3569. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3570. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3571. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3572. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3511 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3573. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3574. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3575. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3576. Mr. Warner submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3577. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3578. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3579. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3580. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3581. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3582. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3583. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3585. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3586. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3427. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

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Note: The amendment is not transcribed here due to its extensive nature and the need to maintain proper formatting for readability. For a detailed transcription, please refer to the original document or a reputable source. The text provided above is an excerpt focusing on the amendments and their actions as indicated in the provided text.
S3254

SEC. 2. TEMPORARY ADMITTANCE OF MEXICAN NATIONALS WITH BORDER CROSSING CARDS.
The Secretary shall permit a national of Mexico, who enters the United States with a valid Border Crossing Card (as described in section 212.1(c)(1)(H) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act), and who is admitted to the United States at the Columbus, Santa Teresa, or Antelope Wells port of entry in New Mexico or El Paso, Juarez, or Ciudad Juarez in Mexico (within 75 miles of the international border between the United States and Mexico) for a period not to exceed 30 days.

SEC. 3. ANNUAL REPORT ON THE NORTH AMERICAN DEVELOPMENT BANK.
Section 2 of Public Law 108–215 (22 U.S.C. 290n–6) is amended—
(1) in paragraph (1), by inserting after “The” the following: “Secretary of the Treasury, in consultation with the Secretary of the Interior, shall develop an annual report to the Congress, including the business process review undertaken by the North American Development Bank”; and
(2) by adding at the end the following:

(4) Recommendations on how to improve the operations of the North American Development Bank.

(5) An update on the implementation of this Act, including the business process review undertaken by the North American Development Bank.

(6) A description of the activities and accomplishments of the North American Development Bank during the previous year, including a brief summary of meetings and actions taken by the Board of the North American Development Bank.

SEC. 4. BORDER HEALTH DEMONSTRATION PROJECTS.
(a) ELIGIBLE ENTITY DEFINED.—In this section, the term “eligible entity” means a State, public institution of higher education, local government, tribal government, non-profit health organization, or community health center receiving assistance under section 2(e) of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to fund demonstration projects to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that receives a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to—

(1) develop and implement bioterror preparedness plans and readiness assessment and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) enhance preparedness for potential bioterrorism and bioterrorism-related events, including syndromic surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) undertake such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. 5. BORDER BIOR TERRORISM PREPAREDNESS GRANTS.
(a) ELIGIBLE ENTITY DEFINED.—In this section, the term “eligible entity” means a State, public institution of higher education, local government, tribal government, non-profit health organization, or community health center receiving assistance under section 2(e) of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to fund demonstration projects to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that receives a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) demonstration programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promoters;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)).
SEC. 500. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Maritime and Transportation Security Act of 2006."

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

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SEC. 501. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) In General.—There shall be established, in each title III area of the United States, a cost-sharing arrangement with the United States Coast Guard and the Department of Homeland Security, acting through the Commandant of the United States Coast Guard, to establish operational centers to provide greater protection for port security and port facilities and to improve interagency cooperation, unity of command, and the sharing of intelligence information in a manner consonant with the United States authorities and to improve interagency cooperation, unity of command, and the sharing of intelligence information in a manner consonant with the United States authorities. The Commandant of the United States Coast Guard shall establish an operational center for each title III area of the United States. The Commandant shall provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

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section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captai

n of the Port designated by the Com-
mandant of the Coast Guard in each joint op-
eration with Maritime security and transportation secur-
ity incident.

SEC. 502. AREA MARITIME TRANSPORTATION SEC-
URITY INITIATIVE TO INCLUDE SALVAGE RESPONSE

RESPONSE PLAN. Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respet-
ively; and

(2) by inserting after subparagraph (D) the following:

``(E) include a salvage response plan—

(1) to identify salvage equipment capable of restorin

operational trade capacity; and

(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident."

SEC. 503. ASSISTANCE FOR FOREIGN PORTS.

section 70109 of title 46, United States Code, is amended—

(1) by redesignating the second section

70109 as section 70110; and

(2) by adding after such section the follow-

ing:

``70110. International cooperation and co-
ordination'';

and

(2) by adding at the end the follow-

ing:

``70109. Cargo Security Standards.—The Secretary, in consulti

with the Secretary of State, shall enter into negotiations with foreign government

and international organizations, including the International Maritime Organization, the

World Customs Organization, and the International Standards Organization, as appro-

priate—

``(1) to promote standards for the security of contain-

ers and other cargo moving within the international supply chain;

(2) to encourage compliance with minimum technical requirements for the capa-

bilities of nonintrusive inspection equipment, including imaging and radiation de-

tection devices, established under section 70117 of title 46, United States Code, to be

consistent with international agreements and standards established thereunder; and

(3) to provide requirements for the container security initiative under section

70117; and

(4) to implement standards and proce-

dures established under section 70117.''

(b) CONFORMING AMENDMENT.—The chapter

analysis for chapter 701 of title 46, United States Code, is amended by striking the item

relating to section 70091 and inserting the follow-

ing:

``70091. International cooperation and coordi-

nation.''

SEC. 504. SPECIFIC PORT SECURITY INITIATIVES.

section 70116. Automated targeting system

(a) IN GENERAL.—The Secretary shall de-

velop and maintain an antiterrorism cargo identification system for con-

tainerized cargo shipped to the United States either directly or via a foreign port to assess

imports and target those imports which pose a high risk of terrorism.

(b) 24-HOUR ADVANCE NOTIFICATION.—In order to

provide the best possible data for the automated targeting system, the Sec-

retary shall provide (1) automated targeting shipping goods to the United States via container to supply advanced trade data not later than 24 hours before loading a container under the advanced notification regime under section 494(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

(c) SECURE TRANSMISSION; CONFIDENTI-

ALITY.—All information required by the Secretary from supply chain partners under this section—

(1) shall be transmitted in a secure fashion, as determined by the Secretary, so as to pro-

tect the information from unauthorized ac-

cess; and

(2) shall not be subject to public disclo-

sure under section 552 of title 5.

(d) AUTHORIZATION OF APPROPRIA-

TIONS.—(1) There shall be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk ocean- borne container cargo for inspection—

(A) $30,700,000 for fiscal year 2007;

(B) $35,700,000 for fiscal year 2008; and

(C) $35,700,000 for fiscal year 2009.

(2) The amounts authorized by this sub-

section shall be in addition to any other amounts authorized to be appropriated to carry out that program.

SEC. 505. CONTAINER SECURITY INITIATIVE

(a) IN GENERAL.—The Secretary shall issue regulatio-

ns to—

(1) evaluate and screen cargo documents prior to loading in a foreign port for ship-

ment to the United States, either directly or via a foreign port; and

(2) inspect high-risk cargo in a foreign port intended for shipment to the United States or for physical or nonphysi-

cal examination by technological means.

(b) IMPLEMENTATION.—The Commissioner of Customs and Border Protection shall exe-

cute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subparagraph (a) are implemented in an effective manner.

(c) APPLICATION OF CONTAINER SECURITY

INITIATIVE TO OTHER PORTS.—

(1) IN GENERAL.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

(A) the seaport—

(i) presents a significant level of risk;

(ii) is a significant port or origin or trans-

shipment, in terms of volume or value, for cargo being imported to the United States; and

(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

(B) the Department of State and rep-

resentatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

(2) COOPERATION WITH INTERNATIONAL CARGO SECURITY STANDARDS.—In carrying out paragraph (a), the Secretary shall—

(A) consult with the Secretary of State concerning progress under section 70109(d); and

(B) coordinate activities under paragraph (a) with activities conducted under that sec-

tion.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $142,000,000 for fiscal year 2007;

(2) $144,000,000 for fiscal year 2008; and

(3) $146,000,000 for fiscal year 2009.

SEC. 506. CUSTOMS-TAKE PARTNERSHIP AGAINST TERRORISM validation program

(a) IN GENERAL.—The Secretary shall es-

tablish a voluntary program to strengthen and improve the overall security of the customs supply chain and United States border security.

(b) VALIDATION; RECORDS MANAGEMENT.—The Secretary shall issue regulations—

(1) to strengthen the validation process to verify that security programs of members of the Customs-Take Partnership Against Terrorism have been implemented and that the program benefits should continue by pro-

viding appropriate guidance to specialists conducting such validations, including es-

tablishing what level of evidence is adequate to determine whether member security prac-

tices are reliable, accurate, and effective; and

(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

(A) documenting and maintaining records of all decisions in the application through validation processes, including documenta-

tion of the objectives, methodologies, and limitations of validations; and

(B) tracking member status.

(c) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Ter-

rorism program will recruit, train, and re-

tain sufficient staff to conduct the work of the program successfully, including review-

ing security profiles, conducting validations to mitigate program risk.

(d) REVALIDATION.—The Secretary shall establish a process for revalidating C-TPAT participants. Such revalidations shall occur not less frequently than once during every 3-

year period following validation.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

(1) $60,000,000 for fiscal year 2007;

(2) $65,000,000 for fiscal year 2008; and

(3) $72,000,000 for fiscal year 2009.

SEC. 507. Secure systems of transportation

(a) IN GENERAL.—The Secretary shall es-

tablish a program, to be known as the ‘‘GreenLane program’’, to evaluate and certify secure systems of international intermodal transportation—

(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are ini-

tially packed or loaded into a cargo con-

tainer for international shipment until they reach their ultimate destination; and

(2) to facilitate the movement of such goods through the entire supply chain chain in an expedited security and clearance program.

(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsec-

tion (a), the Secretary, in consultation with the Commissioner of Customs and Border Protec-

tion, shall—
“(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous materials, biological, or nuclear materials and for securing such containers after the contents are so verified; 

“(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States; 

“(3) develop performance standards to enhance the physical security of shipping containers, including portable inspection standards for container security devices; 

“(4) establish standards and procedures for securing cargo and monitoring that security while in transit; 

“(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C-TPAT participation under section 70118, particularly in the area of access controls; 

“(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and 

“(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

SEC. 504. REQUIREMENTS FOR THE DOMESTIC NUCLEAR DETECTION OFFICE.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking to—

(1) establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation detection devices; and 

(2) to ensure that all equipment used can detect threats and risks as determined by the Secretary.

(b) ENCOURAGING SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of practices that have been determined by the Secretary to be out of compliance with any requirements of the program; and

(c) RADILITE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security may execute letters of intent to commit the United States Government to—

(A) fund a plan, utilizing best practices for import security, as determined by the Secretary, 

(B) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard; 

(C) reduced or eliminated bonding requirements for GreenLane cargo; 

(D) priority processing for searches; 

(E) streamline billing of any customs duties or fees; 

(F) further reduced scores in the automated targeting system; and 

(G) streamlined processing and billing of any customs duties or fees.

(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of subsection (a) may appeal that determination to the Secretary.

(b) CONFORMING AMENDMENTS.—

(1) The chapter heading for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 7016 and inserting the following:

“70116. Automated targeting system 

“70117. Container security initiative 

“70118. Customs-Trade Partnership Against Terrorism validation program 

“70119. Secure systems of transportation 

“70120. In rem liability for civil penalties and certain costs 

“70121. Firearms, arrests, and seizure of property 

“70122. Vehicle and cargo inspections 

“70123. Enforcement by State and local officers

“(2) By section 701127(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70118.”

“(3) Section 70110(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking “under section 70119,” and inserting “under section 70123,” and 

(B) by striking “under section 70120,” and inserting “under that section.”

SEC. 505. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking to—

(1) establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation detection devices; and 

(2) to ensure that all equipment used can detect threats and risks as determined by the Secretary.

(b) ENCOURAGING SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of practices that have been determined by the Secretary to be out of compliance with any requirements of the program; and

(c) RADILITE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security may execute letters of intent to commit the United States Government to—

(A) fund a plan, utilizing best practices for import security, as determined by the Secretary, 

(B) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard; 

(C) reduced or eliminated bonding requirements for GreenLane cargo; 

(D) priority processing for searches; 

(E) streamline billing of any customs duties or fees; 

(F) further reduced scores in the automated targeting system; and 

(G) streamlined processing and billing of any customs duties or fees.

(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of subsection (a) may appeal that determination to the Secretary.

(1) The chapter heading for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 7016 and inserting the following:

“70116. Automated targeting system 

“70117. Container security initiative 

“70118. Customs-Trade Partnership Against Terrorism validation program 

“70119. Secure systems of transportation 

“70120. In rem liability for civil penalties and certain costs 

“70121. Firearms, arrests, and seizure of property 

“70122. Vehicle and cargo inspections 

“70123. Enforcement by State and local officers

“(2) By section 701127(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70118.”

“(3) Section 70110(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking “under section 70119,” and inserting “under section 70123,” and 

(B) by striking “under section 70120,” and inserting “under that section.”

SEC. 506. RANDOM INSPECTION OF CONTAINERS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

(b) ENSURE AND VALIDATE COMPLIANCE WITH THIS SECTION.

(1) The Secretary of Homeland Security shall—

(A) ensure and validate compliance with this section shall be construed to mean that 

(B) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard; 

(C) reduced or eliminated bonding requirements for GreenLane cargo; 

(D) priority processing for searches; 

(E) streamline billing of any customs duties or fees; 

(F) further reduced scores in the automated targeting system; and 

(G) streamlined processing and billing of any customs duties or fees.

(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of subsection (a) may appeal that determination to the Secretary.

(b) CONFORMING AMENDMENTS.—

(1) The chapter heading for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 7016 and inserting the following:

“70116. Automated targeting system 

“70117. Container security initiative 

“70118. Customs-Trade Partnership Against Terrorism validation program 

“70119. Secure systems of transportation 

“70120. In rem liability for civil penalties and certain costs 

“70121. Firearms, arrests, and seizure of property 

“70122. Vehicle and cargo inspections 

“70123. Enforcement by State and local officers
and process innovations in furtherance of these objectives; and
(3) evaluate such technologies.

§ 509. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 705(b) is amended by inserting after "area," the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.".

SEC. 510. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Department of State and its Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles arrive, to prevent the introduction of terrorism to a United States port.

SA 3434. Mr. Chambliss submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

(c).PERIOD OF AUTHORIZED ADMISSION.—
(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.
(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.
(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.
(d) LOSS OF EMPLOYMENT.—
(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.
(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

§ 224. WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.

At the appropriate place, insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—
(1) in subsection (a)(3), by inserting "and immigration visas shall be issued in a strictly random order established by the Secretary of Homeland Security.
(2) by amending subsection (e) to read as follows:

(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 3,567 for each fiscal year.
(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.

§ 225. IMMIGRANTS WITH ADVANCED DEGREES.

The Secretary of State shall maintain information on the age, degree level, and other relevant characteristics of immigrants now in the United States.
any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.”.

(b) EFFECTIVE DATE.—The amendments made by subsections (e) through (g) shall take effect on October 1, 2006.

SA 3439. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In the language proposed to be stricken, at the appropriate place insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting “and immigrants with advanced degrees” after “diversity immigrants”; and

(2) by amending subsection (e) to read as follows:

“(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

“(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

“(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(e)(2) is equal to 38,667 for each fiscal year.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “paragraph (2), aliens subject to the worldwide level specified in section 201(e)” and inserting “paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)”;

(B) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

“(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

“(A) IN GENERAL.—Qualified immigrants who hold a master’s or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

“(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most in demand and anticipated workforce needs and protect the economic security of the United States.”;

(D) in paragraph (3), as redesignated, by striking “paragraph” each place it appears and inserting “paragraph”;

(E) by amending paragraph (4), as redesignated, to read as follows:

“(4) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

“(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).”;

and

(2) in subsection (e)—

(A) in paragraph (2), by striking “(c)” and inserting “(c)”;

(B) by redesigning paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

“(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

“(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

(i) issue any immigrant visa only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

“(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

(i) issue any immigrant visa remaining thereafter to other eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees selected in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.

“(g) DIVERSITY VISA CARRYOVER.—Section 204(a)(1)(I)(i)(II) (8 U.S.C. 1154a(a)(1)(I)(i)(II)) is amended—

“(1) in paragraph (1), by striking “If” and inserting “If the Secretary has made a determination under subsection (c)(2),”;

“(2) in paragraph (2)(A), by striking “If” and inserting “If the Secretary has made a determination under subsection (c)(2),”;

“(3) in paragraph (2)(B), by striking “If” and inserting “If the Secretary has made a determination under subsection (c)(2),”;

“(4) in paragraph (2)(C), by striking “If” and inserting “If the Secretary has made a determination under subsection (c)(2),”;

“(5) in paragraph (2)(D), by striking “If” and inserting “If the Secretary has made a determination under subsection (c)(2),”;

“(6) in paragraph (3), by striking “If” and inserting “If the Secretary has made a determination under subsection (c)(2),”;

“(7) by redesigning paragraph (4) as paragraph (5); and

“(8) by redesigning paragraph (5) as paragraph (6).

“(h) EFFECTIVE DATE.—The amendments made by subsections (d) through (g) shall take effect on October 1, 2006.

SA 3444. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. SUFFICIENCY FOR REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee or, penalty required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Department of Homeland Security, pursuant to this Act or an amendment made by this Act without further appropriations and shall remain available until expended.

SA 3444. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
SEC. 3. SUFFICIENCY FOR REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any penalty, fine, or other retribution required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriations and shall remain available until expended.

SA 3443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—

(1) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

(1) any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if),

(A) at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

(B) the President transmits the text of such agreement to both Houses of Congress as provided in paragraph (2), and

(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

(2) (A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include:

(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement in the short term and in the long term on the retirement and related benefits under the social security system established by this title;

(ii) any administrative action proposed to implement the agreement and how such action will change or affect existing law;

(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated;

(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title;

(v) an estimate of the number of individuals who will be affected by the agreement;

(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement and shall not be considered to be entered into under this section and shall have no force and effect under United States law.

(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and establishing totalization arrangements between both systems established by title II of such Act and the social security system of transmitted to the Congress by the President on...'.

(C) The President shall transmit to Congress a document setting forth the final version of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law;

(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated;

(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

(4) For purposes of this section, 'providing for comprehensive reform' includes the following:

(A) a provision by which the United States entered into an agreement approved by the Congress under paragraph (2) with another country under this section shall enter into force with respect to the United States if (and only if)

(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

(5) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document and report shall be transmitted to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

(6) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House, and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted to Congress, the President shall introduce the resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to any agreements entered into after the date of the amendment.

(b) B IENNIAL GAO REPORT ON IMPACT TO-TALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)), as amended by subsection (a)(1), is amended to read as follows:

(2) (A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement.

(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and establishing totalization arrangements between both systems established by title II of such Act and the social security system of transmitted to the Congress by the President on...'.

(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document and report shall be transmitted to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House, and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted to Congress, the President shall introduce the resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.

(6) The amendment made by this subsection shall apply with respect to any agreements entered into after the date of the amendment.

(c) PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)), as amended by subsection (a), is amended to read as follows:

(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)

(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

(B) the President transmits the text of such agreement to both Houses of Congress as provided in paragraph (2), and

(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

(2) (A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement in the short term and in the long term on the receipts and disbursements under the social security system established by this title;

(ii) any administrative action proposed to implement the agreement and how such action will change or affect existing law;

(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated;

(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title;

(v) an estimate of the number of individuals who will be affected by the agreement;

(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then...
such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

“(3) For purposes of this subsection, the term ‘approval resolution’ means a joint resolution under this section of the agreement to the Congress.

“(4) Whenever a document setting forth an agreement entered into under this section and the President’s report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

“(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, and in the Senate by the majority leader of the Senate designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to agreements establishing totalization arrangements entered into after the date of enactment of the Social Security Act which are transmitted to the Congress on or after March 1, 2006.

(b) GAO REPORT ON IMPACT TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 413(e)), as amended by subsection (a)(1), is amended by adding at the end the following new paragraph:

“(6) Not later than January 1, 2007, and biennially thereafter, the Comptroller General of the United States shall submit a report to Congress and the President with respect to each such agreement that has become effective that—

“(A) compares the estimates, statements, and assessments contained in the report submitted to Congress under paragraph (2) with respect to that agreement with the actual numbers of individuals affected by the agreement and the actual effect of the agreement on the estimated income and expenditures of the social security system established by this title; and

“(B) contains such recommendations for adjusting the methods used to make the estimates, statements, and assessments required for reports submitted under paragraph (2) as the Comptroller General determines necessary.

SA 3445. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. PROHIBITION ON PAYMENT OF SOCIAL SECURITY BENEFITS BASED ON QUARTERS OF COVERAGE EARNED BY AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL WHILE THAT INDIVIDUAL IS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) In General.—Section 213(a)(2)(B)(i) of the Social Security Act (42 U.S.C. 413(a)(2)(B)(i)) is amended—

(1) by striking ‘‘and no quarter’’ and inserting ‘‘; no quarter’’; and

(2) by inserting before the semicolon the following: ‘‘; and no quarter any part of which includes wages paid to an individual or self-employment income earned by an individual who is not assigned a social security account number consistent with the requirements of subclause (I) or (II) of section 206(c)(2)(B)(i) or was not described in section 214(c)(2) shall be a quarter of coverage’’.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) filed on or after the date of enactment of this Act.

SA 3446. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to reimburse States that use the National Guard to secure their borders, provided that not more than $100,000,000 may be paid to any one State in a fiscal year. Not less than 15% of the money appropriated in any given year shall be available to States along the Northern border of the United States.

SA 3448. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to reimburse States that use the National Guard to secure their borders, provided that not more than $100,000,000 may be paid to any one State in a fiscal year. Not less than 20% of the money appropriated in any given year shall be available to States along the Northern border of the United States.

SA 3449. Ms. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 385, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term ‘‘work day’’ means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SA 3450. Ms. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 963 hours or 150 work days during the 24-month period ending on December 31, 2003;

SA 3451. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 17, strike ‘‘and’’. On page 386, line 21, strike the period at the end and insert ‘‘; and’’. On page 386, between lines 21 and 22, insert the following:
SA 3452. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, strike lines 18 through 20 and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 401, strike lines 22 through 24 and insert the following:

(ii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SA 3453. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, strike line 2, strike “or”,

On page 388, strike line 14 and insert the following:

or harm to property in excess of $500; or

On page 388, strike line 2, strike “or”.

On page 388, strike line 14 and insert the following:

or harm to property in excess of $500; or

SA 3454. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 416, strike lines 8 through 11 and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to the Secretary such sums as are necessary for the startup costs of the program authorized under this section for each of fiscal years 2007 and 2008.
At the appropriate place, insert the following:


(1) in subclause (III), by striking ‘‘, under circumstances indicating an intention to cause death or serious bodily harm, incite and inserting ‘incited or advocated’; and

(2) in subclause (VII), by striking ‘‘or espouses terrorist activity or persuades others to endorse, espouse, or advocate’’.

(g) SA 3460. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE METHAMPHETAMINE PLAN.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the President, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, shall submit to the Chairman of Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government should implement to reduce the amount of Methamphetamine being trafficked into the United States.

(b) CONTENTS OF PLAN.—The plan under subsection (a) shall, at a minimum, include—

(1) a specific timeline for engaging elected and diplomatic officials in a bilateral process focused on developing a framework to reduce the inflow of Methamphetamine into the United States;

(2) a specific plan to engage the 5 countries who export the most pseudoephedrine, ephedrine, phenylpropanolamine, and other such Methamphetamine precursor chemicals during calendar year preceding the year in which the plan is prepared; and

(3) a specific funding request that outlines what, if any, additional appropriations are needed to secure the border, ports of entry, or any other Methamphetamine trafficking windows that are currently being exploited by Methamphetamine traffickers.

(c) GAO REPORT.—Not later than 100 days after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the committees of Congress referred to in subsection (a), a report to determine whether the President is in compliance with this section.

SA 3461. Ms. COLLINS submitted an amendment intended to be proposed by amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 232. NONMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) In General.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

’’(i) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance,.;

’’(ii) is a professional athlete, as defined in section 203(i)(2),;

(ii) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams,;

’’(aa) the foreign league or association is a high level of amateur performance of that sport in the relevant foreign country,

‘‘(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at an institution of higher education in the United States under the rules of the National Collegiate Athletic Association (NCAA), and

‘‘(cc) a significant number of the individual athletes or professionals who are drafted by a major sports league or a minor league affiliate of such a sports league, or

‘‘(iii) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production, and

(iii) seeks to enter the United States temporarily and solely for the purpose of performing—

‘‘(I) as such an athlete with respect to a specific athletic competition, or

‘‘(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.’.’

(b) ADVISORY OPINIONS.—Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) in paragraph (4)(D), by inserting ‘‘(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of subparagraph (A)(I) of this paragraph),’’ after ‘‘101(a)(15)(P);’’ and

(2) in paragraph (6)(A)(III), by inserting ‘‘’’(a) in subclause (II), (III), and (IV) of paragraph (4)(A)(I)’’ after ‘‘101(a)(15)(P)(I);’’

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

’’(F) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(A). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.’’;

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

’’(G) Notwithstanding any other provision of this title, the Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to come into temporary admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i).’’;

SA 3462. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 232. NONMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) In General.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

’’(i) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance,.;

’’(ii) is a professional athlete, as defined in section 203(i)(2),;

(ii) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams,;

’’(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country,
“(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country,

(bb) participation in such league or association is not determined by a major sports league or a minor league affiliate of such a sports league, or

(cc) a significant number of the individuals who play in such league or association are directed to compete or compete as part of a group in a theatrical ice skating production, and

(dd) seeks to enter the United States temporarily and solely for the purpose of performing—

‘‘(I) as such an athlete with respect to a specific athletic competition, or

‘‘(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.’’.

(a) SHORT TITLE.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as charged for a petition seeking classification under subclause (II), (III), or (IV) of subparagraph (A)(i) of this paragraph, after ‘‘101(a)(15)(P)(i)’’;

(b) IN GENERAL.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

‘‘(P) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(A). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.’’.

(d) PROHIBITION.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

‘‘(G) Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall permit an alien seeking entry under subclause (II), (III), or (IV) of paragraph (4)(A)(i) after ‘‘101(a)(15)(P)(i)’’;

(c) PETITIONS FOR MULTIPLY ALIENS.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

‘‘(A) In this subsection, the term ‘multiply aliens’ means—

(1) a group of two or more persons; or

(2) individuals whose relationships are such that their presence in the United States is inextricably linked.

(b) EFFECT.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

‘‘(G) The Secretary of Homeland Security shall conduct its official business in English, including publications, income tax forms, and informational materials.

(5) On September 22, 2004, the Immigration and Naturalization Service of the Department of Justice, which was ordered to lie on the table; as follows:

 SEC. 3464. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act, to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

 SEC. 132. BRAVE FORCE.

(a) ESTABLISHMENT.—There is established in the USCSP a Border Regiment Assisting in Valuable Enforcement Force (referred to in this subtitle as the ‘‘BRAVE Force’’), which shall consist of law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

(b) REVISED LAW ENFORCEMENT OFFICERS.—In this section, the term ‘revised law enforcement officer’ means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in section 216(l) of the Social Security Act (42 U.S.C. 416(l)))

(c) EFFECT ON PERSONNEL CAPS.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the USCSP personnel cap.

(d) RETIRED ANNUITANTS.—An employee of BRAVE Force who has worked for the Federal Government shall be considered a retired annuitant and shall have no reduction in annuity as a result of salary payment for such employees’ service in the NBNW Program.

SEC. 133. CIVILIAN VOLUNTEERS.

(a) IN GENERAL.—The USCSP shall provide the opportunity for civilian volunteers to assist in carrying out the purposes of the NBNW Program.

(b) ORGANIZATION.—Not less than 3 civilian volunteers in the NBNW Program shall be eligible for reimbursement by the USCSP for expenses related to carrying out the duties of the NBNW Program.

SEC. 134. LIABILITY OF BRAVE FORCE EMPLOYEES AND CIVILIAN VOLUNTEERS.

(a) CIVILIANS.—A civilian volunteer participating in the NBNW Program shall not be liable in any legal proceeding, to any governmental entity, or to any individual in any civil action brought in any Federal or State court, under any Federal or State or local law to the appropriate employee of BRAVE Force.

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 3465. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. 107. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE.

(a) FINDINGS.—Congress finds the following:

(1) On July 17, 2002, 18 aliens who were present in the United States illegally, including 3 minors, were taken into custody by the Tulsa County Sheriff’s Department. The aliens were later released by officials of the former Immigration and Naturalization Service;

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma, with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma;

On January 22, 2003, 4 new agents at the Immigration and Naturalization Service office in Oklahoma City were hired.

On January 30, 2003, Oklahoma’s Immigration and Naturalization Service office added 6 new special agents to their staff.

On September 24, 2004, officials of the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security stated the release of 18 individuals who may have been present in the United States illegally and were in the custody of the police department of the City of Catoosa, Oklahoma. The Police stopped a truck carrying 18 individuals, including children, in the early morning hours on that date. Only 2 of the individuals produced identification. One adult was arrested on drug possession charges and the remaining individuals were released.
SEC. 131. IMMIGRATION ENFORCEMENT TRAINING DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project referred to in this subtitle as the "Project") described in this subtitle.

(b) PURPOSE.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve and enhance the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers' proficiency in learning the course's conversations;

(E) ensures a high level of security; and

(F) encrypts personal and sensitive information;

(2) develop an e-learning training course that—

(A) entails not more than 4 hours of training;

(B) is accessible through the on-line, e-learning Web site developed under paragraph (1); (C) covers the basic principles and practices of immigration law and the policies that relate to the enforcement of immigration laws;

(D) includes instructions about—

(i) employment-based and family-based immigration;

(ii) the various types of nonimmigrant visas;

(iii) the differences between immigrant and nonimmigrant status;

(iv) the differences between lawful and unlawful presence;

(v) the criminal and civil consequences of unlawful presence;

(vi) the procedures for removal; and

(vii) the types of false identification commonly used by illegal and criminal aliens; and

(E) is accessible through the secure, on-line, e-learning Web site, including the e-learning Web site provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the e-learning training course established under section 131(a)(2); and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the e-learning training course established under section 131(a)(2); and

(3) assess the feasibility of expanding to State, local, and tribal law enforcement agencies throughout the Nation the on-line, e-learning Web site, including the e-learning training course technological components and e-learning training course content;

(c) PERIOD OF PROJECT.—The Project Director shall carry out the demonstration project for a 2-year period beginning 90 days after the date of the enactment of this Act.

(d) PARTICIPATION IN PROJECT.—The Project Director shall carry out the demonstration project by enrolling in the e-learning training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the e-learning training course established under section 131(a)(2), all officers selected to participate in the Project, the Secretary shall—

(1) provide a plan that—

(A) is consistent with the purposes of the Project;

(B) is accessible through the on-line, e-learning Web site.

(2) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such demonstration project.

(e) PARTICIPATING OFFICERS.

(1) NUMBER.—Not later than 180 days after the date of the enactment of this Act, and

(2) A PORTIONMENT.

(a) I N GENERAL.

(i) In general.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project's e-learning training course to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

(b) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an estimate of the cost savings realized by offering training through the e-learning training course instead of the residential classroom method;

(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period;

(C) the effectiveness of the e-learning training course with respect to student-officer performance; and

(D) the convenience afforded student-officers with respect to their ability to access the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and refreshers.

(d) LIMITATION ON PARTICIPATION.—An individual is ineligible to participate in the expansion of the Project established under this subchapter if the individual is employed by a State, local, or tribal law enforcement agency that—

(A) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(B) in the judgment of the Secretary, is not providing assistance to the President of the United States.

(e) PARTICIPATING OFFICERS.

(1) NUMBER.—Not later than 180 days after the date of the enactment of this Act, the Project Director shall—

(A) provide a plan that—

(i) is consistent with the purposes of the Project;

(ii) is accessible through the on-line, e-learning Web site; and

(iii) is otherwise in contravention of section 131(a)(2); and

(B) shall be granted continuous access, concurrently, with the e-learning training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the e-learning training course established under section 131(a)(2), all officers selected to participate in the Project, the Secretary shall—

(1) provide a plan that—

(A) is consistent with the purposes of the Project;
SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subtitle.

(b) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and the expansion of the Project under this subtitle.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this subsection shall remain available until expended.

SA 3467. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table:

On page 13, strike lines 10 through 13 and insert the following:

(c) STUDY ON THE USE OF TECHNOLOGY TO PREVENT IMMIGRATION.

The Secretary shall conduct a study of available technology, including radar animal detection systems, that could be utilized to:

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(d) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report which shall include:

(1) plans pursuant to subsection (a);

(2) the results of the study carried out under subsection (c); and

(3) recommendations of the Secretary related to the efficacy of the technologies studied under subsection (c).

SA 3468. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table:

At the appropriate place, insert the following:

SEC. 131. NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM.

The Commissioner of the United States Customs and Border Protection (referred to in this subtitle as the ‘‘USCBP’’) shall establish a National Border Neighborhood Watch Program (referred to in this subtitle as the ‘‘NBNW Program’’) to permit retired law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

SEC. 132. BRAVE FORCE.

(a) ESTABLISHMENT.—There is established in the USCBP a Border Regiment Assisting in Valuable Enforcement Force (referred to in this section as the ‘‘BRAVE Force’’), which shall consist of retired law enforcement officers, to carry out the NBNW Program.

(b) SAFETY AND SECURITY.—In this section, the term ‘‘retired law enforcement officer’’ means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in subsection (a)(1) of the Social Security Act (42 U.S.C. 416(i))).

(c) EFFECT ON PERSONNEL CAPS.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the USCBP personnel limits.

(d) RETIRED ANNUITANTS.—An employee of BRAVE Force who has been retired by the Federal Government shall be considered a retired annuitant and shall have no reduction in annuity as a result of salary payment for the employee’s service in the NBNW Program.

SEC. 150. English language version of the forms.

(a) In General.—The United States Customs and Border Protection shall preserve and enhance the role of English as the official language of the United States of America. Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. Exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal government in a language other than English (or such forms are completed in a language other than English), the English language version of the forms is the sole authority for all legal purposes.

SA 3471. Mr. INHOFE (for himself, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table:

At the appropriate place, insert the following:

Subtitle D—National Border Neighborhood Watch Program

SEC. 131. NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM.

The Commissioner of the United States Customs and Border Protection (referred to in this subtitle as the ‘‘USCBP’’) shall establish a National Border Neighborhood Watch Program (referred to in this subtitle as the ‘‘NBNW Program’’) to permit retired law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

SEC. 132. BRAVE FORCE.

(a) ESTABLISHMENT.—There is established in the USCBP a Border Regiment Assisting in Valuable Enforcement Force (referred to in this subtitle as the ‘‘BRAVE Force’’), which shall consist of retired law enforcement officers, to carry out the NBNW Program.

(b) SAFETY AND SECURITY.—In this section, the term ‘‘retired law enforcement officer’’ means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in subsection (a)(1) of the Social Security Act (42 U.S.C. 416(i))).

(c) EFFECT ON PERSONNEL CAPS.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the USCBP personnel limits.

(d) RETIRED ANNUITANTS.—An employee of BRAVE Force who has been retired by the Federal Government shall be considered a retired annuitant and shall have no reduction in annuity as a result of salary payment for the employee’s service in the NBNW Program.

SEC. 133. CIVILIAN VOLUNTEERS.

(a) In General.—The USCBP shall provide the opportunity for civilian volunteers to assist in carrying out the purposes of the NBNW Program.

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(2) is otherwise in contravention of section 62(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).
SA 3472. Mr. INHOFE submitted an amendment intended to be proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to the table; as follows:

At the appropriate place, insert the following:

Subtitle D—Immigration Enforcement
Training

SEC. 131. IMMIGRATION ENFORCEMENT TRAINING DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project (referred to in this subtitle as the ‘‘Project’’) described in this subtitle.

(b) PURPOSE.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve and enhance the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

(c) PROJECT DIRECTOR RESPONSIBILITIES.—The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers’ proficiency in learning the course’s concepts;

(E) encrypts personal and sensitive information;

(F) develops an e-learning training course that—

(i) entails not more than 4 hours of training;

(ii) is accessible through the on-line, e-learning Web site developed under paragraph (1); and

(iii) covers the basic principles and practices of immigration law and the policies that relate to the enforcement of immigration laws;

(iv) includes instructions about—

(A) employment-based and family-based immigration laws;

(B) the various types of nonimmigrant visas;

(v) the differences between immigrant and nonimmigrant status;

(vi) the differences between lawful and unlawful presence;

(vii) the criminal and civil consequences of unlawful presence;

(viii) the various grounds for removal;

(ix) the criteria used to determine whether an individual is an alien smuggling group that commonly participates in alien smuggling rings;

(x) the inherent legal authority of local law enforcement officers to enforce federal immigration laws; and

(xi) detention and removal procedures, including expeditious removal and

(E) is accessible through the secure, encrypted on-line, e-learning Web site and not later than 90 days of the date of enactment of this Act; and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the training given pursuant to an agreement by the State under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(2) conduct training for officers who are selected to participate in the demonstration project if they are employed by a

(i) State, local, or tribal law enforcement agency; or

(ii) the United States.

(d) PARTICIPATION IN PROJECT.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(e) APPOINTMENT.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(f) SELECTION.—Participation in the Project shall—

(1) be equally apportioned between State, county, and municipal law enforcement agency officers; and

(2) include, when practicable, a significant subset of tribal law enforcement officers; and

(3) include officers from urban, rural, and highly rural areas.

(g) RECRUITMENT.—Recruitment of participants shall be conducted to ensure that the Project includes law enforcement officers from the United States, including officers from urban, rural, and highly rural areas.

(h) LIMITATION ON PARTICIPATION.—Officers shall be ineligible to participate in the Project or the demonstration project if they are employed by a State, local, or tribal law enforcement agency that—

(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(2) is otherwise in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).
(6) ADDITIONAL REQUIREMENTS.—The law enforcement officers selected to participate in the e-learning training course provided under the Project shall—
(A) undergo standard vetting procedures, pursuant to the Federal Law Enforcement Training Center Distributed Learning Program, to ensure that each individual is a bona fide law enforcement officer;
(B) shall be granted continuous access, throughout the 2-year period of the Project, to on-line course material and other training and reference resources accessible through the on-line, e-learning Web site.
(f) REPORT.—
(1) IN GENERAL.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project’s e-learning training course to—
(A) the Committee on the Judiciary of the Senate;
(B) the Committee on the Judiciary of the House of Representatives;
(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and
(D) the Committee on Homeland Security of the House of Representatives.
(2) CONTENTS.—The report submitted under paragraph (1) shall include—
(A) an estimate of the cost savings realized by officers through the e-learning training course instead of the residential classroom method;
(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period;
(C) the effectiveness of the e-learning training course with respect to student-officer performance;
(D) the convenience afforded student-officers with respect to their ability to access the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and reference; and
(E) the ability of the on-line, e-learning Web site to safeguard the student officers’ private and personal information while providing supervisors with appropriate information on the student performance and course completion.
SEC. 132. EXPANSION OF PROGRAM.
(a) IN GENERAL.—After the completion of the Project, the Secretary shall—
(1) continue to make available the on-line, e-learning Web site and the e-learning training course developed in the Project;
(2) annually enroll 190,000 new State, local, and tribal law enforcement officers in such e-learning training course; and
(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.
(b) LIMITATION ON PARTICIPATION.—An individual is ineligible to participate in the expansion of the Project established under this subtitle if the individual is employed by a State, local, or tribal law enforcement agency that—
(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or
(2) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).
SEC. 133. AUTHORIZATION OF APPROPRIATIONS.
(a) FISCAL YEAR 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subtitle.
(b) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and expansion of the Project under this subtitle.
(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section shall remain available until expended.

SA 3474. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and other purposes; which was ordered to lie on the table; as follows:
At the appropriate place insert the following:

(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.

SA 3475. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 134. CRIMINAL PENALTIES FOR FORGERY.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

515. Federal records, documents, and writings.
‘‘Whoever—
(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose; or
(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

(b) EXEMPTION FROM NUMERICAL LIMITATION.

Section 214(g)(3) (8 U.S.C. 1184(g)(3)) is amended—
(1) in subparagraph (B), by striking “or” at the end;
(2) in subparagraph (C), by striking the period at the end and inserting “; or”;
and
(3) by adding at the end the following:
‘‘(D) practices medicine in a facility that treats patients who reside in a Health Professional Shortage Area (as designated under section 515 of the Health and Human Services);’’.
SEC. 161. SHORT TITLE.

This subtitle may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 162. DEFINITIONS.

In this subtitle:

(1) COMMISSIONER.—The term "commissioner" means the Commissioner of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 163. PROVISION TO UPDATE INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the methods and procedures of the infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 109th Congress (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study shall:

(1) evaluate the effectiveness of all border infrastructure

SEC. 164. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary should begin to develop a National Land Border Security Plan.

(b) VULNERABILITY ASSESSMENT.—In general, the Secretary should develop a vulnerability assessment of each port of entry located on the northern border or the southern border.

(c) SECURITY COORDINATORS.—The Secretary shall establish 1 or more port security coordinators to assist in implementing and enforcing the plan.

(d) PLAN IMPLEMENTATION.—The Secretary shall develop a plan to implement the plan required in subsection (a).

(e) IMPLEMENTATION OF THE PLAN.—The Secretary shall implement the plan required in subsection (a).

(f) TECHNICAL AND FACILITIES REQUIREMENTS.—The Secretary shall obtain, maintain, and deploy appropriate technology to implement the plan.

(g) TRAINING.—The Secretary shall provide training for border security personnel to implement the plan.

(h) EVALUATION.—The Secretary shall evaluate the effectiveness of the plan and report the results to Congress.

SEC. 165. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—The Secretary shall establish a Customs and Border Protection program to expand the size and scope of the Customs-Trade Partnership Against Terrorism programs along the northern border and the southern border.

(b) TECHNICAL AND FACILITIES REQUIREMENTS.—The Secretary shall develop a plan to implement the program established by this subsection.

(c) TRAINING.—The Secretary shall provide training for border security personnel to implement the program established by this subsection.

(d) EVALUATION.—The Secretary shall evaluate the effectiveness of the program established by this subsection and report the results to Congress.

(e) REPORT.—The Secretary shall submit to Congress a report on the activities carried out under the program established by this subsection.
the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 3. USE OF TECHNOLOGY FOR INTELLIGENCE.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 153(a);

(2) to carry out section 153(d);

(A) $5,000,000 for fiscal year 2007; and (B) such sums as may be necessary for each of the fiscal years 2008 through 2011;

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(4) to carry out section 155(b);

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011; and

(5) to carry out section 156, provided that not more than $5,000,000 may be expended for technology demonstration program activities at any 1 point of entry demonstration site in any fiscal year—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) INTERNATIONAL AGREEMENTS.—Amounts authorized to be appropriated under this subtitle may be used for the implementation of projects described in the Declaration on Enforcement and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to on March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this subtitle.

SA 3480. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. ADDITIONAL DISTRICT COURT JUDGE(S).

The President shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings totaled more than 50 per cent of all criminal filings for the 12-month period ending September 30, 2004.

SA 3482. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 3461 submitted by Mr. GRASSLEY (for himself and Mr. Kyl) and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

The Secretary shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings totaled more than 50 per cent of all criminal filings for the 12-month period ending September 30, 2004.

SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

(1) IN GENERAL.—It is unlawful for an employer—

(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing that the alien is an unauthorized alien with respect to such employment;

(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

(b) INTERNATIONAL AGREEMENTS.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of enactment of this Act, to employ an alien in the United States, or who continues to employ an alien in the United States, knowing that an alien is employed in violation of section 274A of the Immigration and Nationality Act to provide for comprehensive reform and for other purposes, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A)."

(4) REPUTABLE PRESUMPTION OF UNLAWFUL HIRING.—A rebuttable presumption is created for the purpose of a civil enforcement proceeding that an employer knowingly violated paragraph (1)(A) if the Secretary determines that—

(A) the employer hired 50 or more new employees during a calendar year and that 5 new employees hired by the employer in the calendar year were unauthorized aliens; or

(B) the employer hired less than 50 new employees during a calendar year and that 5 new employees hired by the employer in the calendar year were unauthorized aliens.

(c) DEFENSE.—In general.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referring.

(d) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or a similar official of the employer shall certify under penalty of perjury that—

(A) the employer is in compliance with the requirements of subsections (c) and (d); or

(B) that the employer has instituted a program to come into compliance with such requirements.

(3) EXTENSION.—The 60-day period referred to in paragraph (2) may be extended by the Secretary for good cause, at the request of the employer.

(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or
remitting for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include, at a minimum, the requirements of subsection (d) and the following paragraphs:

(1) ATTESTATION BY EMPLOYER.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employee possesses the identity and eligibility for employment of the individual by examining—

(I) a document described in subparagraph (B) or (C); or

(II) a document described in subparagraph (B) and a document described in subparagraph (D).

(ii) SECURITY REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of a document if the document examined reasonably appears on its face to be genuine. If an individual provides a document (or combination of documents) that reasonably appears to be genuine and that is sufficient to meet the requirement of clause (i), nothing in this paragraph may be construed as requiring the employer to solicit the signature of any other document or as requiring the individual to produce such another document.

(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participant is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual’s—

(I) United States passport; or

(ii) permanent resident card or other document designated by the Secretary, if the document—

(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary prescribes in regulations is sufficient for the purposes of this subparagraph;

(ii) is evidence of eligibility for employment in the United States; and

(iii) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(C) DOCUMENTS ESTABLISHING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual’s—

(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

(ii) any other documents evidencing eligibility of employment in the United States, if—

(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual’s—

(i) driver’s license or identity card issued by a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or an outlying possession of the United States provided that such a card or document—

(I) contains the individual’s photograph or information, including the individual’s name, date of birth, gender, eye color, and address; and

(ii) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

(ii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, department, or entity of a State, or a Native American tribal document, provided that such card or document—

(I) contains the individual’s photograph or information, including the individual’s name, date of birth, gender, eye color, and address; and

(ii) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

(iii) identification card issued by an outlying possession of the United States provided that such a card or document—

(I) contains the individual’s photograph or information, including the individual’s name, date of birth, gender, eye color, and address; and

(ii) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

(iv) identification card issued by a native tribe, as defined in section 101(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), as determined by the Secretary, provided that such card or document—

(I) contains the individual’s photograph or information, including the individual’s name, date of birth, gender, eye color, and address; and

(ii) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

(iii) identity card issued by a State or provided by a State as otherwise permitted under law.

(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

(1) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being fraudulently used to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

(2) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under paragraph (1) in the Federal Register.

(F) ATTESTATION OF EMPLOYEE.—

(1) REQUIREMENTS.—

(i) IN GENERAL.—The individual shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the individual—

(I) Social Security account number or Federal Employer Identification number (as the case may be) is authorized under this Act or by the Secretary to be hired, recruited, or referred for a fee, in the United States.

(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

(C) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

(2) MANAGEMENT OF SYSTEM.—

(A) IN GENERAL.—The Secretary shall, through the System—

(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual’s identity and eligibility for employment in the United States; and

(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

(B) INITIAL RESPONSE.—

(A) IN GENERAL.—The Secretary shall, through the System, tentatively confirm or nonconfirm an individual’s identity and eligibility for employment in the United States if the employer submits an inquiry regarding the individual.
“(ii) MANUAL VERIFICATION.—If a tentative nonconfirmation is provided for an individual under clause (i), the Secretary, through the System, shall conduct a secondary manual verification not later than 10 working days after such tentative nonconfirmation is made.

“(iii) NOTICES.—Not later than 10 working days after a secondary manual verification of the System regarding an individual, the Secretary shall, through the System, communicate the result of the System's determination to the employer.

“(I) if the System is able to confirm, through a verification described in clause (i) or (ii), the individual's identity and eligibility for employment in the United States, an appropriate code indicating such confirmation; or

“(II) if the System is unable to confirm, through a verification described in clause (i) or (ii), the individual's identity or eligibility for employment in the United States, an appropriate code indicating such tentative nonconfirmation.

“(IV) DEFAULT CONFIRMATION IN CASE OF SYSTEM FAILURE.—If the Secretary, through the System, fails to provide a notice described in clause (iii) for an individual within the period described in such clause, an appropriate code indicating such confirmation shall be provided to the employer. Such confirmation shall remain in effect for the individual until the Secretary, through the System, provides a notice that—

“(I) the System is unable to confirm the individual's identity; or

“(II) the individual is ineligible for employment in the United States.

“(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

“(i) If a tentative nonconfirmation notice is issued under subparagraph (B)(ii)(I), not later than 10 working days after the date an individual submits information to contest such notice under paragraph (7)C(iii) the Secretary, through the System, shall issue to the employer an appropriate code indicating final confirmation or final nonconfirmation.

“(ii) The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation or final nonconfirmation notice to the individual in a manner that promotes maximum accuracy.

“(III) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation or final nonconfirmation notice to the individual in a manner that promotes maximum accuracy.

“(D) RIGHT TO APPEAL FINAL NONCONFIRMATION.—The individual shall have the right to an administrative or judicial appeal of a notice of final nonconfirmation. The Secretary shall consult with the Commissioner of Social Security to develop a process for such appeal.

“(E) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System to—

“(i) maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information contained in the System in a manner that promotes maximum accuracy.

“(ii) to respond to each inquiry made by an employer; and

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry.

“(iv) to include appropriate administrative and technical safeguards to prevent unauthorized disclosure of personal information during transmission, storage, or disposal of that information, including the implementation of periodic stress testing of the System to detect, prevent, and respond to vulnerabilities or other failures, and utilizing periodic security updates.

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to allow the System to be developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status; and

“(vii) to permit individuals—

“(I) to view their own records in order to ensure the accuracy of such records; and

“(II) to contact the appropriate agency to correct any errors through an expedited process established by the Secretary, in consultation and coordination with the Commissioner of Social Security.

“(F) LIMITATION ON DATA ELEMENTS STORED.—The System and any databases created by the Commissioner of Social Security shall store only the information necessary to the confirmation, tentative nonconfirmation, or final nonconfirmation under the System. The System shall store only the minimum data about each individual for whom an inquiry is conducted that is necessary to the successful operation of the System, and, in no case shall the data stored be other than—

“(I) the individual's full legal name;

“(II) the individual's date of birth;

“(III) the individual's social security account number, or employment authorization status identification number, as applicable;

“(IV) the address of the employer making the inquiry and the dates of any prior inquiries concerning the identity and authorization of the employee by the employer or any other employer and the address of such employer;

“(V) a record of each prior confirmation, tentative nonconfirmation, or final nonconfirmation made by the System for such individual; and

“(VI) in the case of the individual successfully contesting a prior tentative nonconfirmation, declaratory information concerning the successful resolution of any errors, including the identity or eligibility for employment of the individual, including the source of that error.

“(G) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided; or

“(ii) determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner; and

“(III) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(H) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided; or

“(ii) a determination of whether such number was issued to the named individual; or

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(I) OFFICE OF ELECTRONIC VERIFICATION.—

“(I) IN GENERAL.—The Secretary shall establish the Office of Electronic Verification in the Bureau of Citizenship and Immigration Services.

“(II) RESPONSIBILITIES.—Subject to available appropriations, the Office of Electronic Verification shall work with the Commissioner of Social Security—

“(I) to update the information maintained in the System in a manner that promotes maximum accuracy;

“(II) to provide a process for correcting erroneous information by registering not less than 97 percent of the data received from field offices of the Bureau of Citizenship and Immigration Services and information changes submitted by employers within all relevant databases within 24 hours after submission and registering not less than 99 percent of information changes submitted by employers within 10 working days after submission;

“(III) to ensure that at least 99 percent of the data received from field offices of the Social Security Administration and other points of contact between citizens and the Social Security Administration is registered within all relevant databases within 24 hours after receipt;

“(IV) to ensure that at least 99 percent of the data received from field offices of the Social Security Administration and other points of contact between citizens and the Social Security Administration is registered within all relevant databases within 24 hours after receipt;

“(V) to employ a sufficient number of manual status verifiers to resolve 99 percent of the tentative nonconfirmations within 3 days.

“(VI) to establish and promote call-in help lines accessible to employers and employees on a 24-hour basis with questions about the functioning of the System that are specific issues underlying a tentative nonconfirmation;

“(VII) to establish an outreach and education program to ensure that all new employers are fully informed of their responsibilities under the System; and

“(VIII) to conduct a random audit of a substantial percentage of workers' files in a database maintained by an agency or department of the United States each year to determine accuracy rates and require corrections of errors in a timely manner.

“(J) RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—The individual shall have the right to an administrative or judicial appeal of any nonconfirmation or final nonconfirmation may review and challenge the accuracy of the data elements and information within the System upon which such a nonconfirmation was based. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation to the Office of Electronic Verification. The Office of Electronic Verification shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 24 hours of receipt of the filing of such a challenge. The Office of Electronic Verification shall at least annually study and issue findings concerning the cumulative causes of tentative nonconfirmations and issue recommendations concerning the resolution of such causes.
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(K) PRIVACY IMPACT ASSESSMENT.—The Commissioner of Social Security and the Secretary shall each complete a privacy impact assessment as described in section 206 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) with regard to the System.

(L) TRAINING.—The Commissioner of Social Security and the Secretary shall provide appropriate training materials to participating employers to ensure such employers are able to utilize the System in compliance with the requirements of this section.

(M) HOTLINE.—The Secretary shall establish a fully staffed 24-hour hotline to receive inquiries concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particular data that resulted in the issuance of a nonconfirmation notice under the System.

(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

(A) CRITICAL EMPLOYERS.—

(i) REQUIRED PARTICIPATION.—

(ii) WAIVERS OF THE REQUIREMENT.—

(A) AUTHORITY TO PROVIDE A WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary determines such employer or class of employers is designated under subclause (I), is part of the infrastructure of the United States or directly related to the national security or homeland security of the United States.

(B) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary shall require such employer or class of employers to participate in the System, with respect to employees hired by the employer on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

(ii) DISCRETIONARY PARTICIPATION.—

(I) DESIGNATION.—As of the date that is 180 days after the date the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may designate, in the Secretary’s sole and unreviewable discretion, an employer or class of employers under this subclause if the Secretary determines such employer or class of employers as a critical employer or class of employers in the United States.

(II) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary shall require such employer or class of employers to participate in the System, with respect to employees hired by the employer on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

(iii) DISCRETIONARY PARTICIPATION.—

(I) DESIGNATION.—As of the date that is 180 days after the date the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may designate, in the Secretary’s sole and unreviewable discretion, an employer or class of employers under this subclause if the Secretary determines such employer or class of employers as a critical employer or class of employers in the United States.

(II) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary shall require such employer or class of employers to participate in the System, with respect to employees hired by the employer on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

(B) LARGE EMPLOYERS.—Not later than 2 years after the date the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(D) Micro EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary’s sole and unreviewable discretion to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis.

(5) SYSTEM REQUIREMENTS.—

(A) AUTHORITY TO PROVIDE A WAIVER.—The Secretary shall each complete a privacy impact assessment as described in section 208 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) with regard to the System.

(B) MISCELLANEOUS.—

(I) TENTATIVE CONFIRMATION.—

(ii) TENTATIVE CONFIRMATION MAY NOT APPLY TO TERMINATION.—The Secretary shall not carry out any requirement under this subsection that may not apply to a termination of employment for any reason other than because of such a failure.

(V) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code provided under subparagraph (I) of this subsection.

(VI) CONSEQUENCES OF NONCONFIRMATION.—

(A) CONFIRMATION ON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(iii) for an individual, the employer shall inform such individual of the process of submitting a written request and shall provide the individual with information about the right to contest the tentative nonconfirmation and contact information for the appropriate agency to file such contest.

(B) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual’s employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code providing that an individual’s failure to contest a tentative nonconfirmation may not be the basis for determining that the individual acted in a knowingly (as defined in section 274A.1 of title 8, Code of Federal Regulations, or any corresponding similar regulation) manner.

(C) AFFIRMATIVE ACTS.—If the individual contest the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 working days of receiving notice from the individual’s employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

(D) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

(E) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under subclause (I) or a final nonconfirmation notice is issued by the System.

(F) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation of the identity and employment eligibility of the individual.

(G) CONSEQUENCES OF NONCONFIRMATION.—

(A) CONFIRMATION ON INITIAL INQUIRY.—If an employer receives a final nonconfirmation regarding an individual,
the employer shall terminate the employment, recruitment, or referral of the individual. If the employer continues to employ, recruit, or refer the individual after receiving a tentative nonconfirmation, a rebuttal response may be submitted that the employer has violated subsections (a)(1)(A) and (a)(2). Such a response may not be submitted to a previous employer under the circumstances described in paragraph (3).

(ii) Assistance in Immigration Enforcement.—If an employer has received a final nonconfirmation which is not the result of the employer's failure to contest a tentative nonconfirmation in subparagraph (C)(ii), the employer shall provide to the Secretary any information relating to the nonconfirmed individual. The Secretary may authorize any officer or employee of the Department of Homeland Security, the Department of Labor, or other agencies related to the investigation of immigration violations, to visit the place of employment to verify any information, database, or other records utilized by the System.

(iii) To use the System selectively to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most other employees.

(iv) To verify the employment authorization of hire employees after the 3 days of employment; and after the employee has satisfied the eligibility verification provisions of subsection (b)(1) or to verify employees hired before the date that the person or entity is required to participate in the System.

(v) To use the System for any purpose other than the determination of whether an individual is authorized in this subsection, to intentionally and knowingly obstruct, conceal, or misrepresent any information, database, or other records utilized by the System for any purpose other than as provided for under this subsection.

(vi) To access to database.—No officer or employee of any agency or department of the United States, other than such an officer or employee responsible for the verification of employment eligibility or for the evaluation of an employment eligibility verification system at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information, database, or other records utilized by the System.

(vii) Modification authority.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including the use of the System selectively to exclude certain individuals from consideration for employment, to verify any information, database, or other records utilized by the System, to collect any costs associated with the use of the System, and to establish such milestones with the Secretary in enforcing or administering the immigration laws.

(viii) Unlawful use of system.—It shall be an unlawful immigration-related employment practice for an employer:

(1) To use the System prior to an offer of employment;

(2) To use the System selectively to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most other employees;

(3) To terminate or undertake any adverse employment action based on a tentative nonconfirmation described in paragraph (2)(B)(i) for a year not more than one hundred percent of all cases;

(4) To verify the employment authorization of hire employees after the 3 days of employment; and after the employee has satisfied the eligibility verification provisions of subsection (b)(1) or to verify employees hired before the date that the person or entity is required to participate in the System.

(5) To use the System for any purpose other than the determination of whether an individual is authorized in this subsection, to intentionally and knowingly obstruct, conceal, or misrepresent any information, database, or other records utilized by the System;

(6) To use the System selectively to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most other employees;

(7) To use the System for any purpose other than the determination of whether an individual is authorized in this subsection, to intentionally and knowingly obstruct, conceal, or misrepresent any information, database, or other records utilized by the System.

(8) Protection from liability.—No employer that participates in the System shall be liable under any law for any employment-related action with respect to an individual in good faith reliance on information provided by the System.

(9) Limitation on use of the system.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

(10) Access to database.—No officer or employee of any agency or department of the United States, other than such an officer or employee responsible for the verification of employment eligibility or for the evaluation of an employment eligibility verification system at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information, database, or other records utilized by the System.

(11) Modification authority.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including the use of the System selectively to exclude certain individuals from consideration for employment, to verify any information, database, or other records utilized by the System, to collect any costs associated with the use of the System, and to establish such milestones with the Secretary in enforcing or administering the immigration laws.

(12) Unlawful use of system.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization of the System, pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or is fined no less than $1,000 for each day on which such unauthorized access continued, or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

(13) Identity theft.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain any information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization of the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses such information to commit identity theft, fraud, financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined no less than $10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

(8) Protection from liability.—No employer that participates in the System shall be liable under any law for any employment-related action with respect to an individual in good faith reliance on information provided by the System.

(9) Limitation on use of the system.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

(10) Access to database.—No officer or employee of any agency or department of the United States, other than such an officer or employee responsible for the verification of employment eligibility or for the evaluation of an employment eligibility verification system at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information, database, or other records utilized by the System.

(11) Modification authority.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including the use of the System selectively to exclude certain individuals from consideration for employment, to verify any information, database, or other records utilized by the System, to collect any costs associated with the use of the System, and to establish such milestones with the Secretary in enforcing or administering the immigration laws.

(12) Unlawful use of system.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization of the System, pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or is fined no less than $1,000 for each day on which such unauthorized access continued, or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

(13) Identity theft.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain any information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization of the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses such information to commit identity theft, fraud, financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined no less than $10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.
"(3) COMPLIANCE PROCEDURES. —

(A) PREPENALTY NOTICE. — If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary’s intention to issue a claim for a fine or other penalty. Such notice shall—

(i) describe the violation;

(ii) specify the laws and regulations allegedly violated;

(iii) contain the material facts which establish the alleged violation; and

(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

(B) REMISSION OR MITIGATION OF PENALTIES. —

(1) PETITION BY EMPLOYER. — Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A) of this paragraph, the employer may file at any time within 60 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or other penalty. The petition shall be filed and considered in accordance with procedures to be established by the Secretary.

(2) REVIEW BY SECRETARY. — If the Secretary determines that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or other penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System if not otherwise required.

(3) APPLICABILITY. — This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(B), the Secretary may remove the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination. The Secretary may adjust the findings of fact and conclusions of law on which the determination is based and the appropriate amount of such penalties.

(4) CIVIL PENALTIES. —

(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS. — Any employer that violates any of paragraphs (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

(i) Pay a civil penalty of not less than $500 and not more than $1,000 for each unauthorized alien with respect to each such violation.

(ii) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any violation of this section, or has not less than $5,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

(iii) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any violation of this section, or has not less than $5,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

(B) RECORDKEEPING OR VERIFICATION PRACTICES. — Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty of not more than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

(C) OTHER PENALTIES. — Notwithstanding subparagraphs (A) and (B), the Secretary may require payment of attorneys’ fees, including cease and desist orders, specially designed compliance plans to prevent further violations, and voluntary disclosure of violations of this subsection to the Secretary.

(D) FEES. —

(i) The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

(E) RECOVERY OF COSTS AND FEES. — Any appeal of a violation under paragraph (5) by an employer or suit brought under paragraph (6) against an employer, the employer shall be entitled to recover from the Department of Homeland Security reasonable costs and attorneys’ fees if such employer substantially prevails on the merits of the case. An award of such attorneys’ fees may not exceed $20,000. Any costs and attorneys’ fees assessed against the Department of Homeland Security under this paragraph shall be charged against the operating expenses of the Department of Homeland Security in the year in which the assessment is made, and shall not be reimbursable from any other source.

(F) PROHIBITION ON AWARD OF GOVERNMENT FEES. — In any appeal brought under paragraph (3)(A) of section (b), (c), or (d) of this subsection, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary restraining order, or other order against the employer, as the Secretary deems necessary.

(G) PROHIBITION ON AWARD OF INDIVIDUAL FEES. — In any appeal brought under paragraph (3)(A) of section (b), (c), or (d) of this subsection, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary restraining order, or other order against the employer, as the Secretary deems necessary.

(H) ADJUSTMENT FOR INFLATION. — All penalties in this section may be adjusted every 4 years by the Secretary.

(I) JUDICIAL REVIEW. — An employer adversely affected by a final determination may, within 45 days of the date the final determination is issued, file a petition in any appropriate district court of the United States for review of the order. The filing of a petition as provided in this paragraph shall not stay the Secretary’s determination until the appeal process is completed. The burden shall be on the employer to show that the final determination was not supported by a preponderance of the evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

(J) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS. —

(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS. —

(A) IN GENERAL. — If an employer who does not have any Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section, the Secretary may take appropriate action.
or is convicted of a crime under this section, the employer may be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary, in consultation with the Secretary of Homeland Security, shall issue regulations and procedures and standards for suspension of such a debarment, and the Administrator of General Services shall list the employer on the List of Suspended and Debarred Parties, pursuant to 41 U.S.C. 2303, and the Federal Business Opportunities List, pursuant to 41 U.S.C. 2307. The decision of whether to debar the employer under this subsection shall be considered a final agency action.

(2) Employers with contracts, grants, or agreements.—

(A) In General.—An employer who holds a contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, may be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

(B) Notice to agencies.—Prior to debarring the employer under subparagraph (A), the Secretary, in consultation with the Administrator of General Services, shall advise any agency holding a contract, grant, or cooperative agreement with the employer of the Government’s intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

(C) Waiver.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalties shall be subject to review by an independent administrative agency which shall not be reviewable in any debarment proceedings. The decision of whether to debar or take alternate action shall not be judicially reviewable.

(3) Suspension.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered as causes for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

(1) Miscellaneous provisions.—

(1) Documentation.—In providing documentation of suspension or debarment of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously noted on the documentation or endorsement.

(2) Premption.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions upon those who employ or refer for a fee employment, unauthorized aliens.

(1) Definitions.—In this section:

(A) Employer.—The term ‘employer’ means an individual, an entity, or an arm or agency of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

(B) Secretary.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

(C) Unauthorized Alien.—The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either legally admitted to or lawfully present in the United States, hiring, recruiting, or referring an individual for employment in the United States, the Secretary of Homeland Security, and the Attorney General, may waive the limited duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer.

(2) Employees.—Employees employed in the United States, the Secretary of Homeland Security, and the Attorney General, may grant the limited duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer.

(1) AMENDMENTS.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1232a) are repealed.

(2) Construction.—With respect to subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to propose to amend section 3706(a) of the Federal Acquisition Regulations System established pursuant to such subsection.

(3) TECHNICAL AMENDMENTS.—

(A) DEFINITION.—Sections 218(h)(1)(A), 218(i)(1), 218(h)(3), and 218(h)(6) of the Immigration and Nationality Act, 8 U.S.C. 1188(h)(1), 1188(i)(1), 1188(h)(3), and 1188(h)(6) (8 U.S.C. 1324a(h)(1)), and 218(b)(1) of the Immigration and Nationality Act, 8 U.S.C. 1324a(b)(1) (8 U.S.C. 1326a(b)(1)) are amended by striking ‘‘218(h)(3)’’ and inserting ‘‘274A(h)(3)’’.

(B) DOCUMENT Requirements.—Section 274B of the Immigration and Nationality Act, 8 U.S.C. 1324b is amended—

(1) in subsection (b) (8 U.S.C. 1324(b)) by striking (B) and (g)(2)B, by striking ‘‘274B(a)(1)’’ and inserting ‘‘274A(a)(1)’’; and

(2) in subsection (c) (8 U.S.C. 1324(b)(1)), by striking ‘‘274B(a)(1)’’ and inserting ‘‘274A(a)(1)’’.

(4) Authorization of Appropriations.—

(A) COMMISSIONER OF SOCIAL SECURITY.—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out the responsibilities of the Commissioner under section 274A of the Immigration and Nationality Act, as amended by subsection (a).

(B) SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out section 274A of the Immigration and Nationality Act, as amended by section 301(a).

(5) EFFECTIVE DATE.—The amendments made by subsection (a), (b), and (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents to investigate immigration and customs enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 303. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)(I)) is amended by striking ‘‘and’’ and inserting ‘‘or’’.

SEC. 304. ANTI-DISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VETERANS.—Section 301(h) of the Code of Federal Regulations (8 U.S.C. 1324b(h)) is amended by inserting ‘‘, the verification of the individual’s work authorization through the Electronic Employment Verification System described in section 274A(h)(3),’’ after ‘‘the individual for employment’’.

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274A(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(3)(B)) is amended to read as follows: ‘‘(B) an alien who is—

(i) lawfully admitted for permanent residence;

(ii) granted the status of a nonimmigrant under section 101(a)(15)(K)(ii)(c);

(iii) granted temporary protected status under section 244; or

(iv) granted asylum under section 208;

(v) granted the status of a nonimmigrant under section 101(a)(15)(B); or

(vi) admitted for temporary residence under section 210A(b) or 245(a)(1); or

(vii) admitted as a refugee under section 207;

(viii) granted parole under section 212(d)(5); or

(ix) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274A(a) of (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

‘‘(b) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for any person or other entity, in the course of the electronic employment verification process described in section 274A(a), to—

(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

(B) to use the verification system for screening of an applicant prior to an offer of employment;

(C) except as described in section 274A(b)(4)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(b); or

(D) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(h)(2) of (8 U.S.C. 1324b(h)(2)) is amended—

(1) in subparagraph (B)(iv), by striking ‘‘$250 and not more than $2,000’’ and inserting ‘‘$1,000 and not more than $4,000’’;

(B) in subparagraph (B)(II), by striking ‘‘$2,000 and not more than $5,000’’ and inserting ‘‘$4,000 and not more than $10,000’’;

(C) in subparagraph (III), by striking ‘‘$3,000 and not more than $10,000’’ and inserting ‘‘$5,000 and not more than $15,000’’;

(D) in subparagraph (IV), by striking ‘‘$100 and not more than $1,000’’ and inserting ‘‘$500 and not more than $5,000’’;

(E) INCREASED FUNDING OF IMMIGRATION CAMPAIGN.—Section 274B(i)(3) of (8 U.S.C. 1324b(i)(3)) is amended by inserting ‘‘and an additional $40,000,000 for each of fiscal years 2007 through 2009’’ before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 3483. Mr. BOND (for himself and Mr. GREIG) submitted an amendment intended to be proposed to amendment SA 3421 proposed by Mr. FRIST to the
bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 324, strike line 8 and all that follows through page 322, line 7, and insert the following:

“(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining a master’s or doctorate degree or pursuing post-doctoral studies.”

(c) Admission of Nonimmigrants.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking “(iv) L, (V)” and inserting the following: “(iv) L, (V)”.

(d) Requirements for F-1 or J-STEM Visa Category.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

“(m) Nonimmigrant Elementary, Secondary, and Post-Secondary School Students;—”;

and

(2) by adding at the end the following:

“(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

(A) during the intended period of study in a graduate program described in such section;

(B) for an additional period, not to exceed 1 year, during the intended period of study in the program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, or demonstration under section 245(a)(2) to adjust such alien’s status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.

(e) Waiver of Foreign Residence Requirement.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting “(1) before “No person”;

(2) by striking “admission (i)” and inserting the following: “admission—

(A) whose;

(3) by striking “residence, (i) who and inserting the following: “residence;

(B) who;

(4) by striking “engaged, (i) who and inserting the following: “engaged;

(C) who;

(5) by striking “training, shall and inserting the following: “training, “shall”;

(6) by striking “United States: Provided, That upon and inserting the following: “United States.

(2) Upon;

(7) by striking “section 214(I): And provided further, That, except and inserting the following: “section 214(I):

(3) Except; and

(8) by adding at the end the following:

(4) An alien who qualifies for adjustment of status under section 245(d)(3)(C) shall not be subject to the 2-year foreign residency requirement under this subsection.”;

(f) Off Campus Work Authorization for Foreign Students.—

(1) In General.—Aliens admitted as nonimmigrants described in section 214(a)(15)(C) of the Immigration and Nationality Act (8 U.S.C. 1110(a)(15)(C)) may be employed in an off-campus position unrelated to the alien’s field of study if—

(A) the alien is engaged full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(1) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term, or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided a false or fraudulent attestation that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(g) Adjustment of Status.—Section 245(a) (8 U.S.C. 1225a(a)) is amended to read as follows:

“(a) Authorization.—

(1) In General.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(ii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to the status of an alien lawfully admitted for permanent residence if—

(A) the alien makes an application for such adjustment;

(B) the alien is eligible to receive an immigrant visa;

(C) the alien is admissible to the United States for permanent residence; and

(D) an immigrant visa is immediately available to the alien at the time the application is filed.

(2) Student Visas.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) of section 101(a)(15) had been enacted before such alien’s graduation;

(B) the alien has earned a master’s or doctorate degree or completed post-doctoral studies in the sciences, technology, engineering, or mathematics;

(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

(3) Limitation.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.”.

(h) Use of Fees.—

(1) Job Training; Scholarships.—Section 236a(a)(1) (8 U.S.C. 1356(a)(1)) is amended by inserting “and 20 percent of the fees collected under section 245(a)(2)(D)” before the period at the end.

(2) Fraud Prevention and Detention.—Section 236v(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting “and 20 percent of the fees collected under section 245(a)(2)(D)” before the period at the end of the section.

(i) SECTIONS 245A(a)(2)(D) AND 245A(a)(2)(C)(i).—

(1) General.—Section 245a(a)(1)(A) (8 U.S.C. 1225a(a)(1)(A)) is amended—

(A) in clause (v), by striking “or” and inserting “or”;

(B) in clause (vi), by striking “or”; and

(C) in clause (xvii), by striking “or”.

(2) Purposes; which was ordered to lie on

(j) SECTIONS 245A(a)(2)(D) AND 245A(a)(2)(C)(i).—

(1) General.—Section 245a(a)(1)(A) (8 U.S.C. 1225a(a)(1)(A)) is amended—

(A) in clause (vii), by striking “or” and inserting “or”;

(B) in clause (vi), by striking “or”; and

(C) in clause (xvii), by striking “or”.

(2) Purposes; which was ordered to lie on
(ii) by adding after clause (vii) the following:

“(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause;”

“(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii);” or

(II) by striking “and” and inserting “or”;

(B) in subparagraph (D), by striking “and”;

(C) in subparagraph (E), by striking the period at the end and inserting “; or”;

(D) by adding at the end the following:

“(H) in the event that the number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for paragraph (1) of this subsection:

(1) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law.,”

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(c)(3)) is amended by adding at the end the following new paragraph:

“(g) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be provided to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.”

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in subparagraph (E), by striking “In the case” and inserting “Except as provided in subparagraph (H), in the case;” and

(3) by adding at the end the following:

“(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period of 6 months only if the employer operating the new facility has—

(I) a business plan;

(II) sufficient financial premises to carry out the proposed business activities; and

(III) the financial ability to commence doing business immediately upon the approval of the petition;”

“(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

(I) evidence that the importing employer meets the requirements of this subsection;

(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);”

(III) a statement summarizing the original petition;

(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);”

(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;”

(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility described in the petition and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial entity;”

(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

(VIII) a statement describing the staffing of the new facility, including the number of employees and the types of positions held by such employees;”

(V) by evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;”

(X) evidence of the financial status of the new facility; and

(XI) any other evidence or data prescribed by the Secretary.

(III) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the employer.

(II) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary described in subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

(i) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

(II) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility’s existence in the United States and abroad.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amounts made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years before the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the “Fairness in Immigration Litigation Act of 2006”.

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on the applicable specific date, which is not later than the earliest date necessary for the Government to remedy the violation.
(2) Written Explanation.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) Expiration of Preliminary Injunctive Relief.—Preliminary injunctive relief shall terminate on the date that is 90 days after the date on which such relief is entered, unless the court—
(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and
(B) makes the order final before expiration of such 90-day period.

(4) Orders under for Order Denying Motion.—This subsection shall apply to any order denying the Government’s motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) Procedure for Motion Affecting Order Granting Prospective Relief Against the Government.—

(1) In General.—A court shall promptly rule on the Government’s motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) Automatic Stay.—

(A) In General.—The Government’s motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government’s motion.

(B) Duration of Automatic Stay.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government’s motion.

(C) Postponement.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) Orders blocking automatic stays.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A) of this paragraph to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1224(a) of title 28, United States Code.

(c) Settlements.—

(1) Consent Decrees.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) Private Settlement Agreements.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement do not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) Procedures under this section:

(1) Consent decree.—The term “consent decree”—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) “Good visa application” means any visa application that does not include discovery or congestion of the court’s calendar.

(3) Government.—The term “Government” means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) Permanent Relief.—The term “permanent relief” means relief issued in connection with a final decision of a court.

(5) Private Settlement Agreement.—The term “private settlement agreement” means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) Prospective Relief.—The term “prospective relief” means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) Expedited Proceedings.—It shall be the duty of every court to advance on the docket and expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) In General.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States on or after the date of the enactment of this Act.

(b) Automatic Stay for Pending Motions.

(1) In General.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (a) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after the date of the enactment of this Act.

(2) Duration of Automatic Stay.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government’s motion under section 422(b)(2). There shall be no further postponement of the automatic stay with respect to any pending motions described in subsection (b) unless the court shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) Family Sponsorship.—

(1) Fully funded.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

(1) 480,000;

(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

(3) the difference between—

(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas authorized to be issued under this subsection during fiscal years 2006 and 2007; and

(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2000.

(b) Employment-Based Immigrants.—

(1) Worldwide level of Employment-Based Immigrants.—

(2) Visas for Spouses and Children.—Immigrant visas issued on or after October 1, 2001, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in this section.

(3) Visa Allocations.—

(a) Preference Allocation for Family-Sponsored Immigrants.—

(1) Preference allocation for family-sponsored immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

(i) the spouses or children of an alien lawfully admitted for permanent residence; and

(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

(b) Minimum Percentage.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77...
percent of the visas allocated under this paragraph.

"(3) MARKED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the specified relatives of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

(A) 10 percent of such worldwide level; and

(B) any visas not required for the classes specified in paragraphs (1) and (2).

(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of such worldwide level.

(5) OTHER WORKERS.—

(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

(B) PRIORITY.—In allocating visas under subparagraph (A), priority shall be given to qualified immigrants who were physically present in the United States before January 7, 2004.

(C) DEFINITION OF SPECAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 202(b)(4)", and inserting "subject to the numerical limitations of section 202(b)(1)", except for visas described in subsection (b)(1)(A).

(D) LIMITATION.—There shall be no limitation on the number of visas available, in a number not to exceed 30 percent of the worldwide level, for the classes specified in paragraphs (1) through (4), to qualified immigrants who are otherwise described in section 1153(b) (8 U.S.C. 1153(b)) is amended by striking "a percentage not to exceed 7 percent," and inserting in its place "a percentage not to exceed 10 percent,"

(E) INCREASED AVAILABILITY.—

(1) In this paragraph, the term "immediate relative" means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 60 years of age.

(2) An alien who is the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was married from the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A) before the earlier of—

(i) 2 years after such date; or

(ii) the date on which the spouse remarried.

(iv) In this clause, an alien who has filed a petition under clause (ii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary period of limiting immigration as described in clause (ii) shall be admitted as the spouse, parent, or child of an alien admitted under section 203(b)(7) and not subject to section 212(a)(5).

(6) QUALIFIED IMMIGRANTS.—

(A) IN GENERAL.—The Secretary of Labor shall establish a process to identify and prioritize the needs for each country sending immigrants to the United States in connection with the aforementioned provisions, and shall

(i) publish, within 2 years after the date of enactment of this Act, a report on the health care systems in their countries of origin;

(ii) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived; and

(iii) identify the effects of nurse emigration on the health care systems in their countries of origin;

and

(B) EFFECTIVE DATE.—This section shall take effect not later than 3 years after the date of enactment of this Act.

(7) OTHER WORKERS.—

(A) IN GENERAL.—The Secretary of Labor shall establish a process to identify and prioritize the needs for each country sending immigrants to the United States in connection with the aforementioned provisions, and shall

(i) publish, within 2 years after the date of enactment of this Act, a report on the health care systems in their countries of origin;

(ii) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived; and

(iii) identify the effects of nurse emigration on the health care systems in their countries of origin;

SEC. 506. SHORTAGE OCCUPATIONS.

(U.S.C. 1153(b)(1)) is amended by adding at the end the following:

"(f) PRIORITY.—The Secretary of Labor shall prioritize the issuance of visas under subsection (b)(1) for aliens who are employment-based immigrants who are capable, at the time of filing a petition under section 204(a)(1)(A) of the Act to qualify for an employment visa, to apply for qualifying employment in the United States in occupations designated by the Secretary of Labor for purposes of this section.

(B) IN GENERAL.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

(2) In allocating visas under this paragraph, priority shall be given to qualified immigrants who were physically present in the United States before January 7, 2004.

(3) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 202(b)(4)", and inserting "subject to the numerical limitations of section 202(b)(1)", except for visas described in subsection (b)(1)(A).

(4) LIMITATION.—There shall be no limitation on the number of visas available, in a number not to exceed 30 percent of the worldwide level, for the classes specified in paragraphs (1) through (4), to qualified immigrants who are otherwise described in section 1153(b) (8 U.S.C. 1153(b)) is amended by striking "a percentage not to exceed 7 percent," and inserting in its place "a percentage not to exceed 10 percent,"

(E) INCREASED AVAILABILITY.—

(1) In this paragraph, the term "immediate relative" means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 60 years of age.

(2) An alien who is the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was married from the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A) before the earlier of—

(i) 2 years after such date; or

(ii) the date on which the spouse remarried.

(iv) In this clause, an alien who has filed a petition under clause (ii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary period of limiting immigration as described in clause (ii) shall be admitted as the spouse, parent, or child of an alien admitted under section 203(b)(7) and not subject to section 212(a)(5).

(6) QUALIFIED IMMIGRANTS.—

(A) IN GENERAL.—The Secretary of Labor shall establish a process to identify and prioritize the needs for each country sending immigrants to the United States in connection with the aforementioned provisions, and shall

(i) publish, within 2 years after the date of enactment of this Act, a report on the health care systems in their countries of origin;

(ii) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived; and

(iii) identify the effects of nurse emigration on the health care systems in their countries of origin;

and

(B) EFFECTIVE DATE.—This section shall take effect not later than 3 years after the date of enactment of this Act.
“(1) determined by such official to be a female who has—

(a) a credible fear of harm related to her sex; and

(b) a lack of adequate protection from such harm.”

(2) STATUTORY CONSTRUCTION.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following—

“(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(2) any information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNITED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary determines that a search of any database maintained by an agency or department of the United States has been conducted and that the alien is ineligible to be admitted to the United States on criminal, security, or related grounds.

(B) COOPERATION AND SCHEDULE.—The Secretary shall require the head of each appropriate agency or department of the United States to work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigrant visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) DATABASE SEARCH.—An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee who has been granted special immigrant status under section 101(a)(27)(N) of the Immigration and Nationality Act (8 U.S.C. 1159(a)).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that are maintained by an agency or department of the United States is conducted and that the alien is ineligible for admission to the United States on criminal, security, or related grounds.

(C) REQUIREMENTS FOR FINGERPRINTS.—

(I) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submitted to the Secretary for any personal biometric data contained in the National Database of Fingerprint Records.

(ii) OTHER REQUIREMENTS.—The Secretary shall ensure that a search of each database that contains fingerprints that are maintained by an agency or department of the United States is conducted and that the alien is ineligible for admission to the United States on criminal, security, or related grounds.

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official for purposes of purposes of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to an alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph 3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation by the Secretary. Such waiver shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and the reasons for granting such waivers.

(5) For purposes of subsection (a)(27)(N)(ii), a determination of adequate shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.


(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official for purposes of purposes of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to an alien seeking adjustment of status under section 245 of such Act (8 U.S.C. 1255) within 1 year after the alien’s arrival in the United States.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the Secretary in implementing this section and the amendments made by this section, including—

(A) database search required by subparagraph (B) of subsection (101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(B) by striking “consistent with section 214(i)” and inserting “(except for a graduate program described in clause (iv)) consistent with section 214(m).”

(3) by striking the comma at the end and inserting the following:—

“I”;

(II) engaged in temporary employment for an educational, training, or research program described in paragraph (1); and

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1182(b)) is amended by striking “subparagraph (L) or (V)” and inserting “subparagraph (F)(iv), (L), or (V).”

(C) REQUIREMENTS FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

“(a) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—”;

and

(2) by adding at the end the following:

“A visa issued under section 101(a)(15)(F) shall be valid—

(A) during the intended period of study in a graduate program described in such section;

(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an employment or employment-related to the knowledge and skills obtained through the graduate program; and

(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245 of such Act (8 U.S.C. 1255) by the Secretary on behalf of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.”;

(d) OFF-CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitting as non-immigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1184(m)) may be employed in an off-campus position unrelated to the alien’s field of study if—
(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;
(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—
(i) has spent at least 21 days recruiting United States citizens to fill the position; and
(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—
(I) the actual wage level for the occupation at the place of employment; or
(II) the prevailing wage level for the occupation in the area of employment; and
(C) the alien will not be employed more than—
(i) 20 hours per week during the academic term; or
(ii) 40 hours per week during vacation periods and between academic terms.

286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting after paragraph (8) the following:

“(A) all aliens who have been certified to the Department of Homeland Security that they are unaccompanied children covered by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or
(2) filed on or after such date of enactment.

LA 3485. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes, as follows:

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(A) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

“(G) Aliens who have been awarded an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a non-immigrant status in the previous fiscal year, as long as they meet the requirements of paragraph (9) in each fiscal year after the year in which such alien received a degree and are employed in a field related to such degree.”.

(2) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in paragraph (1)—

(A) by striking “(beginning with fiscal year 1992)” and
(B) in subparagraph (A), by striking “or” and inserting “and”;

(2) in clause (ii), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:—

“(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.”;

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking “(beginning with fiscal year 1992)”;

(B) in subparagraph (A), by striking “or” and inserting “and”;

(2) by inserting “or” at the end;

(3) by striking clause (vii), by striking “each succeeding fiscal year; or” and inserting “each of fiscal years 2004, 2005, and 2006;”;

and

(4) by adding after clause (vii) the following:

“(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this Act; and

(5) by inserting a new authorized nonimmigrant classification designated as “H-2B”.

(B) in subparagraph (B), by striking “or” and inserting “and”;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”;

and

(C) by adding at the end the following:

“(D) has an advanced degree in science, technology, engineering, or math.”;

(3) by redesignating paragraphs (9), (10), (11), and (12) as paragraphs (10), (11), (12), and (13), respectively; and

(4) by inserting after paragraph (12) the following:

“(13) if the alien is an unaccompanied alien child covered by subsection (c)(2) of this section; or

(14) if the alien is a beneficiary of a petition filed under section 101(a)(15)(F)(ii)(I).

(B) in subparagraph (D), by striking “or” and inserting “; or”.

(C) by adding after subparagraph (D) the following:

“(D) the alien is a member of an eligible family unit covered by section 502 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a); or

(D) the alien is a member of an eligible family unit covered by section 502 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a).

(D) ALIENS LOCALLY HAVEN’T QUALIFIED.—The amendment made by subsection (c)(2) shall apply to any visa application—

SEC. 510. S VISAS.

(A) EXPANSION OF S VISA CLASSIFICATION.—

Section 121(a)(15)(B) (8 U.S.C. 1116(a)(15)(B)) is amended—

(1) in clause (1)—

(A) by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security”;

(B) by inserting before the semicolon, “; or”;

(C) by striking “and” and inserting “; or”;

and

(D) by striking “; or” and inserting “; or”.

(B) in paragraph (2) the following:

“(2) filed on or after such date of enactment.

(C) STUDY.—The Comptroller General of the United States shall conduct a study regarding establishing minimum criteria for effectively implementing any proposed temporary worker program and determining whether the Department has the capability to effectively enforce the program. The Comptroller General shall determine what additional manpower and resources would be required to ensure effective implementation.

(D) STUDY BY DEPARTMENT.—The Secretary shall conduct a study to determine if the border security and interior enforcement measures contained in this Act are being properly implemented and whether they are effective in securing United States borders and curbing illegal immigration.

(E) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in cooperation with the Secretary of Labor and the Comptroller General of the United States, submit a report to Congress regarding the studies conducted pursuant to paragraphs (1), (2), and (3).
or transferring such weapons or related deliv-
ey systems; and

"(D) is willing to supply or has supplied, fully and in good faith, information de-
scribed in subparagraphs (A) and (B) of clause (i); and

"(E) is willing to supply or has supplied, fully and in good faith, information de-
scribed in subparagraphs (A) and (B) of clause (i) if the Secretary at his discretion de-
signates such a country as a national security emergency area.

SEC. 418. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be nec-

essary to carry out this title: Provided, That the amount authorized to be appropriated
under this section shall be reduced by the amount of any amount expended by the
Secretary for the purpose of this title which is unexpended at the end of fiscal year
2007.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2006.

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION ACTIONS.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT—(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action perta-
taining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum nec-

essary to correct the violation of law;

(B) adopt the least intrusive means to cor-
rect the violation of law;

(C) minimize, to the greatest extent practi-
cable, the adverse impact on national secu-

rity, border security, immigration adminis-

tration and enforcement, and public safety;

and

(D) provide for the expiration of the relief on a specific date, which may not be later than the earliest date necessary for the Govern-

ment to remedy the violation.

(2) WRITTEN EXPLANATION.—The require-
ments described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be suf-

ficiently detailed to allow review by an-
other court.

(b) EXPRIATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunction relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) finds that the relief is necessary to carry out a provision of this title; and

(B) determines that the relief is necessary to correct a violation of law.

(c) REQUIREMENTS FOR ORDER DENYING MO-
TION.—This subsection shall apply to any order denying the Government’s motion to vacate, modify, dissolve or otherwise termi-
nate an order granting prospective relief in any civil action pertaining to the adminis-

tration or enforcement of the immigration laws of the United States.

(d) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—(1) IN GENERAL.—A court shall promptly rule on the Government’s motion to vacate, modify, dissolve or otherwise termi-
nate an order granting prospective relief in any civil action pertaining to the adminis-

tration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAY—(A) IN GENERAL.—The Government’s mo-
tion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall, if granted, remain in effect and shall continue until the court enters an order granting or denying the Government’s motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government’s motion.

SEC. 423. POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

SEC. 424. ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the
ties.

(1) [CONSENT DECREE.—In any civil action pertaining to an administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (2).]

(2) [PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstallation of the civil proceedings that the agreement settled.]

(d) [DEFINITIONS.—In this section:]

(1) CONSENT DECREE.—The term “consent decree” means relief issued in connection with an administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay with respect to any such government action entered into after the date of the enactment of this Act, shall continue until the court enters an order granting or denying the Government’s motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to any such pending motion in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

SECTION 501. ELIMINATION OF EXISTING BALKOPS.

(a) [FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:]

(6) PROSPECTIVE RELIEF.—An automatic stay with respect to pending motions shall be no further postponement of the effective date of the automatic stay for not more than 90 days for the purpose of allowing the parties to find a private settlement agreement settled.

(b) PENDING MOTIONS.—In any civil action or motion considered under this section for a fiscal year is equal to the sum of—

(1) 400,000;

(2) the difference between the maximum number of visas authorized to be issued under this subsection for a fiscal year and the number of visas issued during the previous fiscal year;

(3) the difference between the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

(4) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.

(c) [employment-based immigrants.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:]

(6) DURATION OF AUTOMATIC STAY.—An automatic stay with respect to any such government action entered into after the date of the enactment of this Act, shall continue until the court enters an order granting or denying the Government’s motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to any such pending motion in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

(d) [private settlement agreement

(2) DURATION OF AUTOMATIC STAY.—An automatic stay with respect to any such government action entered into after the date of the enactment of this Act, shall continue until the court enters an order granting or denying the Government’s motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to any such pending motion in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

(e) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) [IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of the order under paragraph (a) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion is—

(A) pending for 45 days as of the date of the enactment of this Act; and

(B) still pending on the date which is 10 days after the date of the enactment of this Act.]

(2) [DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government’s motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to any such pending motion in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).]

(f) [SECTION 503. ALLOCATION OF IMMIGRATION VISAS.—

(a) [preference allocation for family-sponsored immigrants.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:]

(4) the number of visas calculated under clause (1) that were issued after fiscal year 2005.

(6) other workers.—In allocating visas under paragraph (5), the number of visas allocated for other workers shall be not less than 10 percent of the worldwide level specified in section 202(c)(1) for family-sponsored immigrants shall be allocated as follows:]

(1) [UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

(A) 10 percent of such worldwide level; and

(B) any visas not required for the class specified in paragraphs (1) and (2).]

(2) [SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—]

(A) [IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

(i) the spouses or children of an alien lawfully admitted for permanent residence; or

(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

(B) minimum percentage.—Visas allocated to individuals described in subparagraph (A) shall consist of at least 77 percent of the visas allocated under this paragraph.

(C) [married sons and daughters of citizens.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.]

(a) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 202(b) (8 U.S.C. 1151(b)) is amended—

(1) in paragraph (1), by striking “28.6 percent” and inserting “15 percent”;

(2) in paragraph (2)(A), by striking “28.6 percent” and inserting “15 percent”;

(3) [in paragraph (3)(A)—

(A) by striking “28.6 percent” and inserting “35 percent”; and

(B) by striking clause (ii);]

(4) [by striking paragraph (4);]

(5) [by redesignating paragraph (5) as paragraph (4);]

(6) in paragraph (4)(A), as redesignated, by striking “7.1 percent” and inserting “5 percent”;

(7) by inserting after paragraph (4), as redesignated, the following:

(5) OTHER WORKERS.—In general.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) and (2), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

(c) PRIORITY.—In allocating visas under subparagraph (A), priority shall be given to qualified immigrants who were physically present in the United States before January 1, 2004; and

(8) by striking paragraph (6).]
SEC. 504. RELIEF FOR MINOR CHILDREN.
(a) In General.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

(2) Aliens admitted under subsection 211(a) on the basis of the prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

(ii) In this subparagraph, the term ‘immediate relative’ means a child, spouse, or parent of a citizen of the United States (and each of such child, spouse, or parent, who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen’s death and was not legally separated from the citizen at the time of the citizen’s death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative if the alien filed a petition under section 204(a)(1)(A) before the earlier of:

(1) 2 years after such date; or
(2) The date on which the spouse remarried.

(iv) In this clause, an alien who has filed a petition under clause (ii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the alien.

(b) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.—

(1) Section 204(a)(1)(A)(ii) (8 U.S.C. 1151(a)(1)(A)(ii)) is amended by striking “in the second sentence of section 201(b)(2)(A)(ii) also” and inserting “in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)”.

SEC. 505. SHORTAGE OCCUPATIONS.
(a) EXCEPTION TO DENTAL NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

“(F) The Secretary of Health and Human Services shall, by the date on which the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

(I) who is otherwise described in section 201(b); and

(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers willing, able, qualified, and available, each of such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

(b) Exception to Nondiscrimination Requirements.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking “201(b)(1)” and inserting “201(b)”.

(c) Exception to Per Country Levels for Family-Sponsored and Employment-Based Immigrants.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)) that added by section 522(a), is further amended by inserting “, except for aliens described in section 201(b),” after “any fiscal year”.

(d) Increasing the Domestic Supply of Nurses and Physical Therapists.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies barriers to remove barriers to advancement to become registered nurses for other health care workers, such as health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate health care shortages in the countries of origin, and increase the domestic education of new nurses and physical therapists;

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.
(a) Short Title.—This section may be cited as the “Widows and Orphans Act of 2006”.

(b) New Special Immigrant Category.

(1) Certain children and women at risk of harm.—Section 203(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting “; or”;

and

(C) by adding at the end the following:

“(N) subject to subsection (J), an immigrant who is not present in the United States—

(i) who is—

(aa) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referral; and

(bb) who faces a credible fear of harm related to her; and

(cc) who lacks adequate protection from such harm; and

(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

(ii) who is—

(aa) a credible fear of harm related to her sex; and

(bb) a lack of adequate protection from such harm.”.

(2) STATUTORY CONSTRUCTION.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

“(j) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

(k)(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien’s application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien’s representations regarding the spouse were bona fide.

(k)(2)(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any child under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, age of shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

(l) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

(m) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A) of paragraph (4), (C), or (E) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal
year and a summary of the reasons for granting such waivers.

§5. For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made not less than 45 days after the date of referral to a consular, immigration, or other designated officer.

§6. The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N). (3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to an agency or department of the United States, the alien shall be fingerprinted and submit to the Secretary of Homeland Security, the Attorney General, and the Commissioner of the United States Customs and Border Protection in accordance with such regulations, a determination of age shall be made.

§7. The Secretary may prescribe regulations that permit a database search required by subparagraph (B) to be completed not later than 180 days after the date on which the alien enters the United States.

(a) Special immigrant status shall be adjudicated; and
(b) If special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 222(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1182). (4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—
(A) data related to the implementation of this section and the amendments made by this section;
(B) data regarding the number of placements of females and children who faces a credible fear of hardship or harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and
(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—
(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNITED STATES.—
(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary determines that a search conducted on a database maintained by an agency or department of the United States has been conducted to determine whether such alien is inadmissible to the United States on criminal, security, or related grounds.
(B) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which the alien files a petition for a special immigrant visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—
(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—
(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.
(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit the submission of fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall maintain a database of up to 100 fingerprints that is maintained by an agency or department of the United States to conduct a determination of whether an alien is inadmissible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(d) ADMINISTRATIVE AND JUDICIAL REVIEW.—
(i) IN GENERAL.—There may be no review of a determination made by the Secretary, after a search required by subparagraph (B), that an alien is inadmissible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—
(1) in clause (i)—
(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—"
(B) by striking "consistent with section 121(f)(2) (8 U.S.C. 1115(f)(2)) a search for a graduate program described in clause (iv) consistent with section 214(m);"
(C) by striking the comma at the end and inserting a period at the end of clause (iv) of section 214(b); and
(D) by striking "(I) engaged in temporary employment for optional practical training related to the alien's area of study, which training shall be authorized for a period or periods of up to 24 months;";
(2) in clause (ii)—
(A) by inserting "or (iv)" after "clause (i)"; and
(B) by striking "and" and inserting a semicolon;
(3) in clause (iii), by adding "and" at the end; and
(4) by adding at the end the following: "(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.";
(b) the ADMINISTRATION OF NONIMMIGRANT STUDENT VISAS.—Section 214(b) (8 U.S.C. 1118(b)) is amended by striking "(paraparagraph (L) or (V)) and inserting "(paragraph (F)(l), (L), or (V));"
(c) REQUIREMENTS FOR ELIGIBILITY.—Section 214(m) (8 U.S.C. 1118(m)) is amended—
(1) by inserting before paragraph (1) the following:
(2) by adding at the end the following:
(3) a visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—
"(A) during the intended period of study in a graduate program described in such section;
(B) for an additional period, not to exceed 1 year after the completion of the graduate program; if the alien is lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program;";
(4) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 101(a)(15)(F); and
(5) by striking "or (iv)" after "(B)(iii)".
(d) OFF-CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—
(1) IN GENERAL.—Alleged students admitted as non-immigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) who are determined to be employed in an off-campus position unrelated to the alien's field of study if—
(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;
(B) the employer provides the educational institution and the Secretary of Labor with attestation that the employer—
(i) has spent at least 21 days recruiting United States citizens to fill the position; and
(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—
(I) the actual wage level for the occupation at the place of employment; or
(II) the prevailing wage level for the occupation in the area of employment; and
(C) the alien will not be employed more than—
(i) 20 hours per week during the academic term; or
(ii) 49 hours per week during vacation periods and between academic terms.
(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).
(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1225(a)) is amended to read as follows:

(1) "AUTHORIZATION.—
"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A) of subsections (A)(i), (A)(iv), (B)(ii), or (B)(iii) of section 204 of this Act, may be adjusted by the Attorney General under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—
"(A) the alien makes an application for such adjustment;";
"(B) the alien is eligible to receive an immigrant visa;";
"(C) the alien is admissible to the United States for permanent residence; and
"(D) an immigrant visa is immediately available to the alien at the time the application is filed;";
"(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien
may file an application for adjustment of status under this section if—

(A) the alien has been issued a visa or otherwise provided nonimmigrant status under sections 101(a)(15)(F)(i)(I), (V), or (vi), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

(C) the alien is the beneficiary of a petition filed under subparagraph (B) or (F) of section 204(a)(1); and

(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

(f) Use or Fees.

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(e)(1) (8 U.S.C. 1356(e)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by adding at the end the following:

"(iv) fees collected under section 245(a)(2)(D) based immigrant under section 203(b).

"(2) A PPLICABILITY. The amendment made by this section shall not apply to an alien who is admitted as an employment-based or treaty- or trade-based immigrant under section 203(b)(2)(B).

"(3) The amendments made by this section shall apply to an alien who received a national interest waiver under section 101(a)(15)(F)(iv) had been enacted before such alien's graduation; or has been working in a related degree in science, technology, engineering, or math and has been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b)."

"(c) Aliens with certain advanced degrees not subject to numerical limitations on employment-based immigrants.—

(1) in paragraph (1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned an advanced degree in the sciences, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b)."

"(d) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B)."

"(1) the spouse and minor children of an alien who is admitted as an employment-based or treaty- or trade-based immigrant under section 203(b)(2)(B).

"(2) in paragraph (1)(A), by striking "as follows:" and inserting "as follows:"

"(2) pending on the date of the enactment of this Act; or

"(f) Authorization of Appropriations.—The amendments made by this section shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(g) Aliens who have earned an advanced degree in the sciences, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b)."

Sec. 105. Ports of Entry.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southern international border of the United States;

(2) extend the double- or triple-layered fence for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicular barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico;

(4) extend the double- or triple-layered fence for a distance of not less than 2 miles beyond urban areas in the Yuma Sector;

(5) construct not less than 50 miles of vehicular barriers and all-weather roads in the Calexico Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

Sec. 106 Construction of strategic border fencing and vehicle barriers.

(a) Tucson Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona, with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fence for a distance of not less than 2 miles beyond urban areas in the Yuma Sector;

(3) construct not less than 50 miles of vehicular barriers and all-weather roads in the Calexico Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) Yuma Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fence for a distance of not less than 2 miles beyond urban areas in the Yuma Sector;

(3) construct not less than 50 miles of vehicular barriers and all-weather roads in the Calexico Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

Sec. 107 Authorization of Appropriations.

The Secretary is authorized to use any visa application fee collected under section 245(a)(2)(D) to carry out the provisions of this Act.
parallel to the international border between the United States and Mexico;
(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond illegal cross-border traffic in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.
(b) YUMA SECTOR.—The Secretary shall
(1) replace all aged, deteriorating, or damaged fences in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico; and
(2) extend the double- or triple-layered fencing for a distance not less than 2 miles beyond urban areas in the Yuma Sector.
(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico.
(c) OTHER SECTORS.—In determining strategic locations along the southwest international border to be determined by the Secretary.
(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) (b) and (c), and shall complete such construction not later than 2 years after the date of enactment of this Act.
(e) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) (b) and (c).
(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.
SEC. 490. REQUIREMENTS FOR NATURALIZATION.
(a) ENGLISH LANGUAGE REQUIREMENTS.—Section 312(a)(1) (8 U.S.C. 1423(a)(1)) is amended to read as follows:
"(1) an understanding of the English language on an eighth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of Education, which
(b) REQUIREMENT FOR HISTORY AND GOVERNMENT TESTING.—Section 312(a)(2) (8 U.S.C. 1423(a)(2)) is amended to read as follows:
"(2) PRIORITY AREAS.—In determining priorities, the Secretary shall prioritize, to the maximum extent practicable
"(3) B IOMETRIC IDENTIFIER.—The term "biometric identifier" includes identifying a person through the use of, at a minimum, a fingerprint biometric, the term does not include identification through a facial recognition biometric alone.
"(5) BIOMETRIC AUTHENTICATION.—The term "biometric authentication" includes, at a minimum, authentication through the use of a fingerprint biometric.

SA 3490. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3421 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 5, after line 16, add new Sections 3 (3), 3(4); and 3(5) that reads:
"(3) B IOMETRIC. The term "biometric" includes the collection of, at a minimum, all 10 fingerprints from an individual, unless the individual is missing one or more of their digits, in which case the term "biometric" shall include the collection of, at a minimum, all fingerprints available.
(4) B IOMETRIC IDENTIFIER. The term "biometric identifier" includes identifying an individual through the use of, at a minimum, fingerprint biometrics. The term does not include identification through a facial recognition biometric alone.
(5) BIOMETRIC AUTHENTICATION. The term "biometric authentication" includes, at a minimum, authentication through the use of a fingerprint biometric.

SA 3491. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3421 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
At the end of title V, insert the following:
SEC. 509. REQUIREMENTS FOR NATURALIZATION.
(a) ENGLISH LANGUAGE REQUIREMENTS.—Section 312(a)(1) (8 U.S.C. 1423(a)(1)) is amended to read as follows:
"(1) an understanding of the English language on an eighth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of Education, which
(b) REQUIREMENT FOR HISTORY AND GOVERNMENT TESTING.—Section 312(a)(2) (8 U.S.C. 1423(a)(2)) is amended to read as follows:
"(2) PRIORITY AREAS.—In determining priorities, the Secretary shall prioritize, to the maximum extent practicable
"(3) B IOMETRIC IDENTIFIER.—The term "biometric identifier" includes identifying a person through the use of, at a minimum, a fingerprint biometric, the term does not include identification through a facial recognition biometric alone.
"(5) BIOMETRIC AUTHENTICATION.—The term "biometric authentication" includes, at a minimum, authentication through the use of a fingerprint biometric.

"(ii) APPEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.
(c) REVIEW OF ORDERS REGARDING INADMISSIBLE ALIENS.—Section 242(b) (8 U.S.C. 1252(b)) is amended to read as follows:
"(6) VENUE.—(i) The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.
(d) EXCLUSIVE JURISDICTION.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:
"(1) IN GENERAL.—Except:
"(2) by adding at the end the following:
"(3) B IOMETRIC IDENTIFIER. The term "biometric identifier" includes identifying an individual through the use of, at a minimum, a fingerprint biometric, the term does not include identification through a facial recognition biometric alone.
"(5) BIOMETRIC AUTHENTICATION. The term "biometric authentication" includes, at a minimum, authentication through the use of a fingerprint biometric.

SA 3488. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3421 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 169, line 1 and 2 strike "of the "criminal provisions".

SA 3489. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3421 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
SEC. 701. CONSOLIDATION OF IMMIGRATION APPEALS.
(a) REALLOCATION OF CIRCUIT COURT JURISDICTION.—The petition to appeal any decision of title 28, United States Code, is amended in the 28, United States Code, is amended in the

"(C) CONSEQUENCE OF INVALIDATION AND VENUE OF APPEALS.—
"(i) INVALIDATION.—If the district court rules the order of removal is invalid, the court shall dismiss the indictment for violation of section 243(a).

"(ii) APPEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.
(c) REVIEW OF ORDERS REGARDING INADMISSIBLE ALIENS.—Section 242(b) (8 U.S.C. 1252(b)) is amended to read as follows:
"(6) VENUE.—(i) The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.
(d) EXCLUSIVE JURISDICTION.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:
"(1) IN GENERAL.—Except:
"(2) by adding at the end the following:
"(3) B IOMETRIC IDENTIFIER. The term "biometric identifier" includes identifying an individual through the use of, at a minimum, a fingerprint biometric, the term does not include identification through a facial recognition biometric alone.
"(5) BIOMETRIC AUTHENTICATION. The term "biometric authentication" includes, at a minimum, authentication through the use of a fingerprint biometric.

"(ii) APPEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.
(c) REVIEW OF ORDERS REGARDING INADMISSIBLE ALIENS.—Section 242(b) (8 U.S.C. 1252(b)) is amended to read as follows:
"(6) VENUE.—(i) The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.
(d) EXCLUSIVE JURISDICTION.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:
"(1) IN GENERAL.—Except:
"(2) by adding at the end the following:
"(3) B IOMETRIC IDENTIFIER. The term "biometric identifier" includes identifying an individual through the use of, at a minimum, a fingerprint biometric, the term does not include identification through a facial recognition biometric alone.
"(5) BIOMETRIC AUTHENTICATION. The term "biometric authentication" includes, at a minimum, authentication through the use of a fingerprint biometric.
States to file a reply brief prior to issuing such certification.

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) of 8 U.S.C. 1252(b)(3) is amended by adding at the end the following new subparagraphs:

"(D) CERTIFICATE OF REVIEWABILITY. —

(1) After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals.

(ii) Unless such judge issues a certificate of reviewability, the petition for review shall be denied and the United States may not file a brief.

(III) Such judge may not issue a certificate of reviewability under clause (ii) unless the petitioner establishes a prima facie case that the petition for review should be granted.

(iv) Such judge shall complete all action on such certificate, including rendering judgment, not later than 60 days after the date on which the judge is assigned the petition for review, unless an extension is granted under clause (v).

(v) Such judge may grant, on the judge's own motion or on the motion of a party, an extension of the 60-day period described in clause (iv) if—

(1) the case involves a question of law of uncommon significance or difficulty;

(2) a knowledge and understanding of the language on an eighth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the National Center for Education Statistics; and

(3) the Secretary determines that such an extension is necessary to enable the Secretary to fulfill the responsibilities of the United States under international agreements and treaties.
him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 355, strike lines 7 through line 14, and insert the following:

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in status under this Title shall not be eligible, by reason of any form of assistance or benefit described in section 408(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)).

SA 3500. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 355, strike lines 7 through line 14, and insert the following:

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in status under this Title shall not be eligible, by reason of any form of assistance or benefit described in section 408(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)).

SA 3501. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) Short Title.—This section may be cited as the “Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006”.

(b) Purpose.—The purpose of this section is to establish a grant program within the Bureau of Citizenship and Immigration Services that provides funding to community-based organizations, including community-based service organizations, as appropriate, to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker program established under this Act by providing them with the services described in subsection (d)(2).

(c) Definitions.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term “community-based organization” means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff members possess a broad range of expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for such status.

(2) IEACA GRANT.—The term “IEACA grant” means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) Establishment of Initial Entry, Adjustment, and Citizenship Assistance Grant Program.

(1) GANT AUTHORIZED.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) USE OF FUNDS.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) INITIAL APPLICATION.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status, to aliens seeking to adjust their status, to apply for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by section 601. Such assistance may include assisting applicants in—

(i) screening to assess prospective applicants’ potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under such section 218D.

(B) ADJUSTMENT OF STATUS.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) CITIZENSHIP.—Assistance and instruction to applicants desiring an IEACA grant under this section in a manner that ensures, to the greatest extent possible—

(i) the rights and responsibilities of United States Citizenship;

(ii) English as a second language;

(iii) civics;

(iv) applying for United States citizenship.

(3) DURATION AND RENEWAL.—Each grant awarded under this section shall be awarded for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew any grant awarded under this section in 1-year increments.

(4) APPLICATION FOR GRANTS.—Each entity desiring an IEACA grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(5) ELIGIBLE ORGANIZATIONS.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C)(iv) of paragraph (2) is eligible for such a grant unless the organization is—

(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) otherwise directed by an attorney.

(6) SELECTION OF GRANTEES.—Grants awarded under this section shall be awarded on a competitive basis.

(7) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Secretary shall ensure applications under this section in a manner that ensures, to the greatest extent practicable that—

(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that include the highest percentage of foreign-born residents.

(8) ECONOMIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants to provide services to an ethnically diverse population, to the greatest extent possible.

(9) LIASES BETWEEN INSUCS AND GRANTEES.—The Secretary shall establish a liaison between the Bureau of Citizenship and Immigration Services and the community-based organizations to ensure quality control, efficiency, and greater client willingness to come forward.

(f) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information for treatment under this section:

(1) the status of the implementation of this section;

(2) the grants issued pursuant to this section; and

(3) the results of those grants.

(g) SOURCE OF GRANT FUNDS.—(1) APPLICATION FEES.—The Secretary may use funds made available under sections 218A(1)(2) and 218D(1)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF GRANTING.—(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

(h) DISTRIBUTION OF FEES AND FINES.—(1) H-2C VISA FEES.—Notwithstanding section 404(c) of the Immigration and Nationality Act, as added by section 465, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under this Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

(2) CONDITIONAL NONIMMIGRANT VISAS AND FINES.—Notwithstanding section 218D(1)(4) of the Immigration and Nationality Act, as added by section 601, 2 percent of the fees and fines collected under section 218 of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

SA 3502. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

(13) AGREEMENT TO COLLECT PERCENTAGE OF WAGES TO OFFSET COST OF EMERGENCY HEALTH SERVICES FURNISHED TO UNINSURED H-2C NON- IMMIGRANTS.—The employer shall pay an amount equal to 1.45 percent of the wages paid by the employer to any H-2C non-immigrant and shall transmit such amount to the Secretary of the Treasury for deposit into the H-2C Nonimmigrant Health Services Trust Fund established under section 404(c) of the Comprehensive Immigration Reform Act of 2006 at such time and in such manner as the Secretary of the Treasury shall determine.

On page 266, after line 22, add the following:

(o) H-2C NONIMMIGRANT HEALTH SERVICES TRUST FUND.—(1) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the “H-2C Nonimmigrant Health Services Trust Fund”, consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this subsection or under rules similar to the rules of section 9602 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the H-2C Nonimmigrant Health Services Trust Fund amounts equivalent to the amounts received by the Secretary of the Treasury as a result of the provisions of section 218B(b)(13) of the Immigration and Nationality Act.
SA 3504. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert ‘‘(other than subparagraph C(i)(II) of such paragraph (9))’’ after ‘‘212(a)’’.

At the appropriate place, insert the following:

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking ‘‘7 percent (in the case of a single foreign state) or 2 percent’’ and inserting ‘‘7 percent (in the case of a single foreign state) or 5 percent’’.

On page 330, strike lines 1 through 4 and insert the following:

(3) EXPENDITURES FROM TRUST FUND.—

Amounts in the H-2C Nonimmigrant Health Services Trust Fund shall be available only for making payments by the Secretary of Health and Human Services to eligible providers for the provision of eligible services out of the allotments established in accordance with paragraph (4) directly to eligible providers for the provision of eligible services to H-2C nonimmigrants to the extent that the eligible provider was not otherwise reimbursed (through insurance or otherwise) for such services, as determined by such Secretary. Such allotments shall be made under rules similar to the rules for making payments to eligible providers under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2005 (42 U.S.C. 1935d).

(4) STATE ALLOTMENTS.—Not later than January 1 of each year, the Secretary of Health and Human Services shall establish an allotment for each State equal to the product of—

(A) the total amount of the Secretary of the Treasury notifies the Secretary of Health and Human Services was appropriated or credited to the H-2C Nonimmigrant Health Services Trust Fund during the preceding year; and

(B) the number of H-2C nonimmigrants employed in the State during such preceding year as determined by the Secretary of Labor.

(5) DEFINITIONS.—In this subsection:

(A) ELIGIBLE PROVIDER; ELIGIBLE SERVICES.—The term ‘‘eligible provider; eligible services’’ have the meanings given those terms in section 1011(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2005 (42 U.S.C. 1935d).

(B) H-2C NONIMMIGRANT.—The term ‘‘H-2C nonimmigrant’’ has the meaning given that term in section 218A(n)(7) of the Immigration and Nationality Act.

SA 3505. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning in line 7 and all that follows through page 304, line 5, and insert the following:

‘‘(A)(i) for each of fiscal years 2007 through 2010, 460,000; and

(ii) for fiscal year 2011 and each subsequent fiscal year, 290,000; and

(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year.’’.

(2) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS FOR FISCAL YEARS 2001 THROUGH 2005.—

‘‘(A) IN GENERAL.—Beginning in fiscal year 2001, not later than the employment-based visas issued under section 340(a) of the Omnibus Budget Reconciliation Act of 2001 (8 U.S.C. 1361) and the employment-based visas issued during the period of fiscal years 2001 through 2005; and

‘‘(B) ADDITIONAL NUMBERS.—

‘‘(1) IN GENERAL.—Subject to clause (ii), the number of unused employment-based visas provided under paragraph (A) shall be equal to the sum of—

‘‘(aa) the number of employment-based visas issued during the period of fiscal years 2001 through 2005; and

(b) the number of employment-based visas actually used during that period; and

(2) for any fiscal year, the number of visas issued after September 30, 2004, to spouses and chil-
(A) Conviction of Certain Crimes.—

(1) In General.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed, and which constitute the essential elements of—

(I) a crime involving moral turpitude (other than a purely political offense) or an attempt to commit or aiding and abetting the commission of such a crime; or

(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(ii) Exception.—Clause (i)(I) shall not apply to an alien who committed only 1 crime if—

(I) the crime was committed before the alien reached 18 years of age and the alien was released from any confinement to a prison or correctional institution imposed for the crime more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

(II) the maximum allowable penalty for the crime for which the alien was convicted, admits having committed, or admits having committed the acts constituting the essential elements of, is not longer than imprisonment for 1 year and, if the alien was convicted, is not longer than confinement to a prison for 6 months (regardless of the extent to which the sentence was ultimately executed).

(B) Multiple Criminal Convictions.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement in the United States; and

(i) the conviction was in a single trial;

(ii) the offenses arose from a single scheme of misconduct; or

(iii) the offenses involved moral turpitude.

(C) Controlled Substance Traffickers.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

(1) is or has been—

(I) an illicit trafficker in any controlled substance in the United States; and

(ii) exercised immunity from criminal jurisdiction of the court in the United States; and

(II) Knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

(ii) Exception.—Clause (i)(I) shall not apply to a specific offense if—

(I) the conviction was in a single trial; or

(II) the offenses arose from a single scheme of misconduct; or

(III) the offenses involved moral turpitude.

(D) Certain Aliens Involved in Serious Criminal Activity Who Have Asserted Immunity from Prosecution.—The alien—

(1) has committed a serious criminal offense (as defined in section 101(h)) in the United States;

(II) exercised immunity from criminal jurisdiction with respect to that offense;

(iii) as a consequence of the offense and exercise of immunity, has departed from the United States; and

(iv) has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

(E) Foreign Government Officials Who Have Committed Particularly Severe Violations of Religious Freedom.—The alien, while serving as a foreign government official, was responsible for, or directly carried out, at any time, particularly severe violations of religious freedom as defined in section 2 of the International Religious Freedom Act of 1998 (22 U.S.C. 6401).

(F) Significant Traffickers in Persons.—

(1) In General.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(b)), or a knowing aider, abettor, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons (as defined in section 103 of such Act (22 U.S.C. 7102)).

(ii) Exception.—Except as provided in clause (iii), the consular officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

(I) within the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

(ii) Exception.—Clause (i)(II) shall not apply to an alien who committed only 1 crime if—

(I) the alien reached 18 years of age and the alien was released from any confinement to a prison more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

(II) the maximum allowable penalty for the crime for which the alien was convicted, is not longer than imprisonment for 1 year and, if the alien was convicted, is not longer than confinement to a prison for 6 months (regardless of the extent to which the sentence was ultimately executed).

(B) Multiple Criminal Convictions.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement were 5 years or more, regardless of whether—

(i) the conviction was in a single trial; or

(ii) the offenses arose from a single scheme of misconduct;

(iii) the offenses involved moral turpitude.

(C) Controlled Substance Traffickers.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

(1) is or has been—

(I) an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) a knowing aider, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

(iii) is or has been, a knowing aider, abettor, conspiracy, or colluder with others in an offense referred to in clause (i).

(ii) Criminal Convictions.—The alien has been convicted of any felony or at least 3 misdemeanors.

SA 3507. MR. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and other purpose; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(6) Criminal and Related Grounds.—An alien is ineligible for conditional non-immigrant work authorization and status under the following circumstances:

(A) Conviction of Certain Crimes.—

(I) In General.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed the acts constituting the essential elements of—

(i) a crime involving moral turpitude (other than a purely political offense) or an attempt to committing to commit such a crime; or

(ii) violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(ii) Exception.—Clause (i)(II) shall not apply to an alien who committed only 1 crime if—

(I) the crime was committed before the alien reached 18 years of age and the alien was released from any confinement to a prison or correctional institution imposed for the crime more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

(II) the maximum allowable penalty for the crime for which the alien was convicted, is not longer than imprisonment for 1 year and, if the alien was convicted, is not longer than confinement to a prison for 6 months (regardless of the extent to which the sentence was ultimately executed).

(B) Multiple Criminal Convictions.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement were 5 years or more, regardless of whether—

(i) the conviction was in a single trial; or

(ii) the offenses arose from a single scheme of misconduct; or

(iii) the offenses involved moral turpitude.

(C) Controlled Substance Traffickers.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

(1) is or has been—

(I) an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

(ii) a knowing aider, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

(iii) is or has been, a knowing aider, abettor, conspiracy, or colluder with others in an offense referred to in clause (i).

(ii) Criminal Convictions.—The alien has been convicted of any felony or at least 3 misdemeanors.
officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

(i) does not have, and the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

(ii) knows or reasonably should have known that a financial or other benefit was the product of such illicit activity.

(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

(G) MONEY LAUNDERING.—A consular officer of the Attorney General, or has reason to believe, that the alien—

(i) has engaged, is engaging, or seeks to enter the United States to engage, in an offense described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

(ii) is, or has been, a knowing aider, abettor, agent, or conspirator, or controller with others in an offense referred to in clause (i).

SA 3508. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, strike lines 6 through 25, and insert the following:

(D) PAYMENT OF INCOME TAXES.

(I) IN GENERAL.—Not later than the date on which an alien’s status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(1) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term ‘applicable Federal income tax liability’ means liability for Federal income taxes owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3513. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 399, strike line 6 through 25, and insert the following:

(D) PAYMENT OF INCOME TAXES.

(i) IN GENERAL.—Not later than the date on which an alien’s status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(1) no such tax liability exists;

(2) all outstanding liabilities have been paid; or

(3) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term ‘applicable Federal income tax liability’ means liability for Federal income taxes owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3514. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 341, line 16, strike “90” and insert “180”.

SA 3515. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 469, strike “alien” and all that follows through line 15, and insert the following:

“alien meets the requirements of section 312.”
(1) establishing the Office of Internal Corruption Investigation, which shall—

(A) receive, process, administer, and investigate criminal and noncriminal allegations of corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;

(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled and stored in a manner appropriate to their sensitivity;

(C) have access to all records, reports, audits, reviews, documents, papers, communications, and other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

(D) request such information or assistance from any Federal, State, or local governmental agency as may be necessary for carrying out the duties and responsibilities under this section;

(E) require the production of all information, documents, reports, answers, records, accounts, or other materials available to Federal agencies;

(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered or taken by or before an officer of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

(G) investigate criminal allegations and noncriminal misconduct;

(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section;

(I) be under the direct supervision of the Director;

(j) by paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

(4) The Office of Immigration Benefits Fraud Investigation, which shall—

(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

(B) assist United States Citizenship and Immigration Services provide the right benefits to the right person at the right time;

(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud.;

(5) by adding at the end the following:

(6) ANNUAL REPORT.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

(1) the activities of the Office, including the number of investigations begun, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).

(b) USE OF IMMIGRATION FEES TO COMBAT FRAUD.—Section 236(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: “Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 276(a)).”

SA 3520. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 383, line 21, strike “visa—” and all that follows through line 25, and insert “visa by the alien’s employer.”

SA 3521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 358, strike “$2,000” in line 17 and insert “$5,000.”

SA 3522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike “be eligible to” in line 19.

SA 3523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 362, strike lines 20-22.

SA 3524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 364, strike “may” in line 21 and “be” in line 22, and insert “shall”.

SA 3525. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 373, strike “two thousand” in line 19 and insert “five thousand”.

On page 373, strike “three thousand” in line 22 and insert “ten thousand.”

SA 3526. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 2 through 20 and insert the following:

ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, autonomous unmanned ground vehicles, telescopes, aerial radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

SA 3527. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 396, strike line 15 and all that follows through page 394, line 17.

SA 3528. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section—

(1) PROTECTED LAND means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

and

Federal land resource training for Customs and Border Protection agents dedicated to protected land; and
(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the Forest Service, the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary shall develop and submit to the appropriate congressional committees an inventory of costs incurred by the Department of the Interior or the Forest Service, and coordinate with the appropriate congressional committees relating to illegal border activity, including the cost of equipment, training, recurring maintenance, and improvement and recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service and the Forest Service and other appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees a report (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S. C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) B ORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) land under the jurisdiction of the United States Fish and Wildlife Service; and

(3) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SA 3529. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 398, line 18, strike "100" and insert "$1000".

SA 3530. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 388, line 22, strike "1" and insert "8".

SA 3534. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 397, line 19, strike "$400" and insert "$1000".

SA 3533. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 388, line 22, strike "1" and insert "8".

SA 3535. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike line 13 and all that follows through line 19 on page 409.

SA 3536. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 426, strike line 6 and all that follows through line 23 on page 427.

SA 3537. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 397, strike line 24 and all that follows through line 19 on page 442, and insert the following:

"(A) IN GENERAL.—An employer applying for works unit status shall refer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the prevailing wage of the occupation in the area of intended employment or the applicable State minimum wage."

SA 3538. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 4, insert "autonomous unmanned ground vehicles, " after "vehicles."."

On page 9, line 16, insert "autonomous unmanned ground vehicles, " after "vehicles."."

SA 3539. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 305. EMPLOYEE IDENTITY THEFT PREVENTION AND PRIVACY PROTECTION.

(a) FINDINGS.—

(1) According to the Federal Trade Commission, more than 8,400,000 Americans were victims of identity theft in 2004, and according to the published reports approximately 55,000,000 Americans’ most sensitive, personally identifiable information was accidentally made public through a data breach during 2004.

(2) Approximately 54,000,000 times each year, someone in America begins a new job and full implementation of the System will require transfer of data to verify the identity and authorization of each potential new employee.

(3) The data transferred through the System, or stored in the databases utilized to verify identity and authorization will contain each employee’s most sensitive, personally identifiable information.

(4) The information transferred and stored will be of uniquely high value to any potential identity thief, non-authorized unauthorized or undocumented alien, alien smuggler, or terrorist seeking to establish work authorization under another’s name.

(5) The System should not be implemented or expanded unless it sufficiently protects the identity theft and safeguards employees’ personal privacy.

(b) PRIVACY PROTECTIONS IN THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—Section 303(a) of the E-Verify Act of 2006 (8 U.S.C. 1320a(c)), as amended by section 303(a), is further amended by adding at the end of subsection (d)(2) the following new subparagraphs:

(3) LIMITATION ON DATA ELEMENTS COLLECTED FOR VERIFICATION PROCESS.—Employers utilizing the System shall obtain only
the following data elements from any employee:

- (i) The employee’s full legal name.
- (ii) The employee’s date of birth.
- (iii) His or her social security account number or other employment authorization status identification number.

(1) LIMITATION ON DATA ELEMENTS STORED.—Only data elements that are authorized to be stored by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation are employment eligibility for an individual shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, but in no case shall the data stored be other than:

- (i) the individual’s full legal name;
- (ii) the individual’s date of birth;
- (iii) the individual’s social security account number or other employment authorization status identification number;
- (iv) the address of the employer making the inquiry;
- (v) the dates of any prior inquiries concerning the identity and eligibility of the employee by the employer or any other employees and the address of any such employee;
- (vi) records of any prior confirmations, tentative nonconfirmations, or final nonconfirmations issued under the System for the individual; and
- (vii) in the case of an employee successfully challenging a prior tentative nonconfirmation, any prior confirmations, tentative nonconfirmations, or final nonconfirmations issued under the System for the individual.

(2) LIMITATION OF SYSTEM USE OR INFORMATION TRANSFER.—Only individuals employed by the Commissioner of Social Security or the Secretary shall be empowered to implement and operate the System shall be permitted access to the System and any information in the databases queried to determine identity and employment authorization. It shall be unlawful for any other person to access the System or such databases or obtain information from the System or database. Information stored in the System or databases may not be transferred to or shared with any Federal, State, or local government officials for any purpose other than preventing unauthorized workers from being employed; to prevent misuse; or to investigate and respond to any data breaches that may occur pursuant to the implementation and operation of the System.

(3) AUTHORITY TO ISSUE SUBPOENAS.—The head of the Office of Employee Privacy may issue subpoenas for a document or a person to facilitate an investigation.

(4) ANNUAL REPORT TO CONGRESS.—The head of the Office of Employee Privacy shall submit to Congress an annual report concerning the operation of the System.

(4) ANNUAL REPORT ON INCORRECT NOTICES.—The head of the Office of Employee Privacy shall, at least annually, study and issue findings concerning the most common causes of the incorrect issuance of nonconfirmation notices under the System. Such report shall include recommendations for preventing such incorrect notices.

(5) AVAILABILITY OF REPORTS.—The head of the Office of Employee Privacy shall make the report available to the public any report issued by the Office concerning findings of an investigation conducted by the Office.

(6) SYSTEM HOTLINE.—The head of the Office of Employee Privacy shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmation notices, final nonconfirmation notices, and confirmations and shall identify for employees, at the time of inquiry, the particularity data that resulted in the issuance of a nonconfirmation notice under the System.

(7) CERTIFICATION BY GAO.—The Secretary may not implement the System or otherwise expand the database of the System unless the Comptroller General of the United States certifies that the Office of Employee Privacy has hired sufficient employees to answer employee inquiries and respond in real time concerning the particular data that resulted in the issuance of a nonconfirmation notice.

(8) TRAINING IN PRIVACY PROTECTION.—The head of the Office of Employee Privacy shall train any employee of the Social Security Administration or the Department of Homeland Security and any other employees who operates the System concerning the importance of and means of utilizing best practices for protecting employee privacy while utilizing and operating the System.

(9) AUDITS OF DATA ACCURACY.—The Commissioner of Social Security and the Secretary shall randomly audit a substantial percentage of both citizens and work-eligible noncitizens files utilized to verify identity and authorization for the System each year to determine accuracy rates and shall require correction of errors in a timely fashion.

(10) EMPLOYEE RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any employee who receives a tentative nonconfirmation notice or final nonconfirmation notice may review and challenge the accuracy of the data elements and information in the System that resulted in the issuance of the nonconfirmation notice. Such a challenge may include the ability to submit additional information or an appeal.

(11) ANNUAL REPORT ON INCORRECT NOTICES.—The head of the Office of Employee Privacy shall review any such information submitted pursuant to any challenge and include a report and decision concerning the appeal within 7 days of the filing of such a challenge.

SA 3540. Mr. KENNEDY (for himself and Mr. DeWINE) submitted an amendment intended to be proposed by him to the bill S. 2545, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of the amendment, insert the following:

SEC. 2. DETERMINATIONS WITH RESPECT TO CHILD STATUS FOR THE ETHIOPIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

(3) DETERMINATIONS WITH RESPECT TO CHILD STATUS.—

(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed by a parent or guardian of the child, if the child is physically present in the United States on such date.
Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—
(A) 2 years after the date of the enactment of this Act; or
(B) 1 year after the date on which final regulations implementing this section are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under title II of the Haitian Refugee Immigrant Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CER­
TAIN IMMIGRATION ACTS.—Section 902(a)(3) of the Haitian Refugee Immigrant Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, de­ported, removed, or ordered to depart volun­tarily, and who files an application under paragraph (1), or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act before April 1, 2000.

SEC. 3. INADMISSIBILITY DETERMINATION.
Section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) is amended by striking the last sentence and inserting the following:
"(1) the alien, having been convicted by a final judgment of a serious crime, con­stitutes a danger to the community of the United States; or
(2) there are reasonable grounds for be­lieving that the alien has committed a seri­ous crime outside the United States prior to the arrival of the alien in the United States; or
(3) the alien is inadmissible under any other provision of law.

SA 3541. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 329, line 11, insert "(other than subparagraph (C)(i)(II) of such paragraph (b))" after 129(2). On page 330, strike lines 8 through 15, and insert the following: paragraph (c) waive the provisions of section 212(a).

"(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work author­ization and status under this section if—
(A) the Secretary of Homeland Security determines that—
(i) the alien, having been convicted by a final judgment of a serious crime, con­stitutes a danger to the community of the United States;
(ii) there are reasonable grounds for be­lieving that the alien has committed a seri­ous crime outside the United States prior to the arrival of the alien in the United States; or
(iii) there are reasonable grounds for re­garding the alien as a danger to the security of the United States;
(B) the alien has been convicted of any felony or three or more misdemeanors; or

SA 3542. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:
SEC. 4. BORDER SECURITY ON CERTAIN FEDERAL LAND.
(a) DEFINITIONS.—In this section:
(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.
(2) SECRETARY CONCERNED.—The term "Sec­retary concerned" means—
(A) with respect to land under the jurisdic­tion of the Secretary of Agriculture, the Sec­retary of Agriculture; and
(B) with respect to land under the jurisdic­tion of the Department of the Interior, the Sec­retary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—
(1) GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—
(A) increased Customs and Border Protec­tion agent staffing for protected land along the international land borders of the United States;
(B) Federal land resource training for Cus­toms and Border Protection agents dedicated to protected land; and
(C) Unmanned Aerial Vehicles, aerial as­sets, Remote Video Surveillance camera sys­tems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.
(2) Coordinating Training.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the Forest Service, or the relevant agency of the Department of the Interior or the Depart­ment of Agriculture to minimize the ad­verse impact on natural and cultural re­sources from border protection activities.
(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the costs of training, recruitment, maintenance, construction, facilities, and operations.
(d) RECOMMENDATIONS.—The Secretary shall—
(1) develop joint recommendations with the National Park Service and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and
(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Committee on Appropriations of the House of Representatives, the recommenda­tions developed under paragraph (1)."
Subtitle H—Temporary Agricultural Workers

Sec. 471. Sense of the Senate on temporary agricultural workers.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONAL SECURITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of another section, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term “Department” means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of Homeland Security.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected by such holding.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT VIRTUAL FENCE.

(a) ACQUISITION.—The Secretary and the Secretary of Defense shall acquire, maintain, and operate assets and equipment for border surveillance and protection, including, but not limited to—

(1) FENCING.

(2) the plan developed under subsection (b) to increase the availability of such fencing.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to provide for the availability of equipment to the Secretary and the Secretary of Defense and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of the Department of Defense equipment to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under this section.

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a “virtual fence” along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to provide for the availability of equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

Title II—Reentry in Legal Status

Subtitle A—Requirements for Participating Countries

Subtitlle B—Nonimmigrant Temporary Worker Programs and Visa Reform

Subtitle C—Mandatory Departure and Reentry in Legal Status

Subtitle D—Alien Employment Management System

Subtitle E—Protection Against Immigration Fraud

Subtitle F—Grants to Support Public Education and Training

Subtitle G—Circular Migration

Sec. 451. Investment accounts.

Sec. 452. Authorization of appropriations.

Sec. 461. Employment based immigrants.

Sec. 462. Country limits.

Sec. 463. Allocation of immigrant visas.

Sec. 471. Sense of the Senate on temporary agricultural workers.

Sec. 2. Reference to the Immigration and National Security Act.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of another provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

Sec. 3. Definitions.

In this Act:

(1) Department.—Except as otherwise provided, the term “Department” means the Department of Homeland Security.

(2) Secretary.—Except as otherwise provided, the term “Secretary” means the Secretary of Homeland Security.

Sec. 4. Severability.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected by such holding.

Title I—Border Enforcement

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement Virtual Fence.

(a) Acquisition.—The Secretary and the Secretary of Defense shall acquire, maintain, and operate assets and equipment for border surveillance and protection, including, but not limited to—

(1) FENCING.

(2) the plan developed under subsection (b) to increase the availability of such fencing.

(b) Increased Availability of Equipment.—The Secretary and the Secretary of Defense shall develop and implement a plan to provide for the availability of equipment to the Secretary and the Secretary of Defense and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.

(c) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of the Department of Defense equipment to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under this section.

Sec. 102. Technological Assets.

(a) Acquisition.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a “virtual fence” along such international borders to provide a barrier to illegal immigration.

(b) Increased Availability of Equipment.—The Secretary and the Secretary of Defense shall develop and implement a plan to provide for the availability of equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of the Department of Defense equipment to assist the Secretary in carrying out surveillance activities of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under this section.

Title II—Reentry in Legal Status

Subtitle A—Requirements for Participating Countries

Subtitle B—Nonimmigrant Temporary Worker Programs and Visa Reform

Subtitle C—Mandatory Departure and Reentry in Legal Status

Subtitle D—Alien Employment Management System

Subtitle E—Protection Against Immigration Fraud

Subtitle F—Grants to Support Public Education and Training

Subtitle G—Circular Migration

Sec. 451. Investment accounts.

Sec. 452. Authorization of appropriations.

Sec. 461. Employment based immigrants.

Sec. 462. Country limits.

Sec. 463. Allocation of immigrant visas.
SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) designate as official ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDERS: FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond the existing fences, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector;

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) CONSTRUCTION DEADLINE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of the Department of Defense, the Department of State, the Department of Homeland Security, the Department of Justice, and other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over the entire international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include—

(1) an assessment of the international land and maritime borders of the United States; and

(2) an assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of the United States, in coordination with the Secretary of State, the head of the Department of Homeland Security, and the Attorney General, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) the existence of existing mechanisms and agreements for the exchange of information on North American security;

(2) each new or existing mechanism or agreement for the exchange of information on North American security; and

(3) an assessment of the effectiveness and potential for improvement of each mechanism or agreement identified under paragraph (1) or (2).
technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including:

(A) technical and biometric standards based on internationally recognized and consistent national standards and international standards for the issuance, authentication, validation, and repudiation of travel documents; including—

(i) passports;
(ii) visas; and
(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage individuals to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper visa and travel document verification standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding the travel of individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding Information Agreement signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application processes;
(ii) interview policy;
(iii) general screening procedures;
(iv) visa validity;
(v) quality control measures; and
(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance message reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of the terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list to include that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LaunderING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in illegal and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan; and

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Canada and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriately trained such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO’S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security, shall work with the Government of Mexico to provide technical assistance to the Mexican authorities to improve coordination efforts to combat alien smuggling; and

(b) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 505 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109-102; 120 Stat. 133).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Custom Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) GOVERNMENT—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling; and

(2) adequate and effective personnel training;
(3) methods and programs to effectively target networks that engage in such smuggling; 
(4) effective utilization of—
(A) vigilance and victim assistance to combat trafficking and other crimes; and 
(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute money laundering and other operations that are utilized in smuggling; 
(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and 
(6) other measures that the Secretary considers appropriate to combatting human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislation to improve efforts to combat human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—
(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and 
(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien’s initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve secure communications and other technologies to ensure clear and secure 2-way communication capabilities—
(1) for Border Patrol agents conducting operations between ports of entry; 
(2) between Border Patrol agents and their respective Border Patrol stations; 
(3) between Border Patrol agents and residences in remote areas along the international land borders of the United States; and 
(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY IMPROVEMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of the integration of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including the geographic reach, of other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—
(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year; 
(B) the per agent costs of basic training; and 
(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal departments and agencies, shall submit to Congress a schedule for—
(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Database Systems Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a); 
(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and 
(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—
(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORITY TO APPROPRIATE.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722) is amended—
(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in the heading, by striking “ENTRY AND EXIT DOCUMENTS” and inserting “TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS”;

(3) in subsection (b)(1)—
(A) by striking “Not later than October 26, 2004,” and inserting “The”; and 
(B) by striking “visas and” both places it appears and inserting “visas, evidence of status, and”;

(4) by redesigning subsection (d) as subsection (e); and 
(5) by inserting after subsection (c) the following:

(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien’s status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1222(g)) is amended—
(1) in paragraph (1)—
(A) by striking “‘Attorney General”’ and inserting “Secretary of Homeland Security”’; and 
(B) by inserting “and any other non-immigrant visa issued by the United States that is in the possession of the alien” after “such visa”;

(2) in paragraph (2)(A), by striking “other than a visa described in paragraph (1)” and inserting “other than a visa described in paragraph (1),” after “in a consular office located in the country of the alien’s nationality” and inserting “or issued in a consular office located in the country of the alien’s nationality or foreign residence”;

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—
(1) by redesigning subsection (c) as subsection (g); 
(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and 
(3) by inserting after subsection (b) the following:

“(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.”.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

“(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—Notwithstanding subsection (b), immigration officers are authorized to collect biometric data from—
(A) any applicant for admission or alien seeking to transit to the United States; or 
(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).”.

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEMBER.—Section 222 (8 U.S.C. 1222) is amended by adding at the end the following:

“(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—
(1) in subsection (a)(7), by adding at the end the following:

‘‘(e) Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 255(d) is inadmissible;’’;

(2) in subsection (d), by inserting after paragraph (1) the following:

‘‘(2) The Secretary of Homeland Security shall determine whether an inadmissibility exists with respect to an alien described in subparagraph (C) of subsection
(a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.

(8) [No mention of a similar implementation section for fiscal years 2008.]

(9) [No mention of a similar implementation section for the U.S.-Mexico border study.

(10) [No mention of a similar implementation section for the Secure Border Initiative.

(11) [No mention of a similar implementation section for the mandatory detention requirements.

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, local climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and workplace enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States.

(b) The steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committees on Appropriations of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL SUPPORT.

(a) In general.—(1) The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, including timelines for women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) Inspector General.—(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution; and

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) any security concerns related to the proposed purchase; and

(2) the manner in which such security concerns have been addressed.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 0.5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) In general.—(1) Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(B) is paroled into the United States by the Secretary after section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.
SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) In General.—Chapter 27 of title 18, United States Code, as amended by section 132(a), is further amended by adding at the end of the section—

(8) 555. Border tunnels and passages

(a) Any person who knowingly constructs or finnishes construction of a tunnel or passage described in section (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 20 years.

(b) Any person who knows or recklessly disregards or disobeys the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.’’

(b) Clerical Amendment.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 132(b), is further amended by adding at the end the following:

‘‘Sec. 555. Border tunnels and passages. ’’

(c) Final. —For purposes of section 982(a)(6) of title 18, United States Code, as amended by inserting ‘‘555,’’ before ‘‘1425.’’

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) Requirements.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in this section;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements; and

(4) ensure reasonable consistency with other relevant, analogous, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements;

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking ‘‘(or ‘‘VI’’) and inserting ‘‘(V), (VI), (VII), or (VIII).’’

(b) CANCELLATION OF REMOVAL.—Section 240C(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking ‘‘inadmissible under’’ and inserting ‘‘described in’’; and

(2) by striking ‘‘deportable under’’ and inserting ‘‘described in’’.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(4)(C) (8 U.S.C. 1229b(b)(4)(C)) is amended by striking ‘‘deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)’’ and inserting ‘‘described in paragraph (2)(A)(iii) or (4) of section 225(a)’’.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1225(b)(3)(B)) is amended—

(1) in clause (ii), by striking ‘‘or’’ at the end;

(2) in clause (iv) by striking the period at the end and inserting ‘‘; or’’;

and

(3) by inserting after clause (iv) the following:

‘‘(v) the alien is described in section 212(a)(9)(B)(v) (other than an alien described in section 212(a)(3)(B)(vi)) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;’’;

and

(4) in the undesignated paragraph, by striking ‘‘For purposes of clause (iv), an alien who is described in section 225(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding the alien as a danger to the security of the United States.’’

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1329) is amended to read as follows:

‘‘SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

‘‘A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and to such effect as the Secretary may prescribe, for any alien, as of the date of the approval of the alien’s application or, if entry occurred before July 1, 1924, as of the date of such entry if the alien is otherwise available, if the alien establishes that the alien—

(1) is not described in section 212(a)(3)(E) or 212(a)(2)(C) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

(2) entered the United States before January 1, 1972;

(3) has resided in the United States continuously since such entry;

(4) is a person of good moral character; and

(5) is not ineligible for citizenship; and

(6) is not described in section 227(a)(4)(B).’’

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) In General.—Section 235(a)(1) (8 U.S.C. 1225(a)(1)) is amended—
(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";
(B) by striking "Attorney General" any other place it appears and inserting "Secretary of Homeland Security";
(C) in paragraph (1)—
(i) in subparagraph (B), by amending clause (ii) to read as follows—
(‘‘(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal is extended—
(1) by the end of the period after the date on which the removal order becomes final; and
(2) for any period of time the alien returns to and is detained in custody under such order;’’);
(ii) by amending subparagraph (C) to read as follows—
‘‘(C) EXTENSION OF PERIOD.—The removal period shall extend beyond a period of 90 days after the alien may remain in detention during such extended period if the alien fails or refuses to—
(i) make all reasonable efforts to comply with the removal order; or
(ii) fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien’s departure, or conspiring or acting to prevent the alien’s removal;’’; and
(iii) by striking at the end the following—
‘‘(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.’’;
(D) in paragraph (2), by adding at the end the following—
‘‘(A) if a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal;’’;
(E) by amending subparagraph (D) to read as follows—
‘‘(D) to obey reasonable restrictions on the alien’s conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—
(i) to prevent the alien from absconding;
(ii) for the protection of the community; or
(iii) for other purposes related to the enforcement of the immigration laws;’’;
(F) in paragraph (6), by striking “removal period” if released, and inserting “removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed; or if an alien is released, the alien’’;
(G) by redesignating paragraph (7) as paragraph (10); and
(H) by inserting after paragraph (6) the following—
‘‘(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the exercise of discretion, may parole an alien under section 212(d)(5) and may parole, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless the alien violates the conditions of the alien’s parole or the alien’s removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be identified.
(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:
(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND WHEN REMOVAL REMAINS PENDENT.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B)(iii) or (C)(i) is in the United States, and shall recommence on the date on which the alien is returned to the custody of the Secretary, until the alien is removed, if the Secretary determines that the alien can be detained in the reasonably foreseeable future; or
(B) release of the alien following the reasonably foreseeable future; or
(i) has not conspired or acted to prevent removal;
(ii) has made all reasonable efforts to comply with the removal order; or
(iii) is considered to be a threat to public safety or security.
(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—
(i) shall consider any evidence submitted by the alien;
(ii) may consider any other evidence, including—
(1) any information or assistance provided by the Department of State or other Federal agency; and
(2) any other information available to the Secretary pertaining to the ability to remove the alien;
(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)) or subparagraph (E)(ii), if the Secretary—
(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or
(ii) determines that the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or促成 of such aggravated felonies for a aggregate term of imprisonment of at least 5 years; or
(B) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder associated with that condition or disorder, is likely to engage in acts of violence in the future; or
(iii) for other purposes related to the enforcement of the immigration laws;’’;
(9) ADDITIONAL RULES FOR ALIENS WHO HAVE EFFECTED AN ENTRY AT A TIME WHEN REMOVAL REMAINS PENDENT.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) is in the United States, and shall recommence on the date on which the alien is returned to the custody of the Secretary, until the alien is removed, if the Secretary determines that the alien can be detained in the reasonably foreseeable future; or
(i) has not conspired or acted to prevent removal;
(ii) has made all reasonable efforts to comply with the removal order; or
(iii) is considered to be a threat to public safety or security.
(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—
(i) shall consider any evidence submitted by the alien;
(ii) may consider any other evidence, including—
(1) any information or assistance provided by the Department of State or other Federal agency; and
(2) any other information available to the Secretary pertaining to the ability to remove the alien;
(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)) or subparagraph (E)(ii), if the Secretary—
(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or
(ii) determines that the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or促成 of such aggravated felonies for a aggregate term of imprisonment of at least 5 years; or
(B) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder associated with that condition or disorder, is likely to engage in acts of violence in the future; or
(iii) for other purposes related to the enforcement of the immigration laws;’’;
(10) ADDITIONAL RULES FOR ALIENS WHO HAVE EFFECTED AN ENTRY AT A TIME WHEN REMOVAL REMAINS PENDENT.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) is in the United States, and shall recommence on the date on which the alien is returned to the custody of the Secretary, until the alien is removed, if the Secretary determines that the alien can be detained in the reasonably foreseeable future; or
(i) has not conspired or acted to prevent removal;
(ii) has made all reasonable efforts to comply with the removal order; or
(iii) is considered to be a threat to public safety or security.
(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—
(i) shall consider any evidence submitted by the alien;
(ii) may consider any other evidence, including—
(1) any information or assistance provided by the Department of State or other Federal agency; and
(2) any other information available to the Secretary pertaining to the ability to remove the alien;
(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)) or subparagraph (E)(ii), if the Secretary—
(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or
(ii) determines that the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or促成 of such aggravated felonies for a aggregate term of imprisonment of at least 5 years; or
(B) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder associated with that condition or disorder, is likely to engage in acts of violence in the future; or
(iii) for other purposes related to the enforcement of the immigration laws;’’;
(11) ADDITIONAL RULES FOR ALIENS WHO HAVE EFFECTED AN ENTRY AT A TIME WHEN REMOVAL REMAINS PENDENT.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) is in the United States, and shall recommence on the date on which the alien is returned to the custody of the Secretary, until the alien is removed, if the Secretary determines that the alien can be detained in the reasonably foreseeable future; or
(i) has not conspired or acted to prevent removal;
(ii) has made all reasonable efforts to comply with the removal order; or
(iii) is considered to be a threat to public safety or security.
(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—
(i) shall consider any evidence submitted by the alien;
(ii) may consider any other evidence, including—
(1) any information or assistance provided by the Department of State or other Federal agency; and
(2) any other information available to the Secretary pertaining to the ability to remove the alien;
(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)) or subparagraph (E)(ii), if the Secretary—
(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or
(ii) determines that the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or促成 of such aggravated felonies for a aggregate term of imprisonment of at least 5 years; or
(B) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder associated with that condition or disorder, is likely to engage in acts of violence in the future; or
(iii) for other purposes related to the enforcement of the immigration laws;’’;
CONGRESSIONAL RECORD — SENATE

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—
Section 101(a)(43) (8 U.S.C. 1119(a)(43)) is amended—
(1) by striking “The term ‘aggravated felony’ means—” and inserting “Notwithstanding any other provision of law (except for the provision providing an effective date for section 336 of the Illegal Immigration Reform and Immigrant Responsibility Act of 2006), the term ‘aggravated felony’ applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is at least 1 year, and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—”;
(2) in subparagraph (A), by striking “murder, rape, sexual abuse of a minor;” and inserting “murder, rape, sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;”;
(3) in subparagraph (B), by adding after subparagraph (C), as redesignated, the following:
(A) is an alien; and
(B) the Secretary of Homeland Security is required to take all reasonable efforts to comply with a removal order.

(b) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to any act that occurred on or after September 30, 1996.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—
(1) IN GENERAL.—Section 212(a)(e) (8 U.S.C. 1186a(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.
(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—
(1) by inserting “, not later than 120 days after the Secretary of Homeland Security’s final determination,” after “may”; and
(2) by adding at the end the following:
Excluding in any proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary’s denial of the application was contrary to law.”;
(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:
“(c) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines that the applicant
(1) is a drug smuggler or trafficker;
(2) is a significant drug offender;
(3) committed a terrorist offense;
(4) is a firearm smuggler or trafficker;
(5) is a significant firearm offender;
(6) is a terrorist; or
(7) is a person described in section 301(f) (8 U.S.C. 1110(f)) as a person described in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) on
(i) any basis described in section 101(a)(43); or
(ii) any basis described in section 101(a)(43) if
(A) the alien committed the offense on or after September 30, 1996; and
(B) the alien was convicted of the offense on or after September 30, 1996;
(8) is a person described in section 101(a)(43) if
(i) the alien committed the offense before September 30, 1996; and
(ii) the alien was convicted of the offense before September 30, 1996.;”;
(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1432) is amended by inserting “the Attorney General” after “the Secretary of Homeland Security” wherever it appears.

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1110(f)) is amended—
(1) by inserting after paragraph (1) the following:
“(2) A person described in section 101(f) is an alien who—
(A) is an alien; and
(B) is a person described in section 212(a)(3) or 237(a)(4), as determined by the Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;”;
(2) in paragraph (2), by striking “as defined in section 302(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))” and inserting the following: “, regardless of whether the crime was defined as an aggravated felony under section 302(a)(3) at the time of the conviction, unless—
(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and
(B) the alien is in the United States;”.
(3) in the designated matter following paragraph (9), by striking “a finding that for other reasons such person is or was not of good moral character” and inserting the following: “a finding by the Attorney General based upon any other reasons that such a person is or was not of good moral character. In determining the character of the applicant’s conduct, the Attorney General may take into consideration the applicant’s conduct and acts at any time and are not limited to the period during which good moral character is required. Nothing further from the date on which such person has established eligibility for naturalization in accordance with this title.”;
(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court of the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary’s determination on the application.

(h) EFFECTIVE DATE.—The amendments made by this section—
(1) shall take effect on the date of the enactment of this Act; and
(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who is a member of a criminal gang (as defined in section 521(a) of title 18, United States Code), shall be inadmissible.

(1) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

(ii) in clause (i), by striking "four years" and inserting "four years or more"; and

(iii) by amending subparagraph (A) to read as follows:

"(A) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who is a member of a criminal gang (as defined in section 521(a) of title 18, United States Code), shall be inadmissible.

(1) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

(ii) in subsection (a), by striking paragraph (3); and

(2) E FFECTIVE DATE. —

SEC. 206. PENALTIES RELATED TO GANG VIOLENCE.

(a) CRIMINAL STREET GANGS.

(1) PENALTIES.—Section 3306 (8 U.S.C. 1326) is amended—

(A) by striking paragraph (A); and

(B) by inserting after paragraph (D) the following:

"(E) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien’s illegal entry into or illegal presence in the United States;".

(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

(A) except as provided in subparagraphs (C) through (F), if the offense was committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both; or

(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

(i) if the violation is the offender’s first violation under this subparagraph, shall be fined under such title, imprisoned not more than 2 years, or both; or

(ii) if the violation is the offender’s second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned not more than 20 years, or both;

(C) if the offense furthered, aided, or assisted the commission of any other offense of the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned not more than 5 years or more than 20 years, or both;

(D) if the offense furthered, aided, or assisted the commission of any other offense of the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned not more than 5 years or more than 20 years, or both;

(E) if the offense furthered, aided, or assisted the commission of any other offense of the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned not more than 5 years or more than 20 years, or both;

(F) if the offense furthered, aided, or assisted the commission of any other offense of the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned not more than 5 years or more than 20 years, or both;

(G) if the offense furthered, aided, or assisted the commission of any other offense of the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned not more than 5 years or more than 20 years, or both;

(H) if the offense furthered, aided, or assisted the commission of any other offense of the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned not more than 5 years or more than 20 years, or both;

(II) in clause (ii), by striking the period at the end and inserting ; or

(iii) the alien is, or at any time after admission has been, a member of a criminal gang (as defined in section 521(a) of title 18, United States Code);

(2) PENALTIES RELATED TO REMOVAL.—Section 234 (8 U.S.C. 1224) is amended—

(A) in subsection (a), by striking paragraph (3); and

(B) by amending subsection (d) to read as follows:

"(D) PENALTY.—If the offense under this subparagraph is committed by a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 233(a), or

(2) transporting or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien’s illegal entry into or illegal presence in the United States;"

(3) TRAVEL JOURNAL.—

SEC. 207. PENALTIES RELATED TO ALIEN SMUGGLING AND RELATED OFFENSES.

(a) PENALTIES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 214. ALIEN SMUGGLING AND RELATED OFFENSES.

(a) CRIMINAL PENALTIES AND PENALTIES.—

(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, moves or transports, or attempts to move, a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States; or

(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States; or

(C) transports, moves, habitually, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to reside in the United States without official permission or legal authority; or

(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States; or

(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien’s illegal entry into or illegal presence in the United States;"

(b) EFFECTIVE DATE.—The amendments made by this section—
(1) shall take effect on the date of the enactment of this Act; and
(2) shall apply to any act that occurred on or after such date of enactment.
than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

(i) engaged in terrorist activity (as defined in section 2331(b)); or

(ii) intending to engage in terrorist activity.

(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of not less than 10 years and up to life, and fined under title 18, United States Code.

(3) is not a violation of subparagraph (D), (E), or (F) of paragraph (1).

“(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, induce, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, and food, or to transport the alien to a location where such assistance can be rendered.

“(4) EXTRADITETRIORAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

“(5) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

“(1) CRIMINAL OFFENSES AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

“(2) DEFINITION.—An alien described in this paragraph is an alien who—

“(A) is an unauthorized alien (as defined in section 274a(h)(3));

“(B) is present in the United States without lawful authority; and

“(C) has been brought into the United States in violation of this subsection.

“(3) SEIZURE AND FORFEITURE.—

“(1) Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property transferred to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

“(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence shall be sufficient if an alien is shown by affidavit or other evidence which the affiant deems to be reliable, that an alien is present in the United States, in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had been refused admission, admitted, inadmissible, or been present in the United States in violation of law shall include—

“(A) any order, finding, or determination concerning the alien’s status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or the Attorney General, any judicial or administrative proceeding authorized under Federal immigration law;

“(B) official records of the Department of Homeland Security or the Department of Justice, or the Department of State concerning the alien’s status or lack of status; and

“(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien’s status or lack of status.

“(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

“(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

“(2) other officers responsible for the enforcement of Federal criminal laws.

“(e) ADMISSIBILITY OF VIDEO TAPE WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (c) who is otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for the violation of this section—

“(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

“(2) the deposition otherwise complies with the Federal Rules of Evidence.

“(f) OUTREACH PROGRAM.—

“(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

“(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

“(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

“(2) FIELD OFFICES.—The Secretary of Homeland Security, in consultation with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

“(g) AUTOMATED REPORTING.—There are authorized to be appropriated such sums as are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

“(h) DEFINITIONS.—In this section—

“(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

“(2) LAWFUL AUTHORITY.—The term ‘lawful authority’ means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud, or otherwise obtained in violation of law or authority sought, but not approved.

“No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States or that an alien is not present in, or attempting to enter, or anyone residing, or presence was, is, or would be in violation of law.

“(3) PROCEDURES.—The term ‘proceeds included in property is obtained or retained as a consequence of an act or omission in violation of this section.

“(4) UNLAWFUL TRANSIT.—The term ‘unlawful transit’ means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any provision of the laws from which the alien is traveling or moving.”

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

“Sec. 274. Alien smuggling and related offenses.”

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (A), by inserting “alien smuggling,” after “any crime of violence”; and

(2) by adding at the end the following:

“(B) knowingly or recklessly delivers or transmits to another person or places another person in danger of injury, death, or property damage, the term ‘alien smuggling’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324a, 1327, and 1332).”

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 257 (8 U.S.C. 1325) is amended to read as follows:

“SEC. 257. ILLEGAL ENTRY.

“(a) IN GENERAL.—

“(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

“(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

“(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspector at a port of entry; or

“(C) knowingly enters or crosses the border into the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of failing to report, entering, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

“(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both; and

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both.

“(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both.

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not more than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(F) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 years, shall be fined under such title, imprisoned not more than 25 years, or both.

“(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the

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penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

(A) proved in the indictment or information; and

(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

(4) ATTEMPT.—Whoever attempts to commit any offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(5) Any alien who, after being denied admission, excluded, deported, or removed from the United States, reenters and is subsequently found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(6) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

(A) alleged in the indictment or information; and

(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

(7) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

(A) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to re-enter for admission into the United States; or

(B) with respect to an alien previously denied admission and removed, the alien—

(1) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

(2) had complied with all other laws and regulations governing the alien's admission into the United States.

(8) LIMITATION ON COLLATERAL ATTACK ON IMMIGRATION ORDER. —In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

(A) the alien exhausted all administrative remedies that may have been available to seek relief against the order; and

(B) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

(C) the entry of the order was fundamentally unfair.

(9) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

(10) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

(A) alleged in the indictment or information; and

(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

(11) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

(A) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to re-enter for admission into the United States; or

(B) with respect to an alien previously denied admission and removed, the alien—

(1) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

(2) had complied with all other laws and regulations governing the alien's admission into the United States.

(12) LIMITATION ON COLLATERAL ATTACK ON IMMIGRATION ORDER. —In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

(A) the alien exhausted all administrative remedies that may have been available to seek relief against the order; and

(B) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

(C) the entry of the order was fundamentally unfair.

(13) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction in sentence, supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's entry or re-entry and such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

(14) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

(1) DEFINITIONS.—In this section—

(A) CROSSES THE BORDER.—The term ‘crosses the border’ applies if an alien acts in an individual manner and whether the alien was under observation at the time of the crossing.

(1) FELONY.—Term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or any foreign government.

(2) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the laws of the United States, any State, or any foreign government.
States passport (including any supporting documentation) knowing the application to contain any false statement or representation;

"(3) makes, uses, or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1543. Forgery and unlawful production of a passport

"(a) FORGERY.—Any person who—

(1) knowingly forges, counterfeits, alters, or falsifies any passport, or transfers, issues, authorizes, or verifies the issuance of a passport; or

(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1544. Misuse of a passport

"(a) IN GENERAL.—Any person who—

(1) knowingly uses any passport issued or designed for the use of another;

(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

(1) to enter or to attempt to enter the United States; or

(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1545. Schemes to defraud aliens

"(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

(1) to defraud any person, or

(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) PURPOSE.—Any person who knowingly and falsely represents himself to be a client or client of any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1546. Immigration and visa fraud

"(a) IN GENERAL.—Any person who knowingly—

(1) uses any immigration document issued or designed for the use of another;

(2) forges, counterfeits, alters, or falsely makes any immigration document;

(3) completes, makes, alters, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, produced or issued without lawful authority;

(5) adopts or uses a false or fictitious name to evade or to attempt to evade the inspection laws; or

(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MULTIPLE VIOLATIONS.—Any person who—

(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

(4) completes, makes, alters, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1547. Marriage fraud

"(a) EVASION OR MISREPRESENTATION.—Any person who—

(1) knowingly enters into a marriage for the purpose of evading any immigration law; or

(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) EFFECTIVE DATE.-—(1) An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

"§ 1548. Attempts and conspiracies

"Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

"§ 1549. Alternative penalties for certain offenses

"(a) TERRORISM.—Any person who violates any section of this chapter—

(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 3331); or

(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

"(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1550. Seizure and forfeiture

"(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, excepting as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

"§ 1551. Additional jurisdiction

"(a) IN GENERAL.—Any person who commits an offense under this chapter, or any offense under chapter 46 relating to civil forfeitures, or any offense under this chapter, gross proceeds of such violation, and any property traceable to such property or proceeds, shall be punished as provided under this chapter.

"(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter, or any offense under chapter 46 relating to civil forfeitures, or any offense under this chapter, gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to jurisdiction of the United States.
chapter outside the United States shall be punished as provided under this chapter if—

(1) the offense involves a United States immigration document (or any document purporting to be a document) or a document that affects, in whole or in part, the right, or benefit arising under or authorized by Federal immigration laws;

(2) the offense is in or affects foreign commerce;

(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 922(a)(1)) that affects or would affect the national security of the United States;

(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))); or

(6) the offender is a stateless person whose habitual residence is in the United States.

*§ 1552. Additional venue*

(a) In GENERAL.—An offense under section 1542 may be prosecuted in—

(i) any district in which the false statement or representation was made;

(ii) any application, petition, affidavit, or application for any passport or visa; or

(iii) any district in which the false statement or representation was produced.

(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

*§ 1553. Definitions*

As used in this chapter:

(1) The term ‘falsely’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

(A) contains a statement or representation that is false, fictitious, or fraudulent;

(B) is false on its face or is a false statement or representation included in a personation or an omission.

(2) The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

(3) The term ‘immigration document’—

(A) means—

(i) any passport or visa; or

(ii) any application, petition, affidavit, declaration, or any other document, photograph, or other piece of evidence attached to or submitted in support of an immigration document;

(B) includes a legal document or a document relating to the issuance and use of passports; and

(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

(4) The term ‘immigration proceeding’ includes all adjudication, interview, hearing, or review.

(5) A person does not exercise lawful authority if the person abuses or improperly exercises lawful authority the person otherwise holds.

(6) The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

(7) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

(8) The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

*§ 1554. Authorized law enforcement activities*

‘Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement officer of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).’

*§ 1555. Exception for refugees, asylees, and other vulnerable persons*

(a) In GENERAL.—If a person believed to have violated section 1542, 1544, 1546, or 1548 without delay, intends an application to enter the United States, or an intelligence agency of the United States, or a political subdivision of a State, or an intelligence agency of the United States, or an activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

*SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES*

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in clause (1), by striking ‘‘or’’ at the end and inserting a semicolon;

(2) in clause (ii), by striking the comma at the end and inserting ‘‘:’’; and

(3) by inserting after subclause (i) the following:

‘‘(ii) a violation of or a conspiracy or attempt to violate any provision of chapter 75 of title 18, United States Code.’’

(b) REMOVAL.—Section 237(a)(3)(B)(i)(II) (8 U.S.C. 1227(a)(3)(B)(i)(II)) is amended to read as follows:

‘‘(ii) an offense that involves a violation of any provision of chapter 75 of title 18, United States Code.’’

*SEC. 210. EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.*

*SEC. 210A. INCARCERATION OF CRIMINAL ALIENS.*

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the “Program”) shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(b) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(c) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—If a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien’s State or local prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(d) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(e) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation by State and local law enforcement agencies in the Program and in any program authorized under subsection (a).
SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) In general.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to appeal, an application, petition, or petition for review relating to removal or relief or protection from removal.

(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien’s agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge.

The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

(4) FAILURE TO COMPLY WITH AGREEMENT.—(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is ineligible for the benefits of the agreement.

(ii) the alien to depart voluntarily shall inform the Secretary in writing in the exercise of the alien’s discretion before the expiration of the period permitted for voluntary departure while the alien remains in the United States.

(iii) The alien shall be ineligible for any benefits under this section if the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty and the Secretary shall collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this clause until this civil penalty is collected.

(ii) "(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien’s departure for any further relief under this section and sections 203A, 245, 246, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal within 180 days after the enactment of this Act, nor shall the alien be eligible for any benefits under this section.

(4) ELIGIBILITY.—(I) PRIOR GRANT OF VOLUNTARY DEPARTURE.—The alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily under this section.

(ii) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c). The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c).

(ii) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge’s decision granting voluntary departure, no court shall have jurisdiction to affect, reverse, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.

(ii) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, an alien files a timely appeal of the immigration judge’s decision granting voluntary departure, no court shall have jurisdiction to affect, reverse, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.

(iii) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) on or after the date that is 180 days after the enactment of this Act.

(iii) EFFECTIVE DATES.—(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(ii) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.
SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) Deterring All aliens.—Section 212(a)(9)(A) of title 8, United States Code, is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years)” and inserting "seeks admission not later than 5 years after the date of the alien’s removal (or not later than 20 years after the alien’s removal); and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years)” and inserting "seeks admission not later than 10 years after the date of the alien’s departure or removal (or not later than 20 years after such removal)."

(b) Bar on Discretionary Relief.—Section 274d (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) Ineligibility for Relief.—

"(1) In General.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for discretionary removal or adjustment of status (including cancellation of removal and adjustment of status) during the period of 10 years after the alien's departure from or removal within the United States.

"(2) Savings Provisions.—Nothing in paragraph (1) shall preclude a motion to reopen a final order of removal or adjustment of status, and all actions described in section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) represents a showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.

"(3) Effective Dates.—The amendments made by this section shall take effect on the date of enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) in subparagraph (B), by striking "(y)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"

and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) in subparagraph (B), by striking "(y)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"

and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) and

(3) in subsection (y)—

(A) in the header, by striking "ADMITTED UNDER NONIMMIGRANT VISAS" and inserting "IN A NONIMMIGRANT CLASSIFICATION"; and

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term ‘nonimmigrant classification’ includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any section of the Immigration laws (as defined in section 101(a)(17) of such Act)."

(C) in paragraph (2), by striking “has been lawfully admitted to the United States under a nonimmigrant visa” and inserting “is in a nonimmigrant classification”; and

(D) in paragraph (3)(A), by striking “Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)” and inserting “Any alien who is in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)”.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) In General.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses.

"(1) In General.—Nothing in paragraph (2), by striking “Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)” and inserting “Any alien who is in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)”.

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(a) In General.—

"(1) conduct investigations concerning

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud afflicting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code;

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 79 of title 18, United States Code);"

and

"(b) Clerical Amendment.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.

SEC. 216. FIELD AGENT ALLOCATION AND BACK-CHARGING.

(a) In General.—

"(1) conduct investigations concerning

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud afflicting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code;

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 79 of title 18, United States Code);"

and

"(b) Clerical Amendment.—The table of sections for chapter 361 the following:

"361. Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 79 of title 18, United States Code);"

SEC. 217. CONSTRUCTION.

(a) In General.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"§ 362. CONSTRUCTION.

"(a) Nothing in this Act or any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approval, or waiver of any benefit or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(ii), (B), or (F) of section 212(a)(3) or subparagraph (A)(ii), (A)(iii), (B), or (F) of section 237(a)(4);

"(2) any alien with respect to whom a criminal investigation or case is pending that is material to the alien’s inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) DENTAL WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.

"(c) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 361 the following:

"361. Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 79 of title 18, United States Code);"

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REMUNERATION FOR COSTS ASSOCIATED WITH PROSECUTION OF CRIMINAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

"(1) indigent defense;

"(2) criminal prosecution;

"(3) postconviction relief;

"(4) translators and interpreters; and

"(5) court costs.

"(2) Waivers.—The Secretary may waive the application of paragraph (1) for any State, with population of less than 2,000,000, as most recently reported by the Bureau of the Census; and

"(3) by adding at the end the following:

"(4) translators and interpreters; and

"(5) court costs.

"(6) Nothing in paragraph (2) shall be construed to authorize the Secretary to make payments to an alien who has been convicted of any crime, other than a crime involving moral turpitude, for which the alien is imprisoned.
SEC. 233. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 (8 U.S.C. 1305) is amended—

(1) IN GENERAL.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien’s current residential mailing address, and shall not be a post office box or other non-residential mailing address, or an office, address, or other form of business, of any person, entity, organization, or employer.

(2) EFFECT ON IMMIGRATION STATUS.—The alien’s provision of an address for any purpose under the Federal immigration laws does not excuse the alien’s obligation to submit timely notice of the alien’s address to the Secretary under this section (or to the Attorney General under section 265a(a)(1)(F)) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding.

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in subsection (a), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(2) in subsection (b), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

and

(3) in section 264—

(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

(3) DETENTION.—An alien who is being detained under this Act is not required to report the alien’s current address under this section during the time the alien remains in detention, but shall be required to provide the most recent address of the alien’s address under this section at the time of the alien’s release from detention.

(e) USE OF MOST RECENT ADDRESS PROVIDED BY THE ALIEN.—(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cooperation among immigration programs, failure provided by an alien under this section with other information relating to the alien’s address under other Federal programs, including—

(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Labor;

and the Secretary of Homeland Security, or the Secretary of the Treasury, or the Attorney General.

(2) CRIMINAL PENALTIES.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has been previously inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien’s current address as required under section 265, the alien may be deported to the country of the alien’s nationality, or to any other country by the Secretary or the Attorney General, in considering any form of relief from removal which
may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien’s failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien’s failure shall be considered a negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.

(2) in subsection (c), by inserting ‘‘or a notice of current address’’ before ‘‘containing statements’’; and

(3) in subsections (c) and (d), by striking ‘‘Attendance at a hearing’’ and inserting ‘‘Secretary’’.

d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2), and (3) of subsection (a) are effective as if enacted on March 1, 2007.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) In General.—Section 267(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: ‘‘If such training is provided by a state or a political subdivision of a state to an officer or employee of such state or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security.’’; and

(2) in paragraph (4), by adding at the end the following: ‘‘The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.’’.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) In General.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ‘‘including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law, after ‘offense’’.’’

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNSERVED AREAS.

Section 320 of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ‘‘and June 1, 2006’’.

SEC. 227. EXPEDITED REMOVAL.

(a) In General.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting ‘‘EXPEDITED REMOVAL OF CRIMINAL ALIENS’’;

(2) in subsection (a), by striking the subsection heading and inserting: ‘‘EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.’’;

(3) in subsection (b), by striking the subsection heading and inserting: ‘‘REMOVAL OF CRIMINAL ALIENS’’; and

(4) in subsections (b), by striking paragraphs (1) and (2) and inserting the following:

‘‘(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal removing such alien from United States for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary’s sole discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.’’

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting ‘‘other than a nonimmigrant as defined in section 214(a)(1)(A)(vii)’’ after ‘‘citizen of the United States’’ each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) In General.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

‘‘SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

‘‘(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation of an alien to a Federal line of detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a federal law.

‘‘(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

‘‘(1) shall—

‘‘(i) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324c) and, if the requesting entity determines that the alien is lawfully admitted to the United States or is otherwise lawfully present in the United States; and

‘‘(ii) if the individual is an alien who is not lawfully admitted to the United States or is otherwise not lawfully present in the United States, the Secretary of Homeland Security—

‘‘(I) shall—

‘‘(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

‘‘(I) the conclusion of the State charging process or dismissal process; or

‘‘(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

‘‘(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

‘‘(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.’’

(b) REMOVAL.—‘‘(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a
political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1)."

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

(i) the average daily cost of incarceration of a person in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities, which provide an appropriate level of security; and

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish, review, and amend regular circuit and schedule for the prompt transpor- tation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit re- quests described in subsection (c), into Federal custody.

"(g) CONTRACTS FOR SERVICES.—

"(1) IN GENERAL.—The Secretary of Home- land Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and deten- tion agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement, the Secretary of Homeland Security shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 662 of the Illegal Immigration Re- form and Immigrant Responsibility Act of 1996 (18 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDER- AL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $350,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 250. LAUNDERING OF MONETARY INSTRU- MENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1950 (relating to transportation with the intent to commit theft, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction)"; and

(2) by inserting "section 274(a) of the Im- migration and Nationality Act (8 U.S.C. 1324a(a)), and (8 U.S.C. 1357(g) (relating to smuggling in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (re- lating to aviation smuggling)";

SEC. 251. LIMITATION ON INFORMATION VIOLATORS IN THE NATIONAL CRIME INFOR- MATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NA- TIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Director of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains relating to any alien—

(A) against whom a final order of removal has been issued; and

(B) who enters into a voluntary departure agreement, or is granted voluntary depa- rture by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States;

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consulta- tion with the head of the National Crime In- formation Center of the Department of Jus- tice, shall develop and implement a proce- dure by which an alien may petition the Secre- tary or head of the National Crime Infor- mation Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to the alien. Such procedure may include the failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erro- neous. Notwithstanding the 180-day time pe- riod set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures re- quired by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NA- TIONAL CRIME INFORMATION CENTER DATA- BASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end; and

(2) by redesignating paragraph (4) as para- graph (5); and

(3) by inserting after paragraph (3) the fol- lowing new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States;"

SEC. 232. COOPERATIVE ENFORCE- MENT PRO- GRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement de- signed to facilitate the immigration detention and removal of aliens under the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individ- uals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FA- CILITIES IN THE DETENTION OF ALIENS.

(a) CONSTRUCTION OR ACQUISITION OF DE- TENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall con- struct or acquire, in addition to existing fa- cilities for the detention of aliens, 20 deten- tion facilities in the States that have the capacity to detain a combined total of not less than 19,000 aliens at any time, for aliens detained pending removal or a de- cision on removal of such aliens from the United States.

(b) TECHNICAL AND CONFORMING AMEND- MENT.—Section 214(h)(1) (8 U.S.C. 1331(h)(1)) is amended by striking "shall expend" and inserting "shall expend".

SEC. 234. DETERMINATION OF IMMIGRATION VIOLATORS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES AT- TORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act, the Attorney General shall designate in the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is law- fully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2) (A) if the defendant is determined to be an alien lawfully present in the United States, notify the court in writing of the determination and the current status of the alien under the Immigration and National- ity Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determina- tion, the defendant’s alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in the following paragraph is included in the case file:

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in ac- cordance with guidelines of the Executive Office for Immigration Review of the Depart- ment of Justice.
(c) RESPONSIBILITIES OF FEDERAL COURTS.—
(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENT SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, each Federal court shall modify its criminal case management systems, in accordance with guidelines prescribed by the Director of the Administrative Office of the United States Courts, so as to enable accurate reporting of information described in subsection (a)(2).
(2) CONSTRUCTION.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into an electronic record of any court order of conviction containing information with respect to the court under subsection (a)(2).

(4) CONSTRUCTION.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien’s immigration status.

(e) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report required by section 604 of title 28, United States Code—
(1) statistical information on criminal trials of aliens in the courts and criminal convictions resulting from those trials, including statistics on the volume of criminal cases brought against aliens in the Federal courts; and
(2) conclusions on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year 2007 through 2011, such sums as may be necessary to carry out this Act. Funds authorized pursuant to this subsection in any fiscal year shall remain available until expended.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.
"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—
"(1) IN GENERAL.—It is unlawful for an employer—
"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment;
"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d);
"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue the employment of the alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment;
"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).
"(4) REPUTATABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.
"(5) DEFENSE.—
"(A) IN GENERAL.—Subject to subparagraph (B), an employer may establish an affirmative defense that the employer has complied in good faith with the requirements of subsections (c) and (d) and has established an affirmative defense that the employer had good reason to believe that such hiring, recruiting, or referring with respect to such hiring, recruiting, or referring was consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with employment eligibility verification requirements, and to comply with the employment eligibility verification requirements contained in this section.
"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).
"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—
"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify in writing that the employer is in compliance with this section, or has instituted a program to come into compliance.
"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after receiving a request for a certification under paragraph (1) the Secretary shall require that the employer certify that the employer is in compliance with the requirements of subsections (c) and (d).
"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.
"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.
"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, recruiting or referring for a fee an alien for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment, which steps shall include meeting the requirements of subsection (d) and the following paragraphs:
"(1) ATTESTATION BY EMPLOYER.—
"(A) REQUIREMENT.—An employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—
"(i) a document described in subparagraph (B); or
"(ii) a document described in subparagraph (B) and a document described in subparagraph (D).
"(B) DOCUMENTS VERIFICATION REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.
"(C) STANDARDS FOR EXAMINATION.—An employer has complied with the requirements of this paragraph with respect to examination of the document if, based on the totalities of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual’s identity and eligibility for employment in the United States.
"(IV) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participating employer shall use the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be designed to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with employment eligibility verification requirements, and to comply with the employment eligibility verification requirements contained in this section.
"(d) DOCUMENTS REQUİRED FOR EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual’s—
"(i) United States passport; or
"(ii) permanent resident card or other document designated by the Secretary, if the document—
"(i) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary prescribes in regulations is sufficient for the purposes of this subparagraph;
"(ii) evidence of eligibility for employment in the United States; and
"(iii) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(e) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY AND IDENTİTY.—Each document described in this subparagraph is an individual’s—
"(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or
"(ii) any other documents evidencing eligibility of employment in the United States, if—
"(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and
"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.
"(f) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual’s—
"(i) driver’s license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13; 119 Stat. 302); and
"(ii) identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card contains—
"(I) a photograph of the individual’s photograph or information including the individual’s name, date of birth, gender, and address; and
"(II) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document contains—
"(i) a photograph of the individual’s photograph or information including the individual’s name, date of birth, gender, eye color, and address; and
"(ii) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or
(iv) in the case of an individual who is under 16 years of age or who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such an individual, or a national identification card, that the Secretary determines is a reliable means of identification; and

(ii) contains security features to make the document difficult to tamper with, counterfeit, and fraudulent use.

(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—The Authority to prohibit use of such document or class of documents for purposes of this subsection.

(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

(2) ATTESTATION OF EMPLOYEE.—(A) REQUIREMENTS.—In the case of the hiring of an individual the later of

—(i) 7 years after the date of such hiring;

—(ii) a determination of whether such number provided in an inquiry by an employer match such information maintained by the Commissioner of Social Security regarding the individual’s name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner of Social Security.

—(iii) if the System is unable to confirm the identity of the individual.

(B) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

(3) RETENTION OF CLARIFICATION DOCUMENTS.—(A) REQUIREMENTS.—The Secretary shall, through the System,

—(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual’s identity and eligibility for employment in the United States;

—(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

—(iii) maintain a record of such inquiry and the information and codes provided in response to such inquiry.

(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer the

—(i) if the System is able to confirm the individual’s identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes for such confirmation notice;

—(ii) if the System is unable to confirm the individual’s identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—(1) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date on which the individual was denied employment on the basis of the System's nonconfirmation notice, the employer may contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice under clause (i).

(1) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation or a final nonconfirmation notice under clause (i).

(2) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

—(i) to maximize reliability and ease of use by employers in a manner that protects employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status,

—(ii) to respond to each inquiry made by an employer as promptly as practicable;

—(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

—(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

—(v) to allow for monitoring of the use of the System and provide an audit capability; and

(4) PENALTIES.—An employer that fails to comply with the requirements of this section shall be subject to the penalties described in subsection (d).

(5) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the use, or establishment, of a national identification card.

(6) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

(2) MANAGEMENT OF SYSTEM.—(A) IN GENERAL.—The Secretary shall, through the System—

—(i) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

—(i) if the System is able to confirm the individual’s identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes for such confirmation notice;
Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to all employees hired by the employer prior to, or on, the date of enactment of such requirements, if the Secretary determines, in the Secretary’s sole and unreviewable discretion, such employer or class of employer is—

"(I) an employer or class of employers with less than 5,000 employees in the United States, or

"(II) directly related to the national security or homeland security needs of the United States; or

"(III) part of the critical infrastructure of the United States; or

"(IV) engaged in activities that result not only in the capacity, systems integrity, and accuracy of the System, but are of national significance.

(2) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(3) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(4) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with less than 2,500 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(5) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 200 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(6) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(7) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

(8) NOTIFICATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary’s sole and unreviewable discretion—

"(I) at any time after the date of enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary determines, in the Secretary’s sole and unreviewable discretion, that the employer has engaged in violations of the immigration laws.

"(9) PROHIBITION ON TERMINATION.—An employer that has complied with the requirements of this section with respect to the System is eligible to engage in activities that are of national significance.
“(A) for individuals and entities to file complaints regarding potential violations of subsection (a); (B) for the investigation of those complaints by the Secretary; (C) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (D) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (E) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (F) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (G) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (H) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (I) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (J) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (K) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (L) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (M) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (N) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (O) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (P) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (Q) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (R) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (S) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (T) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (U) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (V) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (W) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (X) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (Y) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and (Z) for the investigation of such other violations of subsection (a), as the Secretary determines it appropriate to investigate; and

(2) AUTHORITY IN INVESTIGATIONS.—

(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers or employees of the Department of Homeland Security—

(i) shall have reasonable access to examine evidence of any employer being investigated; and (ii) if designated by the Secretary of Homeland Security, may compel by subpoena or proffer of evidence the employer wishes to

petition may include any relevant evidence mitigation of such fine or penalty, or a petition in, or agreement to participate in, the

filing of a petition for a final determination; (b) the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the

findings of law on which the determination is based and the appropriate

penalty.

(4) CIVIL PENALTIES.—

(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

(i) Pay a civil penalty of not less than $500 and not more than $1,000 for each unauthorized alien with respect to each such violation.

(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $2,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of not less than $2,000 and not more than $2,000 for each such violation.

(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

(ii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of not less than $1,000 and not more than $2,000 for each such violation.

(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of not less than $1,000 and not more than $2,000 for each such violation.

(C) OTHER PENALTIES.—Notwithstanding subsection (b)(1) of this section, the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the size of the employer’s hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

(F) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition for review shall stay the Secretary’s determination until entry of judgment by the court. The burden shall be

on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for costs, fines and penalties through bond or other guaranty of payment acceptable to the Secretary.

(G) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided by paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. The validity and appropriateness of the final determination shall not be subject to review.

(1) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

(2) ENJOYING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that the employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring civil action in an appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

(3) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

(1) PROHIBITION.—It is unlawful for an employer, in the hiring, referring, or otherwise procuring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

(2) CIVIL PENALTY.—If the Secretary determines, after notice and opportunity for mitigation of the monetary penalty subsection (o), to have violated paragraph (1) of this subsection, the Secretary may impose a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of paragraph (1) to the employee. If the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

(4) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall consider the list of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.
operation of this subsection or may limit the duration or scope of the debarment.

(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—(A) IS NOT ELIGIBLE.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Security to be a repeat violator of this section, or by the Secretary into the Employer Compliance Fund established under section 274A of the Immigration and Nationality Act, as added by section 301 of this Act, or deferred mandatory departure status under section 212B of the Immigration and Nationality Act, as added by section 601 of this Act, unless the home country of the alien has entered into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards prescribed by the Federal Acquisition Regulation.

(4) MISCELLANEOUS PROVISIONS.—(A) Imposing civil or criminal sanctions (other than through licensing and similar laws) on employers, employees, or others for a fee for employment, unauthorized aliens; or (B) requiring, as a condition of conducting, continuing, or expanding a business, that a business entity—(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or (ii) take other steps that facilitate the employer compliance with this section;

(5) DEPOSIT OF AMOUNTS received.—Except as otherwise specified, civil penalties collected under this subsection shall be deposited by the Secretary into the Employer Compliance Fund established under section 286F.

(k) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

(2) NO-MATCH NOTICE.—The term ‘no-match notice’ means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

(3) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

(4) UNAUTHORIZED ALIEN.—The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—(A) an alien lawfully admitted for permanent residence; or (B) authorized to be so employed by this Act or by the Secretary.

(b) CONFIRMING AMENDMENT.—(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections for 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND. Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

(9) EMPLOYER COMPLIANCE FUND.—(1) IN GENERAL.—There is established in the United States a fund to be known as the ‘Employer Compliance Fund’ (referred to in this subsection as the ‘Fund’).

(2) DEPOSITS.—There shall be deposited as offsets receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

(3) PURPOSE.—The amounts refunded to the Secretary of Labor from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of Labor, at least on a quarterly basis, to the Secretary of Health and Human Services after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Education, for the purpose of enhancing and enforcing employer compliance with section 274A.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS. (a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for investigators for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.


TITLE IV—TEMPORARY WORKER PROGRAMS AND VISA REFORM

Subtitle A—Requirements for Participating Countries

SEC. 401. REQUIREMENTS FOR PARTICIPATING COUNTRIES. (a) IN GENERAL.—An alien is not eligible for status as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 301 of this Act, or deferred mandatory departure status under section 212B of the Immigration and Nationality Act, as added by section 601 of this Act, unless the home country of the alien has entered into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—Each agreement under subsection (a) shall require the home country to—(1) accept, within 3 days, the return of nationals who are ordered removed from the United States;

(2) cooperate with the United States Government in—(A) verifying, tracking, and reducing gang membership, violence, and human trafficking and smuggling; and (B) controlling illegal immigration;

(3) provide the United States Government with—(A) passport information and criminal records of aliens who are seeking admission to or are present in the United States; and (B) admission and entry data to facilitate United States entry-exit data systems;

(4) take steps to educate nationals of the home country regarding the program under title V or VI to ensure that such nationals are not exploited; and

(5) provide a minimum level of health coverage to its participants.

(c) RULEMAKING.—(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall, by regulation, define the minimum level of health coverage to be provided by participating countries.

(2) RESPONSIBILITY TO OBTAIN COVERAGE.—If the health coverage provided by the home country falls below the minimum level defined pursuant to paragraph (1), the employer of the alien shall provide or the alien shall obtain coverage that meets such minimum level.

(d) HOUSING.—Participating countries shall agree to provide housing incentives in the alien’s home country for returning workers.

Subtitle B—Nonimmigrant Temporary Worker Programs

SEC. 411. NONIMMIGRANT TEMPORARY WORKER CATEGORY. (a) NEW TEMPORARY WORKER CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"W an alien having a residence in a foreign country which the alien has no intention of abandoning who is coming temporarily to perform temporary labor or service, other than that..."
with the application a waiver of rights that
explains to the alien that, in exchange for
the discretionary benefit of admission as a
nonimmigrant under section 101(a)(15)(W),
the alien is being required to:
(i) to administrative or judicial review or
appeal of an immigration officer's deter-
mination as to the alien's admissibility; or
(ii) to establish a specific period of
stay.

SEC. 412. TEMPORARY WORKER PROGRAM.

(a) IN GENERAL.—The Immigration and Na-
tionality Act (8 U.S.C. 1101(a)(15)) is amended—
(1) by inserting after section 218 the fol-
dowing section:

"SEC. 218A. TEMPORARY WORKER PROGRAM.

"(a) IN GENERAL.—The Secretary of State
may grant a temporary visa to a non-
immigrant described in section 101(a)(15)(W)
who demonstrates an intent to perform labor
or services in the United States (other than
those occupational classifications covered
under the provisions of clause (1)(b) or (1)(a)
of section 101(a)(15)(H) or subparagraph (L),
(O), (P), or (R)) of section 101(a)(15)).

(b) REQUIREMENTS FOR ADMISSION.

In order to be eligible for nonimmigrant status
under section 101(a)(15)(W), an alien shall
meet the following requirements:

(1) WAIVER OF IMMIGRATION LAW.

The alien shall establish that he has a job offer
from an employer authorized to hire aliens under
the Alien Employment Management Pro-
gram.

(2) FEE.

The alien shall pay a $500 visa issuance fee in addition to the cost of proc-
essing and adjudicating such application.

(3) MEDICAL EXAMINATION.

The alien shall undergo a medical examination (including
a determination of immigration status)
at the alien's expense, that conforms to
generally accepted standards of medical prac-
tice.

(4) APPLICATION CONTENT AND WAIVER.

(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an appli-
cation form that shall be required to complete as a condition of being admitted as a
nonimmigrant under section 101(a)(15)(W).

(B) CONTENT.—In addition to any other in-
formation that the Secretary determines is
required to determine an alien's eligibility
for admission as a nonimmigrant under section
101(a)(15)(W), the Secretary shall
require an alien to provide information concerning
the alien's physical and mental health,
criminal history and gang membership, im-
migration history, involvement with groups or
individuals engaging in acts of terrorism,
terrorism, genocide, persecution, or who seek
the overthrow of the United States Government,
voter registration history, claims to
United States citizenship, and tax history.

(C) WAIVER.—The Secretary of Homeland Security
may require an alien to include

with the application a waiver of rights that
explains to the alien that, in exchange for
the discretionary benefit of admission as a
nonimmigrant under section 101(a)(15)(W),
the alien is being required to:
(i) to administrative or judicial review or
appeal of an immigration officer's deter-
mination as to the alien's admissibility; or
(ii) to establish a specific period of
stay.

(c) TECHNICAL AMENDMENTS.

Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—
(1) in subparagraph (D)(ii), by striking "or"
in the period at the end and inserting a semi-
colon and "or"

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semi-
colon and "or"
(k) Establishment of Temporary Worker Task Force.—

(1) IN GENERAL.—There is established a task force to be known as the "Temporary Worker Task Force" (referred to in this section as the "Task Force").

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the impact of the admission of aliens under section 101(a)(15)(W) on the wages, working conditions, and employment of United States workers; and

(B) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(W).

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 18 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(9) REPORT.—Not later than 18 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

(A) findings with respect to the duties of the Task Force;

(B) recommendations for imposing a numerical limitation; and

(C) any other matter that the Task Force determines to be appropriate.

(10) DETERMINATION.—Not later than 6 months after the submission of the report, the Secretary of Labor may impose a numerical limitation on the number of aliens that may be admitted under section 101(a)(15)(W). Any numerical limitation shall not become effective until 6 months after the Secretary of Labor submits a report to Congress regarding the imposition of a numerical limit.

(i) FAMILY MEMBERS.—

(A) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted to the United States—

(i) as a nonimmigrant under section 101(a)(15)(B) for a period of not more than 30 days after the admission of the alien under section 101(a)(15)(W) who is seeking to be admitted as a nonimmigrant under section 101(a)(15)(B) shall submit, in addition to any other fee authorized by law, an additional fee of $10.

(ii) USE OF FEE.—The fees collected under clause (i) shall be payable for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

(B) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(W)—

(A) may travel outside of the United States; and

(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the period of authorized admission in the United States.

(c) EMPLOYMENT.—

(1) PORTABILITY.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens admitted under section 1158(a).

(2) CONTINUOUS EMPLOYMENT.—An alien must be employed while in the United States unless the Secretary determines that the alien is ineligible for hire for any day during which the alien departs the United States and reenters as a nonimmigrant under section 101(a)(15)(W).

(3) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at time of admission of an alien under section 101(a)(15)(W).

(d) DENIAL OF DISCRETIONARY RELIEF.—

The determination of whether an alien is eligible for a grant of nonimmigrant status under section 101(a)(15)(W) is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

(1) any judgment regarding the granting of relief under this section; or

(2) any other decision made by the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, unless such decision is the granting of relief under section 1158(a).

(e) JUDICIAL REVIEW.—

(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court shall—

(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

(i) an order or notice denying an alien a grant of nonimmigrant status under section 101(a)(15)(W) or any other benefit arising from such status; or

(ii) an order of removal, exclusion, or deportation entered against an alien if such order is entered after the termination of the alien’s period of authorized admission as a nonimmigrant under section 101(a)(15)(W); or

(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

(2) CHALLENGES TO VALIDITY.—

(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant to this Act is available in the United States District Court for the District of Columbia, but shall be limited to determinations of—

(i) whether section 218B, or any regulation issued to implement such section, violates the Constitution of the United States; or

(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security, or any regulation or policy inconsistent with applicable provisions of this section or is otherwise in violation of law.

(b) PROHIBITION ON CHANGE IN NONIMMIGRANT CLASSIFICATION.—Section 248(k) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking “(or)” and inserting “(8), or”.

SEC. 413. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for facilities, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this subtitle.
Congress and has been continuously in the United States since such date, and was not legally present in the United States under any classification set forth in section 101(a)(15) of this title, the alien has engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and the alien

237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

(ii) has not assisted in the prosecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under section 212(a), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(D) INELIGIBLE.—An alien is ineligible for Deferred Mandatory Departure status if the alien—

(1) is subject to a final order or removal under section 234;

(2) failed to depart the United States during the period of a voluntary departure order under section 235;

(3) was not admissible to the United States, except as provided as in (B); and

(4) has not assisted in the prosecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

SEC. 2371; or

the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

the Secretary of State has made a determination that the government of such country has repeatedly provided support for acts of international terrorism under section 6(j) of the Anti-Terrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 2332(a) or (b)); or under section 233 of the Anti-Terrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 233(g)); or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who was employed in the United States and subject to removal or deportation

during the period of a voluntary departure order

under section 240;

unless the sole acts of conviction are fraud for law enforcement purposes.

An alien who indicates either an intention to

The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(a)(1)(B).

(6) ACKNOWLEDGMENT.—An alien who applies for Deferred Mandatory Departure status shall acknowledge in writing under oath that the alien—

(1) understands the terms of the terms of Deferred Mandatory Departure;

(2) any any Social Security account number or card in the possession of the alien or

relied upon by the alien;

(3) any false or fraudulent documents in the alien’s possession.

(7) APPLICATION CONTENT AND WAIVER.—

(1) IN GENERAL.—The alien must include with the application a waiver of rights that the alien is waiving in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer’s determination as to the alien’s eligibility, or to contest any removal action, other than on the basis of an application for Deferred Mandatory Departure status under section 238 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(2) RETURN IN LEGAL STATUS.—An alien who

with the terms of Deferred Mandatory Departure status and who departs prior to the expiration of such status shall not be subject to section 212(a)(9)(B) and, if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

(4) FAILURE TO DEPART.—An alien who

the period of Deferred Mandatory Departure status and who departs prior to the expiration of such status shall not be subject to section 212(a)(9)(B) and, if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

(5) PENALTIES FOR DELAYED DEPARTURE.—

the period of Deferred Mandatory Departure status, the alien

An alien who fails to depart the United States prior to the expiration of Deferred Mandatory Departure status at any time within 10 years, with the exception of section 208 or 241(b)(3) of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who also applies either an intention to apply for asylum under section 208 or a fear of persecution or torture.

The Secretary of Homeland Security shall ensure that the application process is secure and incorporates anti-fraud precautions. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication as a failsafe.

The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of enactment of the Comprehensive Immigration and Reintegration Reform Act of 2005.

An alien who fails to depart immediately shall be subject to the following fees:

(1) No fine if the alien departs within the first year after the grant of Deferred Mandatory Departure.

(2) $2,000 if the alien does not depart within the second year after the grant of Deferred Mandatory Departure.

(3) $3,000 if the alien does not depart within the third year following the grant of Deferred Mandatory Departure.

(4) $4,000 if the alien does not depart within the fourth year following the grant of Deferred Mandatory Departure.

(5) $5,000 if the alien does not depart during the fifth year following the grant of Deferred Mandatory Departure.

Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(a)(1)(B).

(4) TERMS OF STATUS.—

During the period of Deferred Mandatory Departure status, an alien shall comply with all registration requirements under section 264.

(5) TRAVEL.—

An alien granted Deferred Mandatory Departure status is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security

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granting the alien Deferred Mandatory De-
parture status.

"(B) Under regulations established by the
Secretary of Homeland Security, an alien
granting the alien Deferred Mandatory De-
parture status.

"(i) may travel outside of the United
States and may be readmitted if the period
of Deferred Mandatory Departure status has
not expired and

"(ii) must establish at the time of applica-
tion for admission that the alien is admis-
sible under section 214.

"(C) Social Security Number.—The Secre-
tary of Homeland Security, in coordination with the
Commissioner of the Social Security System, shall imple-
mement a procedure for the enumeration of a Social Security number and production of a Social Security card at the time the
Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(D) PENALTIES FOR FALSE STATEMENTS IN
APPLICATION FOR DEFERRED MANDATORY DE-
PARTURE.—

"(1) CRIMINAL PENALTY.—(A) VIOLATION.—It shall be unlawful for
any person

"(i) to file or assist in filing an application
for adjustment of status under this section and
knowingly and willfully falsify, mis-
represent, conceal, or cover up a material
fact or make any false, fictitious, or fraudu-
 lent statements or representations, or make
or use any false writing or document know-
ing the same to be false.

"(ii) to create or supply a false writing
or document for use in making such an applica-
tion;

"(B) PENALTY.—Any person who violates
subsection (A) shall be fined in accord-
ance with title 18, United States Code, im-
prisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is con-
 victed of a crime under paragraph (1) shall be con-
 sidered to be inadmissible to the United
States and may be deported or excluded.

 "(A) IN GENERAL.—An alien seeking a grant of
Deferred Mandatory Departure status shall
submit, in addition to any other fees
authorized by law, an application fee of
$1,000.

 "(B) APPLICATION FEE.—

"(1) FAMILY MEMBERS.—

"(A) IN GENERAL.—The spouse or child
of an alien granted Deferred Mandatory De-
parture status shall submit, in addition to any other fees
authorized by law, an additional fee of
$500.

 "(B) APPLICATION FEE.—

"(1) FAMILY MEMBERS.—

"(A) IN GENERAL.—The spouse or child of an alien
seeking Deferred Mandatory Departure status shall submit, in addition to any other fees
authorized by law, an additional fee of
$500.

 "(B) APPLICATION FEE.—

"(1) FAMILY MEMBERS.—

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$500.

 "(B) APPLICATION FEE.—

"(1) FAMILY MEMBERS.—

"(A) IN GENERAL.—The spouse or child of an alien
seeking Deferred Mandatory Departure status shall submit, in addition to any other fees
authorized by law, an additional fee of
$500.
"(c) the number of aliens described in section 218A or 218B that an employer is authorized to hire and is currently employing; and

"(d) the occupation, industry and length of time the alien was employed by Homeland Security may approve the application submitted by the employer under this paragraph for the employment of aliens that the Secretary determines are required by the employer. Such approval shall be valid for a 2-year period.

SEC. 432. LABOR INVESTIGATIONS.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Labor shall conduct audits, including random audits of employment aliens described under section 218A or 218B of the Immigration and Nationality Act, as added by section 412 and 421, respectively.

(b) PENALTIES.—The Secretary of Homeland Security shall establish penalties, which may include debarment from eligibility for hire also described under section 218A, as added by section 421 of this Act, for employers who fail to comply with section 218B of the Immigration and Nationality Act as added by section 431 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section.

Subtitle F—Circular Migration

SEC. 431. INVESTMENT ACCOUNTS.

(a) IN GENERAL.—The Secretary of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

"(5) E LECTRONIC FORM.—An employer may request assistance in applying for this fund in an electronic form.

"(f) D EFINITIONS.

"(1) C OVERED EMPLOYER .—The term "covered employer" means an employer who applies to hire an alien described in section 218A or 218B, and the employer submits an attestation stating the following:

"(1) The employer has posted the position in a national, electronic job registry maintained by the Secretary of Labor, for not less than 30 days.

"(2) The employer has offered the position to at least three eligible United States workers who applied for the position or better qualified for the job for which a temporary worker is sought and who will be available at the time and place of need. An employer shall maintain records for not less than 1 year demonstrating that why United States workers who applied were not hired.

"(3) The employer shall comply with the terms established under subsection (a), including the terms of any temporary worker monitoring program established by the Secretary.

"(4) The employer shall not hire more aliens than the number authorized by the Secretary of Homeland Security has authorized it to hire.

"(5) The worker shall be paid at least the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State law. All wages will be paid in a timely manner and all payroll records will be maintained accurately.

"(6) The employment of a temporary worker shall not affect the condition of other similarly employed United States workers.

"(1) APPROVAL.—After determining that there are no United States workers who are qualified and willing to obtain the employment for which the employer is seeking temporary workers, Homeland Security may approve the application submitted by the employer under this paragraph for the employment of aliens that the Secretary determines are required by the employer. Such approval shall be valid for a 2-year period.

SEC. 432. LABOR INVESTIGATIONS.

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(b) PENALTIES.—The Secretary of Homeland Security shall establish penalties, which may include debarment from eligibility for hire also described under section 218A, as added by section 421 of this Act, for employers who fail to comply with section 218B of the Immigration and Nationality Act as added by section 431 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section.

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"(f) DEFINITIONS.

"(1) COVERED EMPLOYER .—The term "covered employer" means an employer who applies to hire an alien described in section 218A or 218B, and the employer submits an attestation stating the following:

"(1) The employer has posted the position in a national, electronic job registry maintained by the Secretary of Labor, for not less than 30 days.

"(2) The employer has offered the position to at least three eligible United States workers who applied for the position or better qualified for the job for which a temporary worker is sought and who will be available at the time and place of need. An employer shall maintain records for not less than 1 year demonstrating that why United States workers who applied were not hired.

"(3) The employer shall comply with the terms established under subsection (a), including the terms of any temporary worker monitoring program established by the Secretary.

"(4) The employer shall not hire more aliens than the number authorized by the Secretary of Homeland Security has authorized it to hire.

"(5) The worker shall be paid at least the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State law. All wages will be paid in a timely manner and all payroll records will be maintained accurately.

"(6) The employment of a temporary worker shall not affect the condition of other similarly employed United States workers.

"(1) APPROVAL.—After determining that there are no United States workers who are qualified and willing to obtain the employment for which the employer is seeking temporary workers, Homeland Security may approve the application submitted by the employer under this paragraph for the employment of aliens that the Secretary determines are required by the employer. Such approval shall be valid for a 2-year period.

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(b) PENALTIES.—The Secretary of Homeland Security shall establish penalties, which may include debarment from eligibility for hire also described under section 218A, as added by section 421 of this Act, for employers who fail to comply with section 218B of the Immigration and Nationality Act as added by section 431 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section.

Subtitle E—Protection Against Immigration Fraud

SEC. 441. GRANTS TO SUPPORT PUBLIC EDUCATION AND TRAINING.

(a) GRANTS TO SUPPORT PUBLIC EDUCATION AND TRAINING.—The purpose of this subtitle is to assist qualified non-profit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding this Act and the amendments made by this Act, and to educate, train and support non-profit agencies, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act.

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—The grants under this part shall be used to fund public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by non-profit community organizations in providing services related to this Act, and to educate, train and support non-profit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.

(1) GRANT ACCOUNT.—There are authorized to be appropriated to the Office of Justice Programs at the United States Department of Justice, for grants under this Act, $40,000,000 for fiscal year 2006; $40,000,000 for fiscal year 2007; and $40,000,000 for fiscal year 2008.

(2) TEMPORARY WORKER INVESTMENT ACCOUNTS.

(A) the term ‘temporary worker taxes’ means that portion of the amounts appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund that are attributable to the wages (as defined in section 3121 of the Internal Revenue Code of 1986) and self-employment income (as defined in such Code) of temporary workers as determined by the Commissioner of Social Security; and

(B) the term ‘temporary worker’ means an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.

(3) TEMPORARY WORKER INVESTMENT ACCOUNTS.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) in section 401, by adding at the end the following:

"(4) TEMPORARY WORKER INVESTMENT ACCOUNTS.—There are authorized to be appropriated to the Office of Justice Programs at the United States Department of Justice to carry out this section—"
(b) Time Account Takes Effect.—A temporary worker investment account established under subsection (a) shall take effect with respect to the first pay period beginning more than 14 days after the date of such establishment.

(c) Temporary Worker’s Property Right in Temporary Worker Investment Account.—The temporary worker investment account established for a temporary worker is the sole property of the worker.

TEMPORARY WORKER INVESTMENT FUND.

Sec. 253. (a) In General.—There is created on the books of the Treasury of the United States a trust fund to be known as the ‘Temporary Worker Investment Fund’ to be administered by the Secretary. No assets shall consist of the assets transferred under section 201(o) to each temporary worker investment account established under section 202 and the income earned under subsection (e) and credited to such account.

(b) Notice of Contributions.—The full amount of a temporary worker’s investment account transfers shall be shown on such worker’s W-2 tax statement, as provided in section 6051(a)(14) of the Internal Revenue Code of 1986.

(c) Investment Earnings Report.—

(1) In General.—At least annually, the Temporary Worker Investment Fund shall provide to the temporary worker a temporary worker investment status report. Such report may be transmitted electronically upon the agreement of the temporary worker under the terms and conditions established by the Secretary.

(2) Contents of Report.—The temporary worker investment status report, with respect to a temporary worker investment account, shall provide the following information:

(A) The total amounts transferred under section 201(o) in the last quarter, the last year, and since the account was established.

(B) The amount and rate of income earned under subsection (e) for each period described in subparagraph (A).

(d) Maximum Administrative Fee.—The Temporary Worker Investment Fund shall charge each temporary worker in the Fund a single, uniform annual administrative fee to cover the costs of administration, including all costs of overseeing the assets invested in the worker’s account.

(e) Investment Duties of Secretary.—The Secretary shall establish policies for the investment of temporary worker investment accounts, including policies that shall provide for prudent Federal Government investment instruments suitable for accumulating funds.

TEMPORARY WORKER INVESTMENT ACCOUNT DISTRIBUTIONS.

Sec. 254. (a) Date of Distribution.—Except as provided in subsections (b) and (c), a distribution of the balance in a temporary worker investment account may only be made on or after the date such worker departs from the United States and abandons such worker’s nonimmigrant status under section 101(a)(15)(W) of the Immigration and Nationality Act and returns to the worker’s home country.

(b) Distribution in the Event of Death.—If the temporary worker dies before the date determined under subsection (a), the balance in the worker’s account shall be distributed to the worker’s estate under rules established by the Secretary.

(c) Worker Investment Account Transfers Shown on W-2.—

(1) In General.—Section 6051(a) of the Internal Revenue Code of 1986 (relating to returns to the worker).—

(2) By striking the period at the end of paragraph (13) and inserting ‘‘and’’; and

(3) By inserting after paragraph (13) the following:

‘‘(14) in the case of a temporary worker (as defined in section 251(1) of the Social Security Act), of the amount shown pursuant to paragraph (6), the total amount transferred to such worker’s temporary worker investment account under section 201(o) of such Act.’’.

(d) Subtitle G—Backlog Reduction

SEC. 461. EMPLOYMENT-BASED IMMIGRANTS.

(a) Employment-Based Immigrant Limit.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

‘‘(d) Worldwide Level of Employment-Based Immigrants.—(1) The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

‘‘(1) 140,000; and

‘‘(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

‘‘(3) the difference between—

(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visas issued under this subsection during those years; and

(B) the number of visas previously made available under section 203(c).’’.

(b) Diversity Visa Termination.—The al- location of immigrant visas to aliens under section 202(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(c)), and the admission of such aliens to the United States as immigrants, is terminated. This provision shall apply to the fiscal year following enactment of this Act.

(c) Immigration Task Force.—

(1) In General.—The Secretary shall establish a task force to be known as the Immigration Task Force (referred to in this section as the ‘‘Task Force’’).

(2) Purposes.—The purposes of the Task Force are—

(A) to study the impact of the delay between the date on which an application for immigration is submitted and the date on which a determination on such application is made; and

(B) to study the impact of immigration of workers to the United States on family unity; and

(C) to provide to Congress any recommendations of the Task Force regarding increasing the number immigrant visas issued by the United States for family members of individuals in the United States and on the basis of employment.

SEC. 462. COUNTRY LIMITS.

(a) Preference Allocation for Employment-Based Immigrants.—The Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ‘‘(4), (5) and’’ and inserting ‘‘(4) and’’; and

(B) by striking ‘‘7 percent (in the case of a single foreign state) or 2 percent’’ and inserting ‘‘10 percent (in the case of a single foreign state) or 5 percent’’; and

(2) by striking paragraph (5).

SEC. 463. Allocation of Immigrant Visas.

(a) Preference Allocation for Employment-Based Immigrants.—Section 202(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is amended—

(1) in paragraph (1), by striking ‘‘28.6 percent’’ and inserting ‘‘20 percent’’; and

(2) in paragraph (2)(A), by striking ‘‘28.6 percent’’ and inserting ‘‘35 percent’’;

(3) in paragraph (3)(A)—

(A) by striking ‘‘26.6 percent’’ and inserting ‘‘35 percent’’; and

(B) by striking clause (ii); and

(4) by striking paragraph (4); and

(5) by redesignating paragraph (5) as paragraph (4); and

(6) in paragraph (4)(A), as redesignated, by striking ‘‘7.1 percent’’ and inserting ‘‘4 percent’’;

(7) by inserting after paragraph (4), as redesignated, the following:
SA 3544. Mr. Kyl submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 403, insert the following:

'(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for an adjustment of status under the section on the basis of such status.'.

SA 3547. Mr. Kyl submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 403, insert the following:

'(3) LIMITATION ON GRANTING OF VISAS TO H2C NONIMMIGRANTS.—Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as amended by section 402(a), pursuant to section 218A of the Immigration and Nationality Act, as amended by paragraph (1), until after the date that the Secretary certifies to Congress that—

(A) the Electronic Employment Verification System described in section 27 of the Immigration and Nationality Act, as amended by section 301(a), is fully operational;

(B) the number of full-time employees who investigate compliance with immigration laws related to the hiring of aliens within the Department is increased by not less than 2,000 more than the number of such employees within the Department on the date of the enactment of this Act and that such employees have received appropriate training;

(C) the number of full-time, active-duty border patrol agents within the Department is increased by not less than 2,500 more than the number of such agents within the Department on the date of the enactment of this Act; and

(D) additional detention facilities to detain unlawful aliens apprehended in United States have been constructed or obtained and the personnel to operate such facilities have been hired, trained, and deployed so that the number of detention bed spaces available is increased by not less than 2,000 more than the number of such spaces available on the date of the enactment of this Act.'.

SA 3548. Mr. Hatch submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike titles III, IV, V, and insert the following:

TITLE III—NONPARTISAN COMMISSION ON IMMIGRATION REFORM

SEC. 301. NONPARTISAN COMMISSION ON IMMIGRATION REFORM.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—

(1) ESTABLISHMENT.—Not later than May 1, 2006, the President shall establish a commission to be known as the Nonpartisan Commission on Immigration Reform (in this section referred to as the "Commission").

(2) COMPOSITION.—The Commission shall be composed of 9 members to be appointed as follows:

(A) 1 member who shall serve as Chairman, to be appointed by the President.

(B) 2 members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the House of Representatives.

(C) 2 members to be appointed by the minority leader of the House of Representatives who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the House of Representatives.

(D) 2 members to be appointed by the majority leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the Senate.

(E) 2 members to be appointed by the minority leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the Senate.

(3) INITIAL APPOINTMENTS.—Initial appointments to the Commission shall be made during the 45-day period beginning on May 1, 2006.

(4) VACANCY.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(5) TERM OF APPOINTMENT.—Members shall be appointed to serve for the life of the Commission, except that the term of the members described in paragraph (2)(A) shall expire at noon on January 20, 2008, and the President shall appoint an individual to serve for the remaining life, if any, of the Commission.

(b) FUNCTIONS OF COMMISSION.—The Commission shall—

(1) review and evaluate the impact of this Act and the amendments made by this Act, in accordance with subsection (c);

(2) conduct a systematic and comprehensive review of this Nation’s immigration laws, in accordance with subsection (c); and

(3) transmit to the Congress—

(A) not later than April 15, 2008, a first report describing the progress made in carrying out paragraphs (1) and (2);

(B) not later than April 15, 2010, a final report setting forth the Commission’s findings and recommendations, including such recommendations for comprehensive changes that should be made with respect to immigration laws in the United States as the Commission deems appropriate, including, where applicable, such model legislative language for the consideration of Congress.

(c) CONSIDERATIONS.—The Commission may invest, and make recommendations upon any subject that it determines would substantially contribute to the development of an equitable, efficient, and sustainable immigration system that will facilitate border security specifically and national security generally.
(2) GUEST WORKER PROGRAM.—The Commission shall analyze and make recommendations on the advisability of modifying the requirements for admission of nonimmigrants described in 19 U.S.C. 1904(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), including increasing the number of such nonimmigrants admitted to the United States as a guest worker program, and if, in the opinion of this Commission, such a modification or program should be adopted, then the Commission shall—
(A) set forth minimum requirements for such modification or program, including—
(i) the numerical limitations, if any, on such a program; and
(ii) the temporal limitations (in terms of participant duration), if any, on such a program; and
(B) assesses the impact and advisability of allowing aliens admitted under such section or participating in such a program to adjust their status from nonimmigrant to immigrant classifications; and
(C) determine whether and, if appropriate, to what degree, low-skilled enterprises should be included in a national guest worker program.
(3) PROJECT SUNSHINE.—The Commission shall analyze and make recommendations on the design and implementation of the unlawful alien population present in the United States, and such report shall—
(A) examine the impact of earned adjustment, amnesty, or similar programs on future illegal immigration;
(B) examine the ability, and advisability, of the United States Government to locate and deport individuals unlawfully present in the United States;
(C) assess the impact, advisability, and ability of earned adjustment, amnesty, or similar programs to locate and register individuals unlawfully present in the United States; and
(D) provide alternate solutions, if any, to the realm of options otherwise mentioned in this section.
(4) JUDICIAL REVIEW.—The Commission shall examine the operation of the relevant adjudicatory structures and mechanisms and make such recommendations as are necessary to ensure expediency of process consistent with applicable constitutional protections.
(6) COMPENSATION OF MEMBERS.—
(A) IN GENERAL.—Each member of the Commission who is in the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the daily equivalent of the minimum rate of basic pay in effect for grade GS–18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.
(B) TRAVEL EXPENSE.—While away from their homes or regular places of business in the performance of services for the Commission, officers or employees of the Federal Government shall receive, in lieu of subsistence, (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 (Public Law 99–603), and (f) and (g) of section 302 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208).

SEC. 3. EFFECTIVE DATE.
(a) Notwithstanding any other provision in this Act, or the amendments made by this Act, titles III, IV, V, and VI of this Act, or the amendments made by such titles, shall not take effect until Congress has appropriated sufficient funds to fully implement the border security and interior enforcement provisions in titles I and II of this Act.

SEC. 4. RECAPTURE AND REALLOCATION OF UNUSED VISA NUMBERS.
If the numerical limitation for visas described in 10 U.S.C. 115(h)(1)(b) has been reached for fiscal year 2006 or a subsequent fiscal year, such numerical limitation shall be supplemented in a number equal to the number of H–2C visas not issued during the relevant fiscal year.

SEC. 5. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.
(1) by striking “the date of the enactment of the Legal Immigration Family Equity Act” and inserting “January 1, 2011”; and

SEC. 6. RECAPTURE AND REALLOCATION OF UNUSED VISA NUMBERS.
If the numerical limitation for visas described in 10 U.S.C. 115(h)(1)(b) has been reached for fiscal year 2006 or a subsequent fiscal year, such numerical limitation shall be supplemented in a number equal to the number of H–2C visas not issued during the relevant fiscal year.

SEC. 7. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.
(1) by striking “the date of the enactment of the Legal Immigration Family Equity Act” and inserting “January 1, 2011”; and

SEC. 8. RECAPTURE AND REALLOCATION OF UNUSED VISA NUMBERS.
If the numerical limitation for visas described in 10 U.S.C. 115(h)(1)(b) has been reached for fiscal year 2006 or a subsequent fiscal year, such numerical limitation shall be supplemented in a number equal to the number of H–2C visas not issued during the relevant fiscal year.
SA 3555. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 234. DETENTION STANDARDS.

(a) Classification of Detention Operations.—In order to improve the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) Detention Standards for Nuclear Family Units and Certain Non-Criminal Aliens.—(A) The Secretary of Homeland Security determines that the alien to be held for the purpose of deportation proceedings is a nuclear family unit and that the alien is, or has been, the victim of domestic violence, the Secretary may reduce the period of detention to not more than 30 days. (B) The Secretary may waive the detention period for an immigrant under section 212(i) if the alien demonstrates extreme hardship to the citizen or lawfully admitted resident spouse, parent, son, or daughter who is a United States citizen, a lawful permanent resident, or a qualified alien.

(c) Legal Orientation Presentations. —All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3556. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

‘‘(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C) if—

‘‘(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted to permanent resident status or admitted for temporary admission as the lawfully resident spouse, child, son, daughter, or parent of such an alien; or

‘‘(ii) in the case of an alien granted classification under clause (i) or of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), if—

‘‘(I) the alien demonstrates extreme hardship to the alien or the alien’s parent or child; and

‘‘(II) such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

‘‘(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.’’

SA 3556. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAM.

(a) AERIAL SURVEILLANCE PROGRAM.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ‘‘$0’’ and inserting ‘‘$200,000’’.

(b) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention needs of alien detainees required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) Use of Funds. —Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is in the public interest.

(3) USE OF INSTALLATIONS UNDER KOREA BASE LAW.—In acquiring additional detention facilities under this subsection, the Secretary shall consider appropriate portions of military installations approved for closure or realignment under the Base Closure and Realignment Act of 1990 (part A of title 10, United States Code 101–510; 10 U.S.C. 2676 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to ensure the effective dissemination of messages to law enforcement officers and employees of the Department and to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(5) ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

SA 3558. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 235. DETENTION OF ILLEGAL ALIENS.

(a) Increasing Detention Bed Space.—Section 212(f) of the Immigration Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ‘‘8,000’’ and inserting ‘‘20,000’’.

(b) Construction of or Acquisition of Detention Facilities.—(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention needs of alien detainees required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) Use of Funds. —Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is in the public interest.

SA 3559. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—(1) In general.—In conjunction with the base realignment and closure of military facilities under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law
lance Program is carried out in a manner that—
   (A) the technologies utilized in the Program
   are integrated and function cohesively in an
   automated process; (B) the integration of
   motion sensor alerts and cameras, whereby
   a sensor alert automatically activates a corre-
   sponding camera to pan and tilt in the direc-
   tion of the triggered sensor; (C) cameras util-
   ized in the Program do not have to be manu-
   ally operated; (D) surveillance video taken by
   such cameras can be viewed at multiple design-
   ated communications centers; (E) a standard
   process is used to collect, catalog, and report
   intrusion and response data collected under
   the Program; (F) future research technology
   investments and upgrades for the Program
   can be integrated with existing systems;
   (G) performance measures are developed
   and applied that can evaluate whether the
   Program is providing desired results and in-
   creasing response effectiveness in moni-
   toring and detecting illegal intrusions along
   the international borders of the United
   States;
   (H) plans are developed under the Program
   to streamline site selection, site validation,
   and environmental processes to minimize
   delays of installing surveillance technology
   infrastructure;
   (I) standards are developed under the Pro-
   gram to ensure the required use of existing
   private and governmental structures to in-
   stall remote surveillance technology infra-
   structure where possible; and
   (J) standards are developed under the Pro-
   gram to identify and deploy the use of non-
   permanent or mobile surveillance platforms
   that will increase the Secretary's mobility
   and ability to identify illegal border intru-
   sions.
   (3) REQUIREMENT FOR PROGRAM.—
   The Secretary shall develop an appropri-
   ate report for the Congress regarding the
   Program. The Secretary shall submit to Con-
   gress a report regarding the Program. The
   Secretary shall include in the report a de-
   scription of the Program together with any
   recommendation that the Secretary finds ap-
   propriate for enhancing the program.
   (4) EVALUATION REQUIREMENTS.—
   (A) REQUIREMENT FOR STANDARDS.—
   The Secretary shall develop appropriate stand-
   ards and procedures to ensure compliance of
   any contract providing goods or services to carry
   out the Integrated and Automated Surveillance
   Program.
   (B) REPORT TO THE INSPECTOR GENERAL.—
   The Inspector General of the Department
   shall timely review each new contract rel-
   ated to the Program that has a value of
   more than $200,000 to determine whether
   such contract fully complies with applicable
   cost requirements, performance objectives,
   program milestones, and schedules. The In-
   spector General shall report the findings of
   such review to the Secretary in a timely
   manner. Not later than 30 days after the date
   the Secretary receives a report of findings
   from the Inspector General, the Secretary
   shall submit to the Committee on Homeland
   Security and Governmental Affairs of the
   Senate and the Committee on Homeland Se-
   curity of the House of Representatives a re-
   port of such findings and a description of any
   of the steps that the Secretary has taken or
   plans to take in response to such findings.
   (5) CONFERENCES.—
   (A) There are authorized to be appropriated
   such sums as may be necessary to carry out
   this subsection.

PROPOSED AMENDMENTS

SA 3560. Mr. NELSON of Florida sub-
mitted an amendment intended to be
proposed to amendment SA 3424 pro-
posed by Mr. Frist to the bill S. 2454,
to amend the Immigration and Nation-
ality Act to provide for comprehensive
reform and for other purposes; which
was ordered to lie on the table; as fol-
ows:
   On page 6, line 18, strike ‘‘500’’ and insert
   ‘‘1,500.’’
   On page 7, line 2, strike ‘‘1000’’ and insert
   ‘‘2,000.’’
   On page 7, line 10, strike ‘‘200’’ and insert
   ‘‘400’’.
   On page 8, strike lines 9 through 15 and in-
   sert the following:

   (C) DETENTION AND REMOVAL OFFICERS.—
   (1) IN GENERAL.—During each of the fiscal
   years 2007 through 2011, the Secretary shall,
   subject to the availability of appropriations
   for such purposes, designate a Detention
   and Removal officer to be placed in each Depart-
   ment of Homeland Security office where
   viability will be to ensure safety and security at a de-
   tention facility and that each detention fa-
   cility comply with the standards and regula-
   tions required by paragraphs (2), (3), and (4).

   (2) CODIFICATION OF DETENTION OPER-
   ATIONS.—In order to ensure uniformity in the
   safety and security of all facilities used or
   contracted by the Secretary to hold alien de-
   tainees and to ensure the fair treatment
   and access to counsel of all alien detainees, not
   later than 180 days after the date of the en-
   actment of this Act, the Secretary shall
   issue the provisions of the Detention Ope-
   rations Manual of the Department, including
   all amendments made to such Manual since
   2000, as regulations for the Department.
   Such regulations shall be subject to the notice
   and comment requirements of subchapter II of
   chapter 5 of title 5, United States Code (commonly
   referred to as the Administrative Procedure Act) and
   shall apply to all facilities used by the Secretary
   to hold detainees for more than 72 hours.

SA 3299. Mr. Frist proposed to amend
S. 2454, ordering the provisions of
2
paragraphs (2), (3), and (4).

   (B) establishe specific standards for detain-
   ing nuclear family units and certain non-criminal
   aliens.—For all facilities used or contracted
   by the Secretary to hold alien detainees, the regula-
   tions described in paragraph (2) shall:
   (A) provide for sight and sound separation of
   alien detainees without any criminal convic-
   tions from criminal inmates and pretrial dece-
   ptives; (B) establish specific standards for detain-
   ing nuclear family units together and for de-
   taining non-criminal applicants for asylum,
   withholding of removal, or protection under the
   Convention Against Torture and Other
   Cruel, Inhuman or Degrading Treatment or
   Punishment, done at New York December 10,
   1984, in civilian facilities cognizant of their
   special needs.

   (4) LEGAL ORIENTATION TO ENSURE EFFEC-
   TIVE REMOVAL PROCESS.—All alien detainees
   shall receive legal orientation presentations
   from an independent non-profit agency as
   implemented by the Executive Office for Im-
   migration Review of the Department of
   Justice in order to both maximize the efficiency
   and effectiveness of removal proceedings and to
   reduce detention costs.

   (D) LEGAL PERSONNEL.—During each of fis-
   cal years 2007 through 2011, the Secretary shall,
   subject to the availability of appro-
   priations, increase the number of positions for
   attorneys in the Office of General Coun-
   sel of the Department to at least 200 to rep-
   resent the Department in immigration mat-
   ters for the fiscal year.

   (F) ALLOCATION OF FUNDS.—In order to ensur-
   e that funds are used to support the pro-
   vision of legal orientation presentations
   to nationals of countries of origin whose lan-
   guage ability and socioeconomic status
   may be the most difficult to reach,
   the Secretary shall—

   (A) monitor the distribution of funds
   provided to non-profit organizations
   to ensure that the funds are effec-
   tively deployed to meet the needs of
   the target population;

   (B) require that beneficiaries of such
   programs provide an annual report
   to the Secretary detailing the prog-
   ress made toward meeting the goals
   and objectives of the program;

   (C) require that the non-profit
   organizations provide quarterly
   reports to the Secretary on the
   number of legal orientation
   presentations and time spent
   discussing such issues with
   detainees;

   (D) require that the non-profit
   organizations provide detailed
   documentation of the verifications
   made in connection with the
   legal orientation presentations;

   (E) ensure that legal orientation
   presentations are provided
   to all aliens detained
   during the fiscal year
   before the Secretary
   provides funding for
   such presentations
   during the next fiscal
   year.
SECTION 102. DEPARTMENT OF JUSTICE PERSONNEL; DEFENSE ATTORNEYS.

(a) In General.—During each of fiscal years 2007 through 2011, the Attorney General and such other officials as may be designated by the Attorney General shall ensure that the availability of appropriations, add—

(1) at least 50 positions for attorneys in the Office of Immigration Litigation of the Department of Justice for the fiscal year;

(2) at least 50 United States Attorneys to litigate immigration cases in the Federal courts for the fiscal year;

(3) at least 25 District, Chief, and Deputy United States Marshals to investigate criminal immigration matters for the fiscal year; and

(4) at least 50 immigration judges for the fiscal year.

(b) Defense Attorneys.—

(1) In General.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(2) Pro Bono Representation.—The Attorney General shall ensure that attorneys in all Federal District Courts and the United States Court of Appeals for the Federal Circuit shall receive appropriate pro bono representation in immigration matters.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as are necessary to carry out this section, including the costs of hiring necessary support staff.

At the appropriate place, insert the following:

SEC. 234. DETENTION POLICY.

(a) Directorate of Policy.—The Secretary shall consult, with the head of the Office of the Director of Policy of the Department of Homeland Security, as to the availability of appropriations, add at least 3 additional positions at the Director of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the mentally ill;

(3) require background and expertise working directly with such vulnerable populations.

(b) Enhanced Protections for Vulnerable Unaccompanied Alien Children.—

(1) Mandatory Training.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement and the Secretary of Health and Human Services and independent child welfare experts.

(2) Delegation to the Office of Refugee Resettlement.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–106; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of the Office of Refugee Resettlement but not later than 72 hours after the child is taken into the custody of the Department.

(3) Other Policies and Procedures.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children in order to avoid a false positive screening of children’s bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children’s records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) for close consultation with the Secretary of Defense and the Secretary of the Army, the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of Education, the Secretary of the Treasury, and the Attorney General to ensure that the child is transferred to the appropriate Office as soon as practicable.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, including the costs of hiring necessary support staff.

At the appropriate place, insert the following:

SEC. 3561. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAM.

(a) Aerial Surveillance Program.—

(1) In General.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–166; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of border with such technology.

(2) Program Components.—The Secretary shall, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively with existing systems, including the integration of motion sensor alert systems and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades to the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is achieving results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(c) Integrated and Automated Surveillance Program.—

(1) Requirement for Program.—Subject to the availability of appropriations, the Secretary shall establish a program to secure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a “virtual fence” along such international border providing a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) Program Components.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively with existing systems, including the integration of motion sensor alert systems and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades to the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is achieving results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States.

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize operational delays of existing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing surveillance and border security communications infrastructure to install remote surveillance technology infrastructure where possible; and

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

At the appropriate place, insert the following:

SEC. 202. REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.
SA 3562. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) Increasing Detention Bed Space.—Section 234(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "8,000" and inserting "20,000".

(b) Construction of or Acquisition of Detention Facilities.—

(1) Requirement to construct or acquire.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention needs required by section 520(c) of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subsection (a).

(2) Use of alternate detention facilities.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) Use of installations under base closure laws.—In acquiring additional detention facilities under this subsection, the Secretary shall transfer portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXII of Public Law 101–510; 10 U.S.C. 2867 note) for use in accordance with subsection (a).

(4) Determination of location.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary of the Army, by a person responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department and other federal officials to, to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) Acknowledgment to ensure compliance with the law.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) Legal representation.—No alien shall be detained by the Secretary in a location that limits the alien’s reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien’s detention facility without providing the alien’s attorney reasonable notice in advance of such move.

(e) Funding to Construct or Acquire Detention Facilities.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(f) Annual Report to Congress.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the ports of entry or along the international border of the United States.

SA 3563. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 234. DETENTION STANDARDS.

(a) Codification of Detention Operations Manual.—In the interest of safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) Detention Standards for Nuclear Family Units and Certain Non-Criminal Aliens.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) Apply to each detention of an alien detainee without any criminal conviction from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) Establish specific standards for contract

SA 3564. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 26, strike “250” and insert “1,500”.

On page 5, line 24, strike “1,000” and insert “2,000”.

On page 6, line 8, strike “200” and insert “400”.

On page 5, line 17 and insert “400.”

At the appropriate place, insert the following:

(c) Detention and Removal Officers.—

(1) In general.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, provide for at least one Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that such detention facility comply with the standards and regulations required by paragraphs (2), (3), and (4).

(2) Codification of detention operations.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(3) Detention standards for nuclear family units and certain non-criminal aliens.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (2) shall—
(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(b) provide for standards and procedures for detaining

(1) mandatory training.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authori-

(c) provide for background and expertise work-

(2) reports to Congress.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Con-

(2) COmmERCIAl MotOr VehICLeS.—If the Commissioner fails to fully im-

(4) LEGAL ORIENTATION TO ENSURE EFFECT-

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary shall have consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Di-

(b) EXPANDED PROTECTIONS FOR VULNER-

(2) COMMERCIAL MOTOR VEHICLE.—The term ‘‘commercial motor vehicle’’ has the mean-

(3) screen unaccompanied alien children, vic-

(3) COMMERCIAL MOTOR VEHICLE.—The term ‘‘commercial motor vehicle’’ has the mean-

(b) Provide for sight and sound separation of alien

(c) Provide for background and expertise work-

(3) provide for reliability of determinations of the

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; GUIDELINES FOR DEPORTATION.

(a) IN GENERAL.—During each of fiscal

(b) Enhanced protections for vulnerable

(2) allow for the protection of the Department’s

(c) Legal orientation to ensure effective

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary shall have consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Director of Policy that

(2) DELEGATION TO THE OFFICE OF REFUGEE

(2) on page 203, line 18, strike ‘‘2,000’’ and insert ‘‘2,000’’.

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary

(c) Enhanced protections for vulnerable

(1) mandatory training.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authori-

(2) Delegation to the Office of Refugee

(3) Enhanced protections for vulnerable

(2) Provide for sight and sound separation of alien

(b) Provide for background and expertise work-

(a) Provide for sight and sound separation of alien
detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(b) Enhanced protections for vulnerable

(3) Enhanced protections for vulnerable

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; GUIDELINES FOR DEPORTATION.

(a) In general.—During each of fiscal

(3) Enhanced protections for vulnerable

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; GUIDELINES FOR DEPORTATION.

(a) In general.—During each of fiscal

(b) Provide for background and expertise work-

(2) Provide for sight and sound separation of alien

(a) Provide for sight and sound separation of alien

detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary shall have consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Director of Policy that

(b) Provide for background and expertise work-

(2) Provide for sight and sound separation of alien

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; GUIDELINES FOR DEPORTATION.

(a) In general.—During each of fiscal

(b) Provide for background and expertise work-

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; GUIDELINES FOR DEPORTATION.

(a) In general.—During each of fiscal

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SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; GUIDELINES FOR DEPORTATION.

(a) In general.—During each of fiscal

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; GUIDELINES FOR DEPORTATION.
At the appropriate place, insert the following:

(a) DENIAL OR TERMINATION OF ASYLUM.—Section 235B (8 U.S.C. 1158) is amended—

(1) in paragraph (2)(B), by striking the words "and lack of;"

(A) in paragraph (2)(A)(v), by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)".

(2) by adding at the end the following:

"(4) CHANGED COUNTRY CONDITIONS.—An alien seeking asylum based on persecution or a well-founded fear of persecution shall not be deemed asylum based on changed country conditions unless fundamental and lasting changes have stabilized the country of the alien’s nationality; and

(2) subsection (2)(A), by striking "a fundamental change in circumstances" and inserting "fundamental and lasting changes that have stabilized the country of the alien’s nationality".

SA 3568. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 122. SECURING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) the term "Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6901)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by other Federal agencies to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement the action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by other Federal agencies to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SA 3569. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 33, strike lines 1 through 15 and insert the following:

SEC. 122. SECURE COMMUNICATION.

(a) IN GENERAL.—The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry; (2) between Border Patrol agents and their respective Bureaus;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

(b) COMMUNICATIONS GRANTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "demonstration project" means the demonstration project established under paragraph (2)(A); and

(B) the term "emergency response provider" has the meaning given in section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(2) IN GENERAL.—

(A) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project.

(B) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select fewer than 6 communities to participate in the demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(D) PROJECT REQUIREMENTS.—The demonstration project shall—

(1) address interoperable communications needs of border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(B) foster interoperable communications—

(i) among Federal, State, local, and tribal governments of the United States involved in security and response activities along the international land borders of the United States; and

(ii) with similar agencies in Canada and Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of interoperable communications equipment;

(E) identify and facilitate communications interoperability across national borders expeditiously;

(F) ensure that border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers can coordinate with each other and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(G) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to deal with threats and contingencies in a variety of environments; and

(H) identify and secure appropriate joint-use equipment to ensure communications access.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall distribute funds under this subsection to each community participating in the demonstration project through the State, or States, in which each community is located.

(B) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to the local government emergency response providers participating in the demonstration project, as selected by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008, to carry out this subsection.

(6) REPORTING.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for the demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration project.

SA 3570. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 42, between lines 11 and 12, insert the following:

SEC. 131. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "demonstration project" means the demonstration project established under subsection (b)(1); and

(2) the term "emergency response provider" has the meaning given in section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(b) IN GENERAL.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project.

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select fewer than 6 communities to participate in the demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(E) PROJECT REQUIREMENTS.—The demonstration project shall—

(1) address interoperable communications needs of border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(B) foster interoperable communications—

(i) among Federal, State, local, and tribal governments of the United States involved in security and response activities along the international land borders of the United States; and

(ii) with similar agencies in Canada and Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of interoperable communications equipment;

(E) identify and facilitate communications interoperability across national borders expeditiously;
Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(2) foster interoperable communications—
(A) among Federal, State, local, and tribal government agencies in the United States involved in security and response activities along the national land borders of the United States; and
(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) facilitate the modernization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers can communicate with each other and the public at disaster sites or in the event of a terrorist attack or other catastrophe;

(7) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) Distribution of Funds—
(1) In General.—The Secretary shall distribute funds under this section to each community participating in the demonstration project, through the Homeland Security Grants Program, in which each community is located.

(2) Other Participants.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in the demonstration project, as selected by the Secretary.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(f) Reporting.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for the demonstration project, the Secretary shall prepare and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration project.

SA 3571. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285, line 9, and insert the following:

"(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.".

SA 3572. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285 and insert the following:

"(n) Purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa by the alien’s employer.

(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—
(A) is physically present in the United States; and
(B) the alien establishes that the alien—
(i) meets the requirements of section 312; or
(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States; and
(C) the Secretary of Homeland Security determines that—
(i) the alien, having been convicted of a felony, or three or more misdemeanors; or
(ii) the alien is subject to a final order of removal under section 235, 238, or 240;
(iii) the alien has been convicted of an offense described in section 212(a)(3)(B) or (C) of title 8; or
(iv) the alien has been found excludable under section 212(a)(5)(B) of title 8.

3. This title may be cited as the “September 11 Family Humanitarian Relief Act of 2006.”

SEC. 92. ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.

(a) Adjustment of Status.—

(1) In General.—The status of any alien described in subsection (b) shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) Rules in Applying Certain Provisions.—

(A) In General.—In the case of an alien described in subsection (b) who is in the United States on the effective date of this Act, the Secretary shall—

(i) the alien, having been convicted of a felony, or three or more misdemeanors; or

(ii) the alien is subject to a final order of removal under section 235, 238, or 240;

(B) the alien failed to depart the United States during the period of mandatory departure ordered under section 240B;

(C) the Secretary of Homeland Security determines that—

the alien, having been convicted of a felony, or three or more misdemeanors; or

(iii) the alien is subject to a final order of removal under section 235, 238, or 240;

(D) the alien has been convicted of an offense described in section 212(a)(3)(B) or (C) of title 8; or

(E) the alien has been found excludable under section 212(a)(5)(B) of title 8.

The status of any alien described in subsection (b) who is applying for adjustment of status under this section if—

the alien, having been convicted of a felony, or three or more misdemeanors; or

(iii) the alien is subject to a final order of removal under section 235, 238, or 240;

(B) the alien failed to depart the United States during the period of mandatory departure ordered under section 240B;

(C) the Secretary of Homeland Security determines that—

the alien, having been convicted of a felony, or three or more misdemeanors; or

(iii) the alien is subject to a final order of removal under section 235, 238, or 240;

(D) the alien has been convicted of an offense described in section 212(a)(3)(B) or (C) of title 8; or

(E) the alien has been found excludable under section 212(a)(5)(B) of title 8.
of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraphs (A) and (C) of section 212(a)(9), the Secretary shall adhere to the standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) REQUIREMENT OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) notwithstanding such order, may apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary of Homeland Security grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable.

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229b), the Secretary of Homeland Security shall, under such section 240A, cancel the removal of, and adjust to the status of admissible, any alien who established such permanent residence, an alien described in subparagraph (b), if the alien applies for such relief.

(3) Aliens Eligible for Cancellation of Removal.—The benefits provided by such section (a) shall apply to any alien who—

(A) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(B) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of removal to seek a stay based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001, to engage in employment in the United States during the pendancy of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings, a motion may be filed by an alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001, to seek a stay of such order based on the filing of an application under subsection (a).

(2) FILING PERIOD.—The Secretary of Homeland Security shall designate a specific time period in which all such motions to reopen removal proceedings are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

(e) EXEMPTION.—Notwithstanding any other provision of this title, an alien may not be provided relief under this title if the alien—

(A) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(B) a family member of an alien described in paragraph (a).

SEC. 05. EVIDENCE OF DEATH.

For purposes of this title, the Secretary of Homeland Security shall use the standards established under section 246 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, and determining whether death occurred as a direct result of a specified terrorist activity.

SEC. 06. DEFINITIONS.

(a) Application of Immigration and Nationality Act.—Except as otherwise specifically provided in this title, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this title.

(b) Securing Terrorist Activity.—For purposes of this title, the term ‘‘specified terrorist activity’’ means any terrorist activity conducted against the Government of the United States as of September 11, 2001.
division B of Public Law 109-13; 8 U.S.C. 1184 note (a) is amended by striking ‘‘2006’’ and inserting ‘‘2009’’.

SA 3580. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place insert the following:

SEC. 1101(a)(15)) as an au pair, camp counselor, or Immigration and Nationality Act (8 U.S.C. any individual may not exceed $100, except (8 U.S.C. 1372(e)(4)(A)) is amended by striking the sec-

Responsibility Act of 1996 (8 U.S.C. tion), the Secretary of State, in consultation (729) of the Inte-

with the Secretary, shall, not later than December 31, 2007, issue to a citizen of the United States and all United States citizens about

accordance with paragraph (4) a travel docu-

ment that will serve as a North American travel card.

(2) APPLICABILITY.—A North American travel card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passport holders.

(3) LIMITATION ON USE.—A North American travel card may only be used for the purpose of international travel by United States citizens through land border ports of entry, including ferries, between the United States and Canada and the United States and Mexico.

(4) APPLICATION FOR ISSUANCE.—To be issued a North American travel card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(5) TECHNOLOGY.—The Secretary of Homeland Security and the Secretary of State shall establish a technology implementation plan that will serve as a North American travel card. Such plan should include the establishment of a technology implementation that will serve as a North American travel card. Such plan shall include

a. A North American travel card shall be accepted in the same manner and at the same locations as an application for a passport.

b. Requirements for Expedited Traveler Programs. To the maximum extent practicable, the Secretary of Homeland Security shall expand expedited traveler programs carried out by the Secretary to all ports of entry and shall encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officials of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into an immigration database so that travelers have been subjected to in-depth background and watch-list checks to permit border control officials to focus more attention on unknown travelers, potential criminals, and terrorists.

g. ALTERNATIVE OPTIONS.—

(1) In general.—In order to give United States citizens as many travel options as possible for travel within the Western Hemisphere, the Secretary of Homeland Security shall continue to pursue alternative options, such as NEXUS, to a passport that meet the requirements of section 729 of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458; 8 U.S.C. 1350 note).

(2) FEASIBILITY STUDY.—Not later than 120 days after the date of enactment of this Act, the Congressional Budget Office shall submit to the Committee on Homeland Security and Government Affairs the Committee on Foreign Relations of the Senate and the Committee on Homeland Security and Government Affairs and the Committee on International Relations of the House of Representatives, a study on the feasibility of incorporating into a driver’s license, on a voluntary basis, information about citizenship, in an identity document that attaches a driver’s license which meets the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13) to serve as an accept-

able form of identification within the requirements of section 729 of the Intelligence Reform and Terrorism Prevention Act. Such...
study shall include a description of how such a program could be implemented, and shall consider any cost advantage of such an approach.

(b) IDENTIFICATION PROCESS.—The Secretary of Homeland Security shall have appropriate authority to develop a process to ascertain the identity of and make admissibility and other determinations for individuals who arrive at the border without proper documentation.

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport, a United States border crossing card, or a United States travel card, and an American travel card.

(j) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the date that is 3 months after the Secretary of State and the Secretary of Homeland Security certify to Congress that—

(1) North American travel cards have been distributed to at least 80 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards; and

(2) North American travel cards are provided to applicants, on average, within 4 weeks of application.

(k) REPORTS.—

(1) REPORTS ON THE ISSUANCE OF NORTH AMERICAN TRAVEL CARDS.—The Secretary of State shall, on a quarterly basis during the first year of issuance of North American travel cards, submit to Congress a report containing a description relating to the number of North American travel cards issued during the immediately preceding quarter or year, as appropriate, and the number of United States citizens in each State applying for such cards.

(2) REPORT ON PRIVATE COLLABORATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State and the Secretary shall report to Congress on their efforts to solicit policy suggestions and the incorporation of such suggestions into the implementation strategy from the private sector on the implementation of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note). The report should include the private sector’s recommendations concerning how air, sea, and land travel between countries in the Western Hemisphere can be improved in a manner that establishes the proper balance between national security, economic well being, and the particular needs of border communities.

(S) REPORT ON TRAVEL CARD PROGRAM.—There is authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this section.

SA 3582. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;

(ii) changing tactics;

(iii) language;

(iv) culture; and

(v) communications.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subsection.

SA 3585. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for earlier comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 333, strike line 10 and all that follows through page 360, line 6 and renumber all that follows accordingly.

Beginning on page 395, strike line 10 and all that follows through page 416, line 11 and insert the following:

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(b) ELIGIBILITY FOR NONIMMIGRANT VISA.—

Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The alien may be employed by the United States with the consent of the United States to enter and stay in the United States.

(2) RETURN TO COUNTRY.—The alien may return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) AMENDMENTS.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(3) TRAINING CURRICULUM.—The Secretary shall design training curriculum to be offered at the training facility through multi-day training involving classroom and real-world applications, which shall include training in—

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;

(ii) changing tactics;

(iii) language;

(iv) culture; and

(v) communications.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subsection.

SA 3586. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 333, strike line 10 and all that follows through page 416, line 11 and insert all that follows:
MANDATORY DEPARTURE AND REENTRY.—
(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.), as amended by subsection (b)(1), is further amended by inserting after subsection (b)(2) the following:

"SEC. 245C. MANDATORY DEPARTURE AND REENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

(b) REQUIREMENTS.—An alien desiring an adjustment of status under subsection (a) shall meet the following requirements:

(1) PRESENCE.—The alien shall establish that the alien—

(A) was physically present in the United States on January 7, 2004;

(B) has been continuously in the United States since such date, except for brief, casual, and innocent departures; and

(C) was not legally in the United States on that date under any classification set forth in section 101(a)(15).

(2) EMPLOYMENT.—

(A) IN GENERAL.—The alien shall establish that the alien—

(i) was employed in the United States, whether full time, part time, seasonally, or self-employed, before January 7, 2004; and

(ii) has not been continuously employed in the United States since that date, except for brief periods of unemployment lasting not longer than 60 days.

(B) EVIDENCE OF EMPLOYMENT.—

(i) IN GENERAL.—An alien may conclusively establish employment status in compliance with subparagraph (A) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

(I) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

(II) an employer; or

(III) a labor union, day labor center, or an organization that assists workers in matters related to employment.

(ii) OTHER DOCUMENTS.—An alien who is unemployed or whose employment status is unavailable as described in subclauses (I) through (III) of clause (i) may satisfy the requirement in subparagraph (A) by submitting to the Secretary at least 2 other documents that reasonably prove evidence of employment, including—

(I) bank records;

(II) business records;

(III) evidence of activity from nonrelatives who have direct knowledge of the alien’s work; or

(IV) remittance records.

(3) EMPLOYMENT—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to an alien who has been employed in the United States for the previous 12 months and who does not have a criminal conviction.

(4) EVIDENCE OF EMPLOYMENT—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretion of obtaining Deferred Mandatory Departure status, the alien agrees to any false or fraudulent documents in the alien’s possession. The Secretary of Homeland Security shall begin the application process is secure and incorporates anti-fraud protection.

(5) MEDICAL EXAMINATION.—The alien may be required, at the alien’s expense, to undergo a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien’s Deferred Mandatory Departure status if—

(A) the alien has been determined that the alien was not in fact eligible for such status; or

(B) the alien commits an act that makes the alien removable from the United States.

(7) APPLICATION CONTENT AND WAIVER.—

(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien’s eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien’s physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration with United States citizenship, and tax history.

(C) WAIVER.—The Secretary of Homeland Security may require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretion of obtaining Deferred Mandatory Departure status, the alien agrees to any false or fraudulent documents in the alien’s possession.

(8) USE OF INFORMATION.—None of the documents or other information provided in accordance with paragraphs (3) through (7) may be used, in a criminal proceeding against the alien providing such documents or information.

(9) MANDATORY DEPARTURE.—

(A) IN GENERAL.—The Secretary of Homeland Security shall grant Deferred Mandatory Departure status to an alien who meets the requirements of this section for a period not to exceed 3 years.

(B) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure status shall—

(i) depart from the United States before the expiration of the period of Deferred Mandatory Departure status;

(ii) register with the Secretary of Homeland Security at the time of departure; and

(C) surrender any evidence of Deferred Mandatory Departure status at the time of departure.

(10) APPLICATION FOR REMISSION.—

(A) IN GENERAL.—An alien under this section may apply for admission to the United States as an immigrant or nonimmigrant alien under the laws of the United States at the time of entry outside of the United States, but may not be granted admission until the alien has
departed from the United States in accordance with paragraph (2).

(2) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for purposes of paragraphs (1) and (3) of this subsection. The fees shall be deposited in the Treasury of the United States and shall be available only until expended.

(c) EVIDENCE OF DEFERRED MANDATORY DEPARTURE.—Evidence of Deferred Mandatory Departure shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a) of the United States, as in effect on the date of enactment of this Act.

(d) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs before the expiration of such status—

(A) shall not be subject to section 212(a)(9) of title 8 unless the Secretary determines that the alien has misrepresented a material fact or fraudulently obtained the alien's status; and

(B) shall be subject to paragraph (3) of this subsection.

(e) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs before the expiration of such status—

(A) shall be subject to section 212(a)(9) of title 8 unless the Secretary determines that the alien has misrepresented a material fact or fraudulently obtained the alien's status; and

(B) shall be subject to paragraph (3) of this subsection.

(f) RELATION TO CANCELLATION OF REMOVAL.—An alien who has been granted Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum, restriction of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who is admitted for admission as a nonimmigrant or immigrant alien may exit the United States and immediately reenter the United States at any land port of entry which the U.S.-VISIT exit and entry system can process such alien for admission into the United States.

(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE.—Evidence of Deferred Mandatory Departure status shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a) of the United States, as in effect on the date of enactment of this Act.

(h) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for purposes of paragraphs (1) and (3) of this subsection. The fees shall be deposited in the Treasury of the United States and shall be available only until expended.

(i) EVIDENCE OF DEFERRED MANDATORY DEPARTURE.—Evidence of Deferred Mandatory Departure shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a) of the United States, as in effect on the date of enactment of this Act.

(j) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for purposes of paragraphs (1) and (3) of this subsection. The fees shall be deposited in the Treasury of the United States and shall be available only until expended.
of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

(1) any judgment regarding the granting of relief; or

(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary other than the granting of relief under section 208(a).

(2) JUDICIAL REVIEW.—

(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

(2) CHALLENGES TO VALIDITY.—

(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant to this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

(i) whether, in each section, or any regulation issued to implement such section, violates the Constitution of the United States; or

(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.

(B) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.), as amended by inserting after the item relating to section 245B the following:

“245C. Mandatory Departure and Reentry.”.

(3) CONFORMING AMENDMENT.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by inserting “or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 295C” after “imposed”.

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection, or any amendment made by this subsection, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or employees.

(5) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such amounts as may be necessary for facilities, personnel, training, and other expenses necessary to carry out the amendments made by this subsection.

(d) AMENDMENT OF SOCIAL SECURITY RECORDS.—Section 206(h)(1) of the Social Security Act (42 U.S.C. 408(h)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” at the end;

(3) by inserting after subparagraph (C) the following:—

“(D) whose status is adjusted to that of lawful permanent resident under section 245B of the Immigration and Nationality Act;”; and

(4) by striking “1990,’ and inserting “1990, or in the case of an alien described in subsection (a)(3), paragraph (C), and this paragraph is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

SEC. 611. SHORT TITLE.

This subtitle may be cited as the “Agricultural Job Opportunities, Benefits, and Security Act of 2006” or “the AgJOBS Act of 2006”.

SEC. 612. DEFINITIONS.

In this subtitle—

(1) AGRICULTURAL EMPLOYMENT.—The term “agricultural employment” means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term “blue card status” means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 613(a).

(3) EMPLOYER.—The term “employer” means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(4) JOB OPPORTUNITY.—The term “job opportunity” means a job opening for temporary full-time employment at a place in the United States to which United States workers can be recruited.

(5) TEMPORARY.—A worker is employed on a “temporary” basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term “United States worker” means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term “work day” means a day on which the individual is employed 1 or more hours in agriculture consistent with the definition of “man-day” under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who performs agricultural employment in the United States for at least 483 work days, whichever is less, during the 24-month period ending on December 31, 2005.

(b) APPLIED FOR.—The Secretary may confer blue card status upon an alien who is lawfully admitted for permanent residence under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) and who has performed agricultural employment in the United States for at least 483 work days, whichever is less, during the 24-month period ending on December 31, 2005.

(c) IS OTHERWISE ADMISSIBLE.—The Secretary finds, by a preponderance of the evidence, that an alien is otherwise admissible to the United States, except as provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an “employment authorized” endorsement or other evidence of the work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—The Secretary may terminate blue card status granted under this subsection upon a determination under this subtitle that the alien is deportable.

(5) RECORD OF TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may destroy any record of the alien’s temporary blue card status.

(b) Rights of Aliens Granted Blue Card Status.—

(1) IN GENERAL.—Except as otherwise provided in this section, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible for such status, for any form of assistance or benefit described in section 403(a) of the Personal

Act.
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Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(ii) Initiation of Arbitration.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complaint was not just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the pool of mediators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such arbitration shall be applicable to the Secretary and the employer in such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) Arbitration Proceedings.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer demonstrates by preponderance of evidence that the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official of the United States shall have the power or jurisdiction to review any such findings.

(iv) Effect of Arbitration Findings.—If the Secretary receives a finding of an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employer bringing the complaint. Upon presentation of the arbitrator’s specific finding of the number of days or hours of work lost by the employee as a result of the employment termination, the arbitrator may refer to the Secretary pursuant to clause (iv).

(c) Civil penalties.—(1) In general.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(iii) Limitation.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) Period of Authorized Admission.—(1) In general.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) Return to Country.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) Eligibility for Nonimmigrant Visa.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(4) Loss of Employment.—(1) In general.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) Return to Country.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) Prohibition of Change or Adjustment of Status.—(1) In general.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) Loss of Eligibility.—An alien with blue card status shall lose the status if the alien

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant Visa outside the United States.

AUTHORITY FOR COMMITTEES TO MEET COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 6, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on “Saving for the 21st Century: Is America Saving Enough to be Competitive in the Global Marketplace?”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 6, 2006, at 2 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 6, 2006, at 10 a.m. in the Dirksen Senate Office Building Room 226.

I. Nominations

Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; Timothy Anthony Junker, to be United States Marshal for the Northern District of Iowa.

II. Bills

S. 489, Federal Consent Decree Fairness Act, Alexander, Kyl, Cornyn, Graham, Hatcher;

S. 2039, Prosecutors and Defendants Incentive Act of 2005, Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer;

S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges, Specter, Leahy, Cornyn, Feinstein, Biden;


S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being being warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer.

III. Matters

S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback;

S. Res. 398, A resolution relating to the censure of George W. Bush, Feingold, Specter;

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

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Orphan Works: Proposals for a Legislative Solution” on Thursday, April 6, 2006, at 2 p.m. in Room 226 of the Dirksen Senate Office Building.
executive session

nomination of benjamin a. powell to be general counsel of the office of the director of national intelligence

nomination of gordon england to be deputy secretary of defense

legislative session

the presiding officer. the senate will now return to legislative session.

honoring the entrepreneurial spirit of american small businesses

mr. craig. mr. president, i ask unanimous consent that the cloture motions with respect to executive calendar nos. 239 and 310 be vitiated; provided further that the senate return to legislative session.

the presiding officer. without objection, it is so ordered.

the nominations considered and confirmed en bloc are as follows:

executive officer of the president

benjamin a. powell, of florida, to be general counsel of the office of the director of national intelligence.

gordon england, of texas, to be deputy secretary of defense.

literary session

the presiding officer. without objection, it is so ordered.

the clerk will report.

the legislative clerk reads as follows:

a resolution (s. res. 435) honoring the entrepreneurial spirit of american small businesses during national small business week, beginning april 9, 2006.

there being no objection, the senate proceeded to consider the resolution.

mr. craig. mr. president, i ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

the resolution was agreed to.

the resolution, with its preamble, reads as follows:

s. res. 435

whereas america's 25,000,000 small businesses have been the driving force behind the...
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NATION’S ECONOMY, CREATING MORE THAN 75 PERCENT OF ALL NEW JOBS AND GENERATING MORE THAN 50 PERCENT OF THE NATION’S GROSS DOMESTIC PRODUCT;

WHEREAS small businesses are the Nation’s innovators, advancing technology and productivity;

WHEREAS the Small Business Administration has been a critical partner in the success of the Nation’s small businesses and in the growth of the Nation’s economy;

WHEREAS the programs and services of the Small Business Administration have the time and again proven their value, having helped to create or retain over 5,300,000 jobs in the United States since 1953;

WHEREAS the mission of the Small Business Administration is to maintain and strengthen the Nation’s economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and businesses recover from natural disasters;

WHEREAS the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small businesses compete;

WHEREAS for more than 50 years, the Small Business Administration has helped more than 23,000,000 Americans start, grow, and expand their businesses and has placed almost $280,000,000,000 in loans and venture capital financing in the hands of entrepreneurs;

WHEREAS the Small Business Administration, established in 1953, has provided valuable service to small businesses through financial assistance, procurement assistance, business counseling, small business advocacy, and disaster recovery assistance;

WHEREAS the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business, and has played a key role in fostering economic growth in underserved communities; and

WHEREAS the Small Business Administration will mark National Small Business Week, beginning April 9, 2006; Now, therefore,

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of America’s small businesses during the Small Business Administration’s National Small Business Week, beginning April 9, 2006;

(2) supports the purpose and goals of National Small Business Week, and the ceremonies and events to be featured during the week;

(3) commends the Small Business Administration and the resource partners of the Small Business Administration for their work, which has been critical in helping the Nation’s small businesses grow and develop; and

(4) applauds the achievements of small business owners and their employees, whose entrepreneurial spirit and commitment to excellence has been a key player in the Nation’s economic vitality.

LOCAL COMMUNITY RECOVERY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4979 received from the House.

The PRESIDING OFFICIAL. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4979) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to clarify the preference for local firms in the award of certain contracts for disaster relief assistance, to provide for disaster relief assistance to private nonprofit organizations, and for other purposes; to the Senate.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The bill (H.R. 4979) was read the third time and passed.

150TH ANNIVERSARY OF THE MINNESOTA NATIONAL GUARD

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 85 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICIAL. Without objection, it is so ordered. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 85) honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be stricken, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 85) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, 2 years before Minnesota became the 32nd State in the Union;

Whereas the First Minnesota Infantry regiment was among the first militia regiments in the Nation to respond to President Lincoln’s call for 75,000 men to fight in 1861 when it volunteered for 3 years of service during the Civil War;

Whereas during the Civil War the First Minnesota Infantry regiment saw battle at Bull Run, Antietam, and Gettysburg;

Whereas during a critical moment in the Battle of Gettysburg on July 3, 1863, 282 soldiers of the Minnesota Infantry, along with other Union forces, bravely charged and stopped Confederate troops attacking the center of the Union position on Cemetery Ridge;

Whereas only 47 men answered the roll after this valiant charge, earning the First Minnesota Infantry the highest casualty rate of any unit in the Civil War;

Whereas the Minnesota National Guard was the first to volunteer for service in the Philippines, the Spanish-American War of 1898, with enough men to form 3 regiments;

Whereas 1 of the 3 Minnesota regiments to receive the first unit of duty in the Spanish-American War was the 15th Volunteer regiment, under the command of Major General Arthur MacArthur, who, among the heaviest fighting of the war in the battle of Manila and suffered more casualties than all other regiments combined during that key confrontation to free the Philippines;

Whereas after the cross-border raids of Pancho Villa and the attempted instigation of a war between the United States and Mexico, the border was secured in part by the Minnesota National Guard;

Whereas the Minnesota National Guard was mobilized for duty in World War I, where many Minnesotans saw duty in France, including the 151st Field Artillery, which saw duty as part of the famed 32nd “Rainbow” Division;

Whereas the First Air National Guard unit in the Nation was the 179th Observation Squadron of the Minnesota National Guard, which passed its muster inspection on January 17, 1921;

Whereas a tank company of the Minnesota National Guard from Brainerd, Minnesota, was shipped to the Philippines in 1941 to shore up American defenses against Japan as World War II neared;

Whereas these men from Brainerd fought hard and bravely as American forces were pushed into the Bataan Peninsula and ultimately endured the Bataan Death March;

Whereas men of the Minnesota National Guard’s 175th Field Artillery, as part of the 38th “Red Bull” Division, became the first American Division to be deployed to Europe in January of 1942;

Whereas when the 34th Division was shipped to North Africa, it fired the first American shells against Nazi Germany during World War II;

Whereas the Division participated in major Army campaigns in North Africa, Sicily, and Italy, which led to the division being credited with taking the mine-defended hills of any division in the European Theater as well as having more combat days than any other division in Europe;

Whereas the Minnesota National Guard served with distinction on the ground and in the air during Operations Desert Shield and Desert Storm;

Whereas Minnesota National Guard troops have helped keep the peace in the former Yugoslavia, including 1,100 troops who have seen service in Bosnia, Croatia, and Kosovo;

Whereas the Minnesota National Guard has participated in keeping America safe after September 11, 2001, in numerous ways, including airport security;

Whereas the Desert-based 148th Fighter Wing’s F-16s flew patrols over cities after September 11, 2001, for a longer time than any other air defense unit;

Whereas members of the Minnesota National Guard have been called up for full-time service since the September 11, 2001, terrorist attacks;

Whereas as of March 20, 2006, Minnesota National Guard troops are serving in national defense missions in Afghanistan, Pakistan, Kuwait, Qatar, Oman, and Iraq;

Whereas more than 1,800 Minnesota National Guard Troops have been deployed to Afghanistan in Operation Enduring Freedom;
Whereas members of the Minnesota National Guard, serving in the 1st Brigade Combat Team of the 34th Infantry Division, have been a part of the State’s largest troop deployment since World War II, with more than 2,600 citizen soldiers called to service in support of Operation Iraqi Freedom;

Whereas the Minnesota National Guard has guarded our freedom not only to battles but to the suppressing of violent riots, such as the 1947 national meat processors strike, in which they aided helpless police officers, and the fight against natural disasters such as the Red River flood in 1997 in which they organized search and rescue missions, helped shelter people who were left homeless, ran logistics, and helped sandbagging efforts, and

Whereas on April 17, 2006, the Minnesota National Guard will celebrate its 150th anniversary along with its historical and recent accomplishments: Now, therefore, be it

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

(1) honors and congratulates the Minnesota National Guard for its spirit of dedication and service to the State of Minnesota and to the Nation on its 150th anniversary; and

(2) recognizes that the role of the National Guard as a citizen-soldier militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

150TH ANNIVERSARY OF THE MINNESOTA NATIONAL GUARD

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 371, which was received from the House.

The PRESIDING OFFICER. The assistant legislative clerk read the resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 371) honoring and congratulating the Minnesota National Guard on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Minnesota citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the concurrent resolution be printed in the Record.

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

The concurrent resolution (H. Con. Res. 371) was agreed to.

The preamble was agreed to.

YEAR OF THE MUSEUM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 437, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 437) supporting the goals and ideals of the Year of the Museum. There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I rise to support a resolution supporting the goals and ideals of the Year of the Museum. I am pleased to be joined by Senator Kennedy and other members of the Cultural Caucus in sponsoring this resolution recognizing the vital role museums play in the fabric of our American culture.

On the occasion of the 100th anniversary of the American Association of Museums, we treasure the more than 16,000 museums in the United States that house many of our greatest treasures. Museums inspire curiosity in students of all ages and foster a greater understanding of the world around us. Museums help us connect to the past and envision the future. Today, we celebrate their contribution to the vitality of our communities and our culture over the past 100 years.

I urge my colleagues to support this resolution.

Mr. COBBURN. Mr. President, today the Senate considers The Year of the Museum resolution which asks for Congress to support the goals and ideals of the Year of the Museum. The President asks the Congress to call upon Americans to observe this year with appropriate programs and activities.

I encourage citizens to utilize and support their local museums which serve as a wonderful resource for communities. There is great value for citizens in the arts, historic collections and museums. They are a reflection of our culture and people, and are important to our history and national identity. Children and young learners benefit tremendously from art programs in the schools. These activities make for well rounded citizens, tomorrow’s leaders. Museums play an important role in our lives.

The Subcommittee on Federal Financial Management, which I chair, held a hearing on Federal funding of museums this week and found that Federal support of the arts and humanities, which includes museums, has increased 25 percent in the last 5 years. During a time of tremendous financial challenge, we must exercise thrift and frugality with taxpayer money.

Why not hold museum and arts funding steady at current levels? I believe that budget increases for nonessential activities during a time of great challenge to our Nation are indefensible. It is Congress that holds the purse strings and, frankly, we have been unwilling to make the tough decisions today for the future well-being of our grandchildren.

As a government we have spent over $7 billion on such programs and institutions since 2001, but where in the Constitution does it allow the Federal Government support museums and the arts by taxing citizens to pay for museums in other cities and States? Essentially taxpayers are being forced to subsidize museums they do not attend. Museums spend $21 for every visitor while only earning $5.50 in revenue per visitor. According to the American Association of Museums.

I remind my colleagues that the current fiscal environment of war, Katrina and Social Security and Medicare insolvency is a very serious situation. One criticism of the President is that he has not asked the American people to sacrifice during wartime. We cannot, as a government, do everything we would like to do. I think the American people would be very forgiving and willing to make sacrifices if only asked. During a time of war Presidents Roosevelt and Truman slashed non-defense spending by over 20 percent. It can be done.

There are several opportunities for Federal funding of museums through competitive grants administered by the Institute for Museum and Library Services and the National Science Foundation which are peer reviewed and grantees are held accountable and must meet financial management requirements as well as other conditions.

Museum earmarks, however, proliferate, especially in the home States of members of the powerful Appropriations Committee. This year 69 percent of the Senate earmarked museums to benefit a small group of people in Muskogee, St. Louis, or Anchorage. These museums get to cut in line and skip the competitive application. favored projects receive money without having to compete with the other museums. These projects have not had to demonstrate their merit or worth to a community, but get a cash award nonetheless. There is something wrong with this system.

What’s more, several museums split their earmark requests across bills in the same year to hide the true cost. The same museums request earmarks every year, and get them. Since 2001, over 860 earmarks have been handed out to museums.

I support the ideals of the Year of the Museum, but I ask my colleagues to exercise fiscal restraint and stop focusing on local interests, which we have not had to demonstrate their merit or worth to a community, but get a cash award nonetheless. There is something wrong with this system.

What’s more, several museums split their earmark requests across bills in the same year to hide the true cost. The same museums request earmarks every year, and get them. Since 2001, over 860 earmarks have been handed out to museums.

I support the ideals of the Year of the Museum, but I ask my colleagues to exercise fiscal restraint and stop focusing on political expediency and start thinking about future generations.

Given the local nature of most of the grants and earmarks, it is difficult to defend the expenditure of taxpayer dollars to benefit a small group of people in Muskogee, St. Louis, or Anchorage. If a community truly wanted such an institution or program, they would and should find a way to pay for it with local and State money, or through admissions or membership fees.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The resolution (S. Res. 437) was agreed to.
The preamble was agreed to.
The resolution, with its preamble, reads as follows:

S. Res. 437

Whereas museums are institutions of public service and education that foster exploration, discovery, observation, critical thinking, contemplation, and dialogue to advance a greater public knowledge, understanding, and appreciation of history, science, the arts, and the natural world;

Whereas, according to survey data, the people of the United States view museums as one of the most important resources for educating children;

Whereas museums have a long-standing tradition of inspiring curiosity in schoolchildren that is a result of investments of more than $1,000,000,000 and more than 18,000,000 instructional hours annually for elementary and secondary education programs in communities across the United States, creative partnerships with schools, professional development for teachers, traveling exhibits to local schools, digitization of materials for access worldwide, creation of electronic and printed educational materials that use local and State curriculum standards, and the hosting of interactive school field trips;

Whereas museums serve as community landmarks that contribute to the livability and economic vitality of communities throughout the nation and tourism;

Whereas museums rank in the top 3 family vacation destinations, revitalize downtowns (often with signature buildings), attract relocating businesses by enhancing quality of life, provide shared community experiences and meeting places, and serve as a repository and resource for each community’s unique history, culture, achievements, and values;

Whereas there are more than 16,000 museums in the United States and admission is free at more than half of these museums;

Whereas approximately 365,000,000 people visit museums annually and these people come from all ages, groups, and backgrounds;

Whereas research indicates Americans view museums as one of the most trustworthy sources of objective information and believe that artistic artifacts in history museums and historic sites are second only to their families in significance in creating a strong national past;

Whereas museums enhance the public’s ability to engage as citizens, through developing a deeper sense of identity and a broader and better understanding of the human world, and by helping to preserve the cultural and natural heritage of the United States for current and future generations;

Whereas museums are increasingly entering into new partnerships with community educational institutions that include schools, universities, libraries, public broadcasting, and 21st Century Community Learning Centers, and these partnerships reach across community boundaries to provide broader impact and synergy for their community educational programs;

Whereas supporting the goals and ideals of the Year of the Museum would give Americans the opportunity to celebrate the contributions museums have made to American culture and life for the past 100 years; and

Whereas in 2006, museums of the United States are celebrating 100 years of collective contribution to our communities: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of the Year of the Museum.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 360 which was received from the House yesterday.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 360) authorizing the use of the Capitol Grounds for the National Peace Officers’ Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and all other Senate statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 360) was agreed to.

ORDERS FOR FRIDAY, APRIL 7, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m., Friday, April 7. I further ask unanimous consent 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 resume consideration of S. 2454, the border security bill, with 1 hour of debate equally divided between the managers or their designees prior to the cloture vote. I further ask unanimous consent that following the prayer and pledge, the Senate then proceed to a vote on the motion to invoke cloture on the motion to commit, as under the previous order. Further, I ask unanimous consent that with respect to cloture motions filed yesterday on nominations, I ask unanimous consent that the mandatory quorum for cloture on the motion to commit the underlying bill, that the mandatory quorum under rule XXII be waived.

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

Mr. FRIST. Mr. President, as in executive session with respect to the cloture motions that are yesterday on nominations, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 6, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

DEPARTMENT OF DEFENSE

General Michael W. Flynn, of Arizona, to be Secretary of the Army, vice Gordon England, who resigned.

DEPARTMENT OF HOMELAND SECURITY

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

NOMINATIONS

Executive nominations received by the Senate April 6, 2006:

DEPARTMENT OF STATE

John Climent Williamson, of Louisiana, to be Ambassador at Large for Casual Peace Issues. John A. Cloud, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

GENERAL SERVICES ADMINISTRATION

Lucita Allexin Doan, of Virginia, to be Administrator of General Services, Vice Stephen A. Perry, resigned.

DEPARTMENT OF HOMELAND SECURITY


WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 6, 2006 withdrawing from further Senate consideration the following nomination:

Robert M. Duncan, of Kentucky, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009, which was sent to the Senate on April 4, 2006.
CONGRESSIONAL RECORD — Extensions of Remarks

EXTENSIONS OF REMARKS

A TRIBUTE TO THE THOMAS JEFFERSON GIRL’S BASKETBALL TEAM, BROOKLYN, NY

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the Thomas Jefferson Girls’ basketball team, champions of the class B division of the Public School Athletic League of New York City. In one year, under the direction of head coach Calvin Young and assistant coach Unique Nelson, the “Lady Orange Wave” excelled to a regular season record of 15 wins and only 3 losses, while going undefeated with five more victories in the city playoffs.

I want to especially recognize the work of superintendent Varletan McDonald and principal Michael A. Alexander, who have worked hard to infuse excellence, respect and accountability not only in athletics programs, but in academic departments as well. In addition, coaches Young and Nelson have instilled a “team first” approach and a tough regimen of discipline and “no excuses” that has led to the team’s current success.

However, academics have not taken a backseat. To the contrary, in an era where sports achievements have sometimes replaced excellence in English, math, science and other academic areas, the coaches have demanded a high level of academic performance from team members. Long after the last shot has been taken and the last ball dribbled, the members of the 2006 “Lady Orange Wave” will benefit from the leadership, love and guidance given to them by their coaches, teachers and administrators at Thomas Jefferson. I truly hope that in the days to come, the members of the 2006 “Lady Orange Wave” will build upon their experiences in basketball and their days at Thomas Jefferson.

Mr. Speaker, in this spirit, I believe that the accomplishments of the 2006 “Lady Orange Wave,” the work of their coaches, teachers and administrators, are truly worthy of our recognition here today.

CONGRATULATIONS TO CENTRAL MISSOURI EAGLES YOUTH HOCKEY ASSOCIATION

HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate Central Missouri Eagles Youth Hockey Association of Jefferson City, Missouri. The Eagles have been named a winner of the 2006 “Honoring the Game Award,” by the Positive Coaching Alliance at Stanford University.

The “Honoring the Game Award” recognizes youth sports programs that “strive to

WIN, but also strive to help their players develop skills that will serve them throughout their lifetimes.” The Positive Coaching Alliance, a leading national youth sports organization, chose the Eagles as one of three national winners from among seven finalists. The Eagles are the only program in the Midwest—and the only youth hockey program in the nation—to be honored.

The Eagles were honored for their positive coaching methods and for the community service projects completed by each of their four teams. This year, the “Eagles’ Pee Wee team” (11–12 year-olds) collected 500 stuffed animals and 130 backpacks for the abused and neglected children in Jefferson City’s Michael Prenger Family Center and the Cole Family County Court. The mite and squirt teams (5–10 year-olds) collected more than 300 canned goods for Jefferson City’s food bank, the Samaritan Center. The high school varsity team collected more than 400 stuffed animals for the sick and injured children at the University of Missouri-Columbia Children’s Hospital.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating the Central Missouri Eagles Youth Hockey Association on their accomplishments and thanking them for their dedication to helping others.

TRIBUTE TO BRENDA CLACK

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. KILDEE. Mr. Speaker, on Saturday, April 8th, the Flint Club of the National Association of Negro Business and Professional Women’s Clubs, Incorporated will present Representative Brenda Clack with the Sojourner Truth Award at the 45th annual luncheon in my hometown of Flint, Michigan.

Founded in 1935 the National Association of Negro Business and Professional Women’s Clubs, Incorporated seeks to provide a forum for the development of women in the business, community and professions. The members come together to provide a place for the exchange of ideas and to encourage new entrepreneurs to succeed in their dreams. They embody the sentiments expressed by Sojourner Truth before the 1851 Women’s Rights Convention, “If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back and get it right side up again.” At the annual luncheon, the Flint Club honors a member of the community that has exemplified the commitment to the ideals of the association and the persevering spirit of Sojourner Truth. This year the Flint Club has chosen Michigan State Representative Brenda Clack to receive this prestigious award.

Brenda moved to Michigan after attending Tennessee State University. She quickly made her mark in the Flint community through her involvement with the NAACP, Urban League, the United Teachers of Flint, the Michigan Education Association, and as a member of Vernon Chapel AME Church. A lifelong educator, she spent 32 years teaching History and Economics in the Flint Public School System before being elected to public office.

In 1995 she was selected as Michigan’s Economic Teacher of the Year, the following year she received the Flint Optimist’s Outstanding Achievement in Education Award and she was inducted into Phi Beta Kappa’s Hall of Fame. Elected to the Michigan House of Representatives in 2002, Brenda serves the constituents of the 34th House District. Besides serving on several House Standing Committees, she founded the “Flint Speaks Out Against Violence” task force and was appointed by Governor Jennifer Granholm to serve with the National Governors Association Policy Academy. Brenda’s community involvement is highlighted by her work mentoring students, celebrating grandchildren’s birthdays, and collecting blankets for those in need. Brenda is married to Floyd Clack, a former State Representative and former Genesee County Commissioner. She is mother to Michael and Mia.

Mr. Speaker, I ask the House of Representatives to rise with me and applaud the accomplishments of Representative Brenda Clack as she is honored for her kinship and inspiration to the Flint area.

HONORING THE CHAIRMAN OF THE NATIONAL PANHELLENIC CONFERENCE (NPC)

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the work of an outstanding individual, Martha Cheely Brown, as she concludes her distinguished work as Chairman of the National Panhellenic Conference (NPC). The National Panhellenic Conference is the association of 26 women’s college fraternities. NPC member organizations are found on 620 college and university campuses nationwide and more than 3.8 million women nationwide are alumnae of one of the 26 fraternities that comprise the NPC. Since 2003, Martha has led the over 3.8 million NPC members in having their voices heard through a “Speak Up For Sororities” program she implemented. As Chairman, Martha consistently dedicated herself to furthering the NPC’s core values of “helping women grow, give, lead and succeed.”

Martha Cheely Brown was a graduate of the University of North Texas in Denton, Texas, where she served as chapter president of her Delta Gamma Sorority. As an alumna, she has served as Delta Gamma’s national convention Chairman, National Panhellenic Conference

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.
Delegate, and a member of the Delta Gamma International Board of Directors. As NPC College Panhellenics Committee Chairperson, she worked with the 630 College Panheltenics in the United States and Canada.

Martha Cheely Brown’s service and leadership were recognized by her alma mater in 2004 when she was awarded the University of North Texas Outstanding Alumna Award; by Delta Gamma Sorority with an Honorary Fellowship; and by the National Panhellenic Conference with a well-deserved citation celebrating her achievements as the 2003–2005 National Panhellenic Conference Chairperson.

Mr. Speaker, please join me today in honoring the exemplary service that Martha Cheely Brown has given to the over 3.8 million members of NPC. The National Panhellenic Conference is a better organization because of her dedication, commitment, and determination to improve the lives of women of the NPC.

INTRODUCTION OF THE PATENTS DEPEND ON QUALITY ACT OF 2006

HON. HOWARD L. BERMAN OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERMAN. Mr. Speaker, today, I join Representative BOUCHER in introducing the Patents Depend on Quality Act of 2006 (PDQ Act). Introduction of this legislation follows a series of hearings conducted by the Subcommittee on Intellectual Property which ascertained that the current patent system is flawed. Over the course of the last 4 years, there have been numerous attempts to define the challenges of the patent system today. For example, the Patent and Trademark Office developed their Twenty-First Century Strategic Plan, not much later the Federal Trade Commission released a report entitled “To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy,” The National Research Council published a compilation of articles entitled “A Patent System for the 21st Century,” and two economists authored a critique of patent law in a book titled Innovation and Its Discontents. These accounts make a number of recommendations for increasing patent quality and ensuring that patent protection promotes, rather than inhibits, economic growth and scientific progress. Consistent with the goals and recommendations of those reports, the PDQ Act contains a number of provisions designed to improve patent quality, deter abusive practices by unscrupulous patent holders, and provide meaningful, low-cost alternatives to litigation for challenging the patent validity.

Past attempts at achieving more comprehensive patent reform have met with resistance and recently have resulted in a call for additional hearings. However, the call for legislative action is loud. The New York Times has noted, “[s]omething has gone very wrong with the United States patent system.” The Financial Times has stated, “[i]t is time to store the balance of power in U.S. patent law.” Therefore, today, we are introducing a narrow bill to address some of the more urgent concerns.

I firmly believe that robust patent protection promotes innovation. However, I also believe that the patent system is strongest, and that incentives for innovation are greatest, when patents protect only those patents that are truly inventive. When functioning properly, the patent system should encourage and enable inventors to push the boundaries of knowledge and possibility. If the patent system allows questionable patents to issue and does not provide adequate safeguards against patent abuses, the system may stifle innovation and interfere with competitive market forces.

This bill represents our latest perspectives in an ongoing legislative solution to patent quality concerns and patent litigation abuses. We have considered the multitude of comments received on prior patent bills. We acknowledge that the problems are difficult and, as yet, without agreed-upon solutions. It is clear, however, that introduction and movement of legislation, not necessarily additional hearings, will focus and advance the discussion. It is also clear that the problems with the patent system have been exacerbated by a decrease in patent quality and an increase in litigation abuses. With or without consensus, Congress must act soon to address these problems.

Thus, we introduce this bill with the intent of propelling the debate forward in the 109th Congress.

The bill contains a number of initiatives designed to improve patent quality and limit litigation abuses, thereby ensuring that patents are positive forces in the marketplace. I will highlight a number of them below.

Section 2 creates a post-grant opposition procedure. In certain limited circumstances, opposition allows parties to challenge a granted patent through an expedited and less costly alternative to litigation. In addition, Section 2 provides a severely needed fix for the inter partes re-examination procedure, which provides third parties a limited opportunity to request that the PTOL re-examine an issued patent. The current limitations on the inter-parties re-examination process restricts its utility so drastically that it has been employed only a handful of times. Section 2 increases the utility of the re-examination process by relaxing the requirements. After weighing the equities, the court may still decide to issue a permanent injunction, but at least the court will have ensured that the injunction serves the public interest.

That requires balancing the inventor’s exclusive right designed to provide the incentive and reward for invention and those equities which may be necessary for the public interest, such as whether the patent troll has “unclean hands,” the failure to commercialize the patented invention, the social utility of the infringing activity, the loss of invested resources by the infringer and, of course, the quality of the patent. The court may still decide to issue a permanent injunction, but at least the court will have ensured that the injunction serves the public interest.

When considering these provisions together, we believe that this bill provides reform necessary for the patent system to achieve its primary goal of promoting innovation. As the New York Times has pointed out, “[t]here is legislation in the House to address the issue[s], and it needs to be taken up.” We believe that introduction of this bill will facilitate the necessary movement of patent reform legislation.

I would especially like to thank Congressman BOUCHER with whom I have been working on patent reform for the past few years even before the issue was on agenda. Also deserving of thanks are the many constitutional scholars, policy advocates, private parties, and government agencies that continue to contribute their time, thoughts, and drafting talents to this effort. I am pleased that, finally, at least a consensus has emerged among the various stakeholders in support of the “post-grant opposition” approach embodied in the legislation. This bill is the latest iteration of a process we started over 5 years ago.

E524 CONGRESSIONAL RECORD — Extensions of Remarks April 6, 2006
HONORING GREENVILLE’S FIRST AFRICAN AMERICAN POLICE OFFICER, WILLIE CARSON

HON. BENNIE G. THOMPSON OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize an African American pioneer, Willie Carson, Greenville’s first African-American police officer. I submit the following article by Bill Johnson of the DeltaDemocrat Times.

GREENVILLE—ANOTHER DELTA PIONEER HAS PASSED

Willie Carson, the first African-American police officer in Greenville, died Friday evening. He was 86 years old.

Carson forged the way for other black law enforcement officers to follow in the early 1960s, working as a beat officer on Nelson Street.

“Those were some really rough days back then,” said his wife of 20 years, Delilah Carson. She recalled some of the many stories told him by one of his early experiences in uniform from their Fairview Extended home.

“At that particular time, a lot of blacks were kids. They lived on Nelson. Back then, it was not so much with guns but knives and their fists,” she said. “It was a real war zone out there at the time.”

“C.A. Hollinsworth was the chief at that time. And he knew that changes were coming and a new day was ahead,” she reflected.

“Winchester Davis was very instrumental in helping Willie get on the force. Willie played guitar for Davis’ band, and they traveled a lot. He knew Willie had a family with children and needed a good job with benefits, and made a way for him.”

Carson took his oath to uphold the law, and he made sure that everyone on his beat abided by the law.

He was smooth and quiet in manner but when necessary made a firm stand.

“A lot of people have come up to him over the years and thanked him for changing their lives,” Carson said. “If need be, he could get down and dirty right along with them. And sometimes it was necessary.”

While rumors abounded about the reasons Carson was given the Nelson Street beat, she was told by Willie that it was a matter of support.

“Hollinsworth knew that if anything went down on the Nelson Street beat, someone would speak up for Willie and give support for him. But remember, this was the early ’50s still, and not many whites were going to go against another white person’s word if they were arrested by a colored officer. So it was the best choice for the times,” Carson said.

Willie Carson was also really good friends with former police chief and mayor, William Burley. They talked and worked on those days, “Tinsely said from his barber shop on the corner of Nelson and Edison. “And boy what a heck of a guitar player.”

Tinsley recalled Carson as a hard-working man who always had several jobs along with playing his guitar for a variety of bands, including Ike Turner, Winchester Davis, Big Joe and others.

“He had a rocky road those early years, with the name calling and all. But he broke through the ice and opened the door for all black law enforcement officers to follow.”

Tinsley said. “And as time went on, Carson was very much respected. They wouldn’t raise any hell or cuss around Officer Carson. It was tough on him, but he was the right man for the job and he made it work.”

Carson is remembered by his family as a good husband, a father who loved his family and children; a man who believed in being in line with the law.

“He was the type of fellow who was known for a good joke and appreciated a better one. He was the go-to guy during the boycotts at Mississippi Valley State College in 1969, where he served as chief of campus police. Childs (one of the few African American police officers in the country) went there and told him, ‘These guys are here to protect these students and the faculty. And that’s what I expect you to do.’

There were a few injuries on his watch, even when meeting face to face and at odds with members of the Black Panthers organization.

Carson was also the first black housing inspector in Greenville, and served as the grand marshal of the 2003 Christmas Parade.

In later years, Carson served the Washington Department from 1989 until his retirement in 2000. He was never a bitter man and was considered rather jovial. He tried to find the best in even a bad situation.”

Delilah said, adding that he would often tell his children, “Sometimes you can’t get around something, but you can always make good choices.”

Officer Willie Carson’s career and faithful service to the community is a testament to his character. Carson’s first probably will not be noted in history books, it is his service and men and women of similar character that has paved the way for other outstanding African Americans to outfit our public services. It is with great honor, I recognize Officer Willie Carson, a true pioneer.

TINSLEY said as he closed out the remembrances on Carson’s life, “I never saw a man who loved his community as much as he. He was a true Latino for the community.”

HOON OF EDOLPHUS TOWNS OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Flor Marina Prieto and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the community.

A TRIBUTE TO FLOR MARINA PRIETO

HON. EDOLPHUS TOWNS OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Flor Marina Prieto and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the community.

Flor Marina Prieto was born in Bogota, Colombia, into a typical middle class Colombian family. Ms. Prieto’s father was Captain of the National Police and her mother worked, mainly at home, as an art decorator making very beautiful artificial and natural flower arrangements. Ms. Prieto’s main childhood dream was for Marina to become a nurse because of her love for flowers and her father’s passion for the sea. Ms. Prieto’s was comprised of school and home surrounded with plenty of love.

Ms. Prieto graduated as a secretary in Bogota, Colombia and soon after came to the United States. Several years later, she decided she was ready to start college to study Psychology. Ms. Prieto studied at St. John’s University and graduated in May of 1996 with a Bachelor of Arts in Psychology. Ms. Prieto was so enthralled with this field that she decided to continue her studies in graduate school. She studied at St. John’s University as well for a graduate degree in Bilingual School Counseling. Ms. Prieto graduated in June of 2000 with a Master of Science in Education. In addition, upon graduation, she was awarded with honors, the Dean’s Award for Academic Excellence.

Ms. Prieto is currently working as a Bilingual Counselor at Eastwood School, P.S. 95. She is very pleased and fulfilled with her role as a counselor. She is very happy to work with children. Ms. Prieto feels her job is very rewarding because she is able to witness how a child can change or improve with help. It is very satisfying to know that one can make a difference in a child’s life. Ms. Prieto’s main objective was to graduate as a counselor and then use this knowledge to help educate special children. This dream is now a beautiful reality.

Mr. Speaker, I believe this body, in recognition of her life and efforts, should pay tribute to Ms. Flor Marina Prieto.

RECOGNIZING MASTER SAM HAYTT AS BOX TOPS FOR EDUCATION KIDS’ CAUCUS ESSAY FINALIST

HON. C.A. DUTCHESS RUPPERSBERGER OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I proudly rise to honor a young to recognize a sixth grade boy in the Second Congressional District of Maryland, Master Sam Hyatt. He was named as a finalist in the Box Tops for Education Kids’ Caucus Essay contest. Sam
wrote an essay for the General Mills-sponsored organization on parental involvement in schools. His school, Baltimore Hebrew Congregation Day School in Lutherville, MD, was awarded a grant of one thousand dollars because of his achievement.

By using the topic provided, Sam carefully crafted an essay to explain how he would improve parental involvement in schools if he were principal for a day. He recommends parents volunteer their time by speaking to the students about their area of expertise. For example, he mentions how someone in the health profession came to the school and taught the students a lesson in that subject. He also suggests parents come into the classroom to relate their personal experiences to whatever subject is being taught that day.

Sam's essay is extremely motivational. It proves that school-aged children are interested in their families, and would like more opportunities to learn from them. He suggests teachers assign activities that involve parents, making learning fun for both the student and the parent. Sam provides an example of the previous year when he was given an assignment to learn about rocks. He was only able to find a small variety of rocks in his neighborhood, so, as a result, his parents needed to take him to other locations to complete the task. He believes that education is one of the most important gifts we can give our children and it must begin in the home.

It is critical to arm our children with the best skills possible to ensure their success in life. They acquire these skills through practice both in the home and at school. It is very important to keep the lines of communication open between parents and school officials. Sam offers an idea of “Principal Coffees” where parents and administrators are given the opportunity to discuss what is happening in the school. He also recommends administrator and parent meetings via chat room discussions.

Mr. Speaker, I ask that you join with me today to recognize the achievement of essay winner Master Sam Hyatt. He should be commended for his outstanding efforts.

IN HONOR OF THE GREGORY FAMILY AS THEY RECEIVE THE TREE OF LIFE AWARD

HON. JEAN SCHMIDT
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize the Gregory Family as they receive the Tree of Life humanitarian award on April 30th, 2006 from the Jewish National Fund.

The Jewish National Fund has bestowed its prestigious Tree of Life award annually since 1981. Recipients of this honor are chosen on the basis of outstanding community involvement, personal leadership and humanitarian service.

The Tree of Life award was named to symbolize the Jewish National Fund’s efforts to reclaim and develop the land of Israel from barren and uninhabitable land into a land of lush green forests and fields, productive farmlands and visionary recreation facilities.

Members of the Gregory Family receiving the award include the late Ted Gregory, his wife Matula and their children and spouses, Tom and Pam; Dean and Hedy; Evan and Terry; and Vickie. This talented and generous family is behind one of Cincinnati’s most notable treasures, The Montgomery Inn Restaurants. These award-winning restaurants are known not only in our own region, but across the nation.

Ted Gregory and his wife Matula worked hard to build their business and instill a strong work ethic and sense of charity in their children. Ted often said, “Give until it hurts, then give a little more.” This belief, combined with a strong work ethic, has no doubt the recipe for the Gregory Family’s success.

As the Gregory’s success has steadily grown over the years, so too has their mission to give back to others. Some of their beneficiaries include the Bob Hope House, The Free Store Food Bank, The Down Syndrome Association, Big Brothers and Big Sisters, Cincinnati Children’s Hospital, One Way Farm and countless others.

The family also established the Montgomery Inn Invitational, which has raised more than $500,000. The proceeds from this event benefit the Jewish Federation, the Uriah P. Levy Jewish Chapel at the U.S. Naval Academy, the United Negro College Fund, the Billy Barty Foundation, and scholarships benefiting many area youth.

Today, Ted and Matula’s children continue to carry on the family’s charitable legacy. The four Gregory children graduated from Syca-more High School, where they recently endowed a state-of-the-art fitness center bearing the name of their parents.

The Gregory Family will donate the proceeds from this year’s Tree of Life dinner to the Jewish National Fund Therapeutic Riding Consortium Endowment for Israel.

In addition to four children, Ted and Matula have eight grandchildren.

All of us in the Cincinnati area congratulate the Gregory Family on receiving the Tree of Life humanitarian award.

A TRIBUTE TO BURNETTA ROSE LEE GRAVES

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Burnetta Rose Lee Graves, a distinguished member of the Brooklyn community. I hope my colleagues will join me in recognizing her accomplishments.

Burnetta is a native of Brooklyn, New York and the daughter of Helena and the late Abel Lee Graves of New York. She attended the public schools in Brooklyn, N.Y. for her formative education and graduated from George W. Wingate H.S. After attending Fashion Institute of Technology in Manhattan, she embarked on an entrepreneurial career as a clothing designer for 13 years.

Burnetta is an active member of both the Brooklyn and Queens communities; her political affiliations include: Women’s Caucus for Congressman EDOLPHUS “ED” TOWNS; guy R. Brewer United Democratic Club of St. Albans, N.Y.; and the Thomas Jefferson Democratic Club of Kings County. Additionally while working for Philip Morris USA, the company aided Burnetta’s community affiliation in various areas of New York.

Burnetta has always been an active member of her church, St. Mark’s United Methodist Church in Harlem USA. While there she was president of the Young Adult Club for 4 years and served as a Trustee for 3 years. In 1997, she was drawn to St. Paul Community Baptist Church of East New, Brooklyn, N.Y. because of the interactive relationship that the church has with the community. As a member of the Baby Dedication Ministry and various activities of the church, she has numerous opportunities to reach out to the community at large. Working for the Commune Center in Jamaica, N.Y. enables Burnetta to teach children ages 5–12 the art of quilt making. To this day the quilts are still displayed in the front entrance of the center.

In 2002 she joined the staff of Congressman Ed Towns as a Special Assistant and Ecu-monical Liaison. In that role she deals with all faith-based organizations in the 10th Congressional District of Brooklyn, N.Y. She also assists constituents in housing concerns and other issues. Burnetta’s current project is “Adopt A School” working with health-based organizations to improve children’s health care standards for the community.

Mr. Speaker, Burnetta Rose Lee Graves’ selfless service has continuously demonstrated a level of altruistic dedication that makes her worthy of our recognition today.

HONORING DANIEL FIGUEROA FOR HIS RETIREMENT AFTER MANY YEARS OF SERVICE TO WESTERN NEW YORK

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to Daniel Figueroa, who has set an example to all, through community involvement, selfless dedication and tireless compassion for the community.

To his community he is known as a pioneer, and as someone who never forgot his roots, to his coworkers he is known for his diligence and exemplary work ethic. Detective Sergeant Daniel Figueroa is not only an outstanding member of the department but also an outstanding member of his community.

Daniel Figueroa has been a member of the Buffalo Police Department for 35 years. It is also important to note that officer Figueroa was one of the first Hispanic-Latino officers in Buffalo, NY.

Aside from his duty in law enforcement he also served as an Army paratrooper during the Vietnam War. Officer Figueroa has also been recognized for his service working undercover for the Federal Drug Enforcement Administration.

Stories and memories of his work while in the department have changed lives and inspired others. A prime example of officer Figueroa’s dedicated service occurred in 1970 when on patrol at the Erie Basin Marina; he noticed a crowd of people and saw a man in the water. Without hesitation, he jumped in to rescue the drowning man. He learned later that the man he had rescued was trying to commit suicide, eventually the man contacted officer Figueroa to thank him.

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize
Mr. WOLF. Mr. Chairman, I rise today in support of the amendment offered by my colleagues Representatives Kirk and Larsen. They are to be commended for drawing attention to the importance of student exchange and language education programs, particularly related to Chinese and Arabic. In the 21st century world, China and the Middle East are critically important.

I share their support for language and culture education programs to help equip today’s young people for the global marketplace. I was pleased to be able to help bring Japanese and Chinese language programs to the Fairfax County Public School system in northern Virginia. During the early 1980s Japan was the primary United States competitor. In an effort to understand how the United States businesses remain competitive in an expanding global economy, especially with Japan, I wrote to the top 500 U.S. companies asking for their feedback.

The overwhelming response was that U.S. businesses were having difficulty finding qualified people who spoke Japanese and understood the culture of other countries from the earliest possible age in order to remain competitive in the international marketplace. The key to this is the education and training of our young people. We must educate our young people in the languages and cultures of other nations, so that in the future businesses are able to market products abroad and negotiate with foreign counterparts.

I have been pleased to work with our local school system to expand the foreign language courses offered. The language of Japan, which has the largest trade surplus with the United States of any of our trading partners, is now offered at many of our area high schools. In addition, if a recently submitted grant application to the Department of Education is approved, Japanese, Spanish, and French may soon be taught to kindergarten students in some local schools.

These youngsters who are able to study the languages and cultures of other peoples of the world will be the business leaders of tomorrow, negotiating and devising strategies to sell American products all over the world.

**EDUCATION GRANT FOCUS ON FUTURE LEADERS**

The U.S. Department of Education recently awarded a $175,000 grant to George Mason University to begin a foreign language immersion program in Fairfax and Arlington county public elementary schools.

I was pleased to have worked with local school and Gallegher's support of this program which would be one of the first of its kind in the country to focus on kindergarten students for intensive training in Japanese, Spanish, and French.

Under the program, six kindergarten teachers and six first grade teachers would be trained in language instruction and assigned to selected classes in participating schools.

Students participating in the program would spend up to one half of each school day being taught Japanese.

I sought funding for this program because of my concern about U.S. competitiveness abroad and the need to prepare our future business leaders on how to deal with an increasingly international marketplace.

I have corresponded with leaders in the U.S. business community including the chief executive officers of many of the top U.S. companies doing business in Japan and business school deans. Most agree that American students must be exposed to the language and culture of other countries from the earliest possible age in order to remain competitive in the international marketplace.

In addition, training in foreign languages helps students to develop their verbal and intellectual capacities and encourages interest in other cultures. While Fairfax and Arlington county schools have expressed interest in implementing this innovative effort, a firm commitment has not been made as yet. I am pleased today, however, that some local schools will take advantage of this opportunity to assist our area’s young people.

**RECOGNIZING THE 20TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER**

Mr. SMITH of New Jersey. Madam Speaker, I rise this afternoon to join Chairman Hyde and Gallegher, Mr. Lantos and others in commemorating the Chernobyl disaster, a tragic event that has left a legacy of pain and suffering felt by the people of Ukraine and Belarus and especially its emphasis on encouraging national and international health organizations to focus their research on the public health consequences of Chernobyl.

As Co-Chairman of the Helsinki Commission, I can recall the Commission hearing I chaired on the 10th anniversary of Chernobyl, at which witnesses, including then Ukrainian Ambassador Yuri Shcherbak offered compelling testimony addressing the health and demographic consequences of the world’s worst nuclear disaster. I am pleased to report thatзнак on the 25th of this month the Helsinki Commission will hold a hearing commemorating Chernobyl. I am pleased that Ukrainian Ambassador Shamshur has accepted my invitation to testify along with health experts and others.

Madam Speaker, as a strong advocate of the health of all children, including the unborn, Chernobyl is of special concern.

In Ukraine and Belarus, there is growing evidence of a steep increase in birth defects, especially an alarming 4-fold increase in spina bifida that has been documented by the Ukrainian-American Association for the Prevention of Birth Defects. Many other forms of birth defects have doubled since Chernobyl, including cataracts, deformed limbs and fingers, and cleft palates. Recent Israeli-Ukrainian studies have shown that children born to Chernobyl liquidators have a 7-fold increase in chromosome damage as compared to their siblings born prior to the Chernobyl disaster.

Last year, I authored language that was included in the State Department Authorization Act authorizing funding to be used to improve maternal and prenatal care, especially for the purpose of helping prevent birth defects and pregnancy complications. The monies would be for individuals in the Republic of Belarus and Ukraine involved in the cleanup of the region affected by the Chernobyl disaster. We need to make sure the Chernobyl health studies and efforts to prevent birth defects through the distribution of folic acid and better prenatal care receive sufficient funding. These are funding priorities that I will continue to pursue.

Madam Speaker, the public health research community was caught off guard by the massive 80-fold increase in thyroid cancer among Chernobyl children in Belarus in 1993, and the
world community needs to remain vigilant for other forms of cancer that may begin to emerge now that the 20-year latency period has ended.

We need to remember that the half-life of radioactive cesium is 30 years. Thousands of children are still being exposed to dangerously high levels of radionuclides in contaminated areas of southern Belarus and northern Ukraine, as well as far-flung areas in Scandinavia and Eastern Europe that also suffered from radioactive fallout. There is still much that remains to be done to overcome the devastating effects of Chernobyl, and it is important for the international community—both governments and nongovernmental organizations—to remember that Chernobyl is not just a Ukrainian, Belarusian or Russian problem. The fallout will require continued international attention and commitment.

I also want to take this opportunity to commend the work of nongovernmental organizations that devote considerable time and effort in helping the victims of Chernobyl. One such organization is the Children of Chernobyl Relief and Development Fund, which has worked tirelessly to provide state-of-the-art medical technology, physician training and humanitarian aid to give Ukrainian children a fighting chance to overcome cancer and leukemia.

Finally, I welcome the resolution’s support for continued assistance to the Chernobyl Shelter Fund, the Shelter Implementation Plan, and other efforts to mitigate the consequences of the Chernobyl disaster. We need to do everything possible to protect people and the environment from the large quantities of radioactive remains of the Chernobyl nuclear power plant even as we work to assist the victims of the world’s worst nuclear disaster.

IN RECOGNITION OF AVONDALE CUB SCOUT PACK 67

HON. MIKE ROGERS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the young men of Avondale Pack 67 in Alexander City, Alabama, and also to den leader Laurie Carter for their work to preserve the memory of the crew of an Air Force aircraft which was lost in their community over a decade ago.

April 17 marks the 11th anniversary of the crash of an Air Force C-21 jet which was on route from Andrews Air Force Base in Maryland to Randolph Air Force Base in Texas. The C-21 was transporting eight personnel including Air Force Assistant Secretary for Acquisition, the Honorable Clark G. Fiester, and Major General Glenn A. Proffitt, II, when it suffered mechanical problems. The plane attempted to land at T.C. Russell Field in Alexander City.

Tragically, the aircraft lost altitude and went down in a wooded area south of the airport, taking the lives of all aboard. A statement released from the Secretary of the Air Force at the time noted that, “Two of the Air Force’s senior leaders were on board the plane.”

The families of the victims of that tragedy left a small memorial on the site of the crash to remember their loved ones. But the site, which is heavily wooded, was grown over until the trees that had covered it. They placed small U.S. flags for each of the eight Air Force personnel who lost their lives that day in 1995. Mr. Speaker, I would like to personally salute the young men of Pack 67 and their leader, Laurie Carter, for not only doing a good deed, but for honoring the memory of these fallen heroes. We can all learn from the example of these community-spirited scouts.

TRIBUTE TO MRS. FRANCES STURGIS

HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great individual and community leader, Mrs. Frances Sturgis, and to thank her for her contributions to the greater Waco Community, Texas and the country. On April 8, 2006 Mrs. Sturgis will be joined by friends and supporters to celebrate the 25th Anniversary of Keep Waco Beautiful, which Mrs. Sturgis started in 1980.

Mrs. Sturgis began alone working to clean up and beautify Waco. Her vision and work has grown the small Beautification Committee of Waco into Keep Waco Beautiful, one of the most successful beautification groups in the country. From humble beginnings Mrs. Sturgis has guided Keep Waco Beautiful to where it is today, over 11,000 volunteers in an established and well recognized institution in the Waco Community. She was also instrumental in the founding of Keep McLennan County Beautiful and has served the State of Texas as President of Keep Texas Beautiful.

One cannot travel anywhere in Waco, Texas without seeing the legacy of Frances Sturgis. From Indian Springs Park and Heritage Square to Miss Nelle’s Pretty Place and University Parks Drive the impact of her contributions to our community are evident. Over the past 25 years Keep Waco Beautiful has spearheaded over one hundred environmental and beautification projects in the Greater Waco community, and established numerous programs that have become an annual part of the lives of the citizens of Waco.

Mrs. Sturgis’ service has reflected her deep commitment to the community and has indeed made Waco, Texas a cleaner, healthier, safer and more beautiful place to live and raise a family.

Mr. Speaker, it is a privilege to honor Mrs. Frances Sturgis and offer my heartfelt appreciation for a life dedicated to service of the community.

TRIBUTE TO NORMAN BORLAUG

HON. MARK R. KENNEDY
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor an individual whose contributions have unquestionably made the world a far better place. Through a career in scientific research that has spanned half a century, Dr. Norman Borlaug has distinguished himself and is in a class of his own.

Dr. Borlaug grew up on a farm in Cresco, Iowa, and attended the University of Minnesota in my home state. I would like to personally salute the young men of Pack 67 and their leader, Laurie Carter, for not only doing a good deed, but for honoring the memory of these fallen heroes. We can all learn from the example of these community-spirited scouts.

TRIBUTE TO PENNY LYNDELLA WILLOUGHBY-PARKER

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Penny Lyndella Willoughby-Parker. I hope my colleagues will join me in recognizing her accomplishments.

Penny was born in Farmville, North Carolina. However, since age 9 Penny has resided in New York City. Since childhood, Penny has been a person that has strived to live by God’s golden rule of “Do Unto Others as You Would Have Them Do.” Penny’s genuine love and concern for people as a whole, but especially those that were less fortunate than her inspired Penny to work with people living with mental illness.

Penny worked at Manhattan Psychiatric Center for 13 years, specializing in Psychiatric Rehabilitation. In this capacity, Penny helped to prepare people to successfully return to their family, friends and society to live productive lives.

Oftentimes while reading her patients’ charts, Penny would lament that their problems began when they were children. As Penny sat at her desk reading the charts she would often become filled with sadness and say, “Oh God! I wish I had met Jane or John when they were children. Perhaps I could have helped them with their various problems and prevented them from ending up in a mental institution.”

God heard Penny’s sighs! God saw Penny’s tears! And He has Anointed and Appointed her to teach Wisdom to his children. Penny’s Mission Statement from God is “to train up a child according to Proverbs 22:6 and to help all children to fully develop Spiritually, Academically, Socially and Culturally which is exceeding, abundantly, above and beyond what is called “Average”. 
Penny is the proud mother of two sons, Chinyelu and Cory, but God has given her as He did Abraham and Sarah, innumerable sons and daughters that are spread throughout the world. You will never hear Penny say she did anything special or take credit for the overwhelming successful outcome in how her students' achievements when she affectionately refers to as her “Power Angels”. But, you will hear Penny say, “To God Be the Glory!!!”

Mr. Speaker, Penny Lyndella Willoughby-Parker’s selfless service has continuously demonstrated a level of altruistic dedication that makes her worthy of our recognition today.

**PATIENT ASSISTANCE DAY: HELPING LOW INCOME AMERICANS GET THE HEALTH CARE THEY NEED**

**HON. KENDRICK B. MEEK**
**OF FLORIDA**
**IN THE HOUSE OF REPRESENTATIVES**
**Wednesday, April 5, 2006**

Mr. MEEK of Florida. Mr. Speaker, I rise today to recognize Patient Assistance Day. Today, millions of Americans lack health insurance and cannot access medicines that they need to treat their illnesses. While the government looks for practical ways to help the 45 million uninsured citizens, there are private-sector programs in place that are helping millions of Americans.

One such program is the Partnership for Prescription Assistance (PPA), a national clearinghouse that links uninsured and underinsured people to patient assistance programs that offer drugs for free or nearly free. America’s pharmaceutical research companies, along with 1,300 community and patient organizations, launched the PPA in 2005 and have since helped almost 2 million patients, including over 48,000 in my home state of Louisiana.

Today, the PPA commemorates its 1-year anniversary (April 5, 2006), and with that celebration, the first annual Patient Assistance Day.

Mr. Speaker, I want to recognize this significant achievement of the PPA in addressing the uninsured issue by meeting a real need of patients everywhere. I applaud the efforts of biopharmaceutical research companies, health care providers, patient advocacy organizations, and community groups all across the United States. The PPA has visited the 7th Congressional District to provide information at many of my town hall meetings, as well as other health events. The response to their presence has been overwhelming. I am committed to helping my constituents and all Americans in need access life-saving medicines. In that spirit, I urge each of you to join me today in proclaiming “April 5, Patient Assistance Day.”

Surely, millions more stand to benefit from this program and we should do our part in helping to connect patients in need. I also submit for the RECORD a success story about the PPA’s effort in Southwest Louisiana.

From the [Southwest Daily News](https://www.swnews.com), Feb. 15, 2006

(By Mary Ann Dutton)

The Partnership for Prescription Assistance is a traveling education center supported by America’s Pharmaceutical Research Companies, in partnership with the Calcasieu Community Clinic and the Louisiana Partnership for Children and Families. The bright orange bus rolled into Sulphur on Tuesday to educate uninsured and underinsured patients about prescription assistance. Originally scheduled to be at Sulphur City Hall from 9:30 a.m. to 10:30 a.m., the staff said they would stay until everyone was helped.

Help is Here Express is part of the Partnership for Prescription Assistance, a growing national program that brings prescription assistance to the uninsured and underinsured. According to Partners for Prescription Assistance (PPA) Consultant Cheron Brylakti, the PPA was birthed by former Louisiana Congressman Billy Tauzin. While battling cancer, Tauzin realized that he would not have survived without the drugs used in his treatment. Understanding that many cancer patients are unable to afford the drugs that could help them, Tauzin made it a personal goal to get an assistance program started.

“The Partnership for Prescription Assistance is changing thousands of lives every day,” said PhRMA President and CEO Tauzin.

“No one is helped by a medicine that sits on the shelf and is out of reach financially. The Partnership for Prescription Assistance is matching the people of Louisiana who are uninsured or underinsured to patient assistance programs that may help them get the medicines they need for free or nearly free. We will keep coming back to Louisiana as long as there are people who need our help.”

The Help is Here Express was developed as a way to take the Partnership for Prescription Assistance program on the road, bringing help directly to the people who need it most. In Louisiana alone there have been 20,218 searches that matches through the use of the computer terminals and mobile telephones on the bus.

Pharmaceutical Research and Manufacturers of America spokesman Jeff Trewitt said the Help is Here Express offers help to anyone who is having trouble affording their prescription medicine. In last April in Baton Rouge, the program has matched more than 1.3 million patients nationally, and more than 44,000 right here in Louisiana.

“There are millions of patients who qualify for assistance and don’t know about the program,” said Trewitt. “There are 475 patient assistance plans so we are bringing our education program to reach and inform the masses.

If you were unable to visit the Help is Here Express yesterday, the same services are available by telephone or on the internet. “Many prefer the privacy of their own home,” said Trewitt. “This is possible by calling 1-888-4PPA-NOW (1-888-477-2669) or the user-friendly website www.pparxla.org.”

Trewitt suggested that applicants have the names of current medicines available when calling.

An interesting tidbit shared by Trewitt is that the Help is Here Express bus was used to be the touring bus of country singer Brooks and Dunn.

The Help is Here Express is scheduled to be in Lafayette at the Acadiana Outreach Center, 2258 S. Buchanan Street on Feb. 16th at 9:30 a.m.

**IN HONOR OF CALEB FOOTE LAW PROFESSOR AND PACIFIST ORGANIZER**

**HON. JAMES P. McGOVERN**
**OF MASSACHUSETTS**
**IN THE HOUSE OF REPRESENTATIVES**
**Wednesday, April 5, 2006**

Mr. McGOVERN. Mr. Speaker, I rise today to remember and honor one of America’s great teachers and scholars of law and an inspirational figure for everyone who believes in the creative spirit of non-violence, Mr. Caleb Foote, who passed away on March 4, 2006.

Caleb Foote began his life journey in Massachusetts. He was born in Cambridge in 1917, graduated from Harvard in 1939, and earned his law degree at Boston College Law School. Foote was raised on Quaker beliefs and held deep principles that rejected the use of violence. During the period of World War II he was sent to prison for those beliefs when he refused to serve in the military or to perform alternative service in support of war. After completing his prison sentence, he spoke out against the internment of Japanese-Americans, working with photographer Dorothy Lange to produce a pamphlet on the subject in 1943. He was forced to serve a second term in prison for continuing to refuse to serve, but he was pardoned by no one less than President Harry S. Truman.

In the 1950s, Mr. Foote went back to college and earned his law degree. For the remainder of his career, he taught law and became a leading champion for the rights of the poor, the young, minorities, and the disenfranchised within the criminal justice system. Even after he retired, he continued his research and exposed the failures of the juvenile justice system in California.

America has lost a champion of justice and a master of principle. I extend my condolences to all the members of Caleb Foote’s family and his community of friends, who knew him not as a symbol, but as a husband, a father, a grandfather, a friend, and a colleague.
I submit for the RECORD the April 3, 2006 article from the New York Times describing Caleb Foote's life and achievements.

Caleb Foote, whose moral sense influenced him to refuse to serve in the noncombatant work in World War II, then led him to become a law professor known for advocacy of criminal rights, died on March 4 at a hospital in Santa Rosa, California. He was 88.

The cause was a blood infection, said his daughter, Heather Foote.

Mr. Foote was born in Cambridge, Massachusetts, on March 26, 1917. He graduated in 1939 from Harvard, where he was managing editor of The Harvard Crimson, and earned a master's degree in economics in 1941.

The Quaker faith of his mother drew him to pacifism, and he was hired that year by the Fellowship of Reconciliation, a pacifist organization, to open its Northern California office. His draft board had denied his request for conscientious objector status in 1940, deciding that his religious argument for the status was based more on humanitarian principles than on theology.

Mr. Foote then refused an order to report to a camp to perform alternative service, and as a result he was convicted for violations of the Selective Service Act.

"Only by my refusal to obey this order can I uphold my belief that evil must be opposed not by violence but by the creation of goodwill throughout the world," Mr. Foote said in an interview with The Associated Press.

He served about five months at a federal prison camp, then resumed his work with the fellowship, spending much of his time speaking out against the internment of Japanese-Americans. In 1943, he helped produce a pamphlet on the subject, titled "Outcasts," with the photographer Dorothea Lange.

In 1945, Mr. Foote was again sentenced for draft law violations and served a year at a federal penitentiary. He was pardoned by President Harry S. Truman. From 1948 to 1960, Mr. Foote was executive director of the Central Committee for Conscientious Objectors.

He then decided to go to law school, inspired by the desire to address the racial and economic injustices he had witnessed in the criminal justice system, his daughter said. In 1953, he graduated from the University of Pennsylvania Law School, where he was managing editor of the law review.

The next year, he became a professor at the University of Nebraska College of Law. He persuaded a federal judge to reverse the conviction of an American Indian man whose lawyer had been incompetent. At a law school convention in New York in 1954, Mr. Foote called for the strengthening of civil remedies for false arrest.

In 1956, he moved to Penn's law school, where he led a student team that studied the New York City flow system and recommended that it become a leader in bail reform, and, in 1966, his book, "Studies on Bail," was published. He argued that the bail system was biased against the poor and an unfair burden on falsely accused defendants. He even argued that bail was inherently unconstitutional.

In 1963, Mr. Foote became a professor at the University of California, Berkeley, where he specialized in family and criminal law.

In 1968, after student protests rocked Berkeley, he became chairman of an advisory committee that recommended changes that included giving the campus autonomy from the rest of California's university system.

He retired in 1987 and moved to Point Reyes Station in Marin County, California, where he became active in local conservation efforts and lived until his death.

In 1993, he did a study for the Center on Juvenile and Criminal Justice in San Francisco showing that the department's share of state expenditures had grown to 6.2 percent from 3.9 percent over the past 10 years, while higher education's part had fallen to 9.3 percent from 14.4 percent.

Besides his daughter, of Washington, Mr. Foote is survived by his wife of 63 years, the former Hope Stephens; their sons, Robert Foote of Copper Hill, Virginia; Andrew Eliot Foote of Los Angeles; Ethan Foote of Santa Rosa; and David Foote of Volcano, Hawaii; and four grandchildren.

THE PRESIDENT'S BUDGET: SACRIFICING SERVICES VITAL TO WOMEN AND THEIR FAMILIES

HON. DORIS O. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. MATSUI. Mr. Speaker, the budget the House will debate today will keep us on the same irresponsible and unsustainable path that America has been traveling for the past 5 years. As a consequence of massive tax cuts, this budget continues to run dangerous fiscal deficits. . . . while under-investing in programs vital to developing future generations of Americans.

For instance, the President's budget freezes funding for Head Start. As a result 19,000 children will have to be cut from Head Start next year. When I was home in my district, I toured the Nedra Court & Whispering Pines Head Start programs. They offer comprehensive child development programs vital to women's economic well-being and the ability of their children to succeed in school.

I understand we are in a tight fiscal situation and we need to be realistic. But we need to start making some decisions—like ensuring children succeed in school and that parents have the resources to support them.

Yes, we need to be making tough choices, but not on the backs of women and future generations.

TRIBUTE TO JEFFREY KAHANE
HON. LYNN C. WOOLEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. WOOLEY. Mr. Speaker, I rise today to honor Jeffrey Kahane, a man who has filled the world with beautiful music and a beautiful philosophy, bringing them to young and old through both performance and education. His inspiration and motivation came as a result of one of history's most sombre times.

At age 17, Jeffrey Kahane's mother and her brother were sent by their parents from Germany to the United States to escape the growing Holocaust. He became chairman of the Auschwitz Jewish Center in New Orleans, but on the same day a second ship, the *Saint Louis*, was turned away from Miami. That was the cursed "Ship of Fools," and all of its passengers were forced to return to Germany and were annihilated. As a new American, and as Lore Kahane grew older, she remained always sensitive to her good fortune, and she determined to raise her children to enrich America, its people and its culture.

For son Jeffrey, music is the means by which he fulfills his mother's mission. Soon after graduation from the San Francisco Conservatory of Music, he made his debut as a classical concert pianist at Carnegie Hall in 1983. He has become one of the best in the nation, appearing as soloist with great American, English, Austrian, and Spanish orchestras. Yo Yo Ma, Hilary Hahn and many famed performers have recorded with Jeffrey, as have many orchestras.

He made his conducting debut in 1988, and that has become a major joy to him and to his legions of admirers. A born educator, he brings to an audience not only magnificent music, but also fascinating and significant stories about the music and its composers. A particular goal for him is to educate and inspire youths who then become the audiences and the performers of tomorrow.

He has been creative director of the Los Angeles Chamber Music Orchestra for many years. For the past 10 years, he also has conducted the Santa Rosa Symphony Orchestra. During that time, he has built the orchestra into one of the outstanding regional symphonies in the nation. He also is Artistic Director of the Green Farm Music Festival in Sonoma County.

His outreach to this community has been unique. For example, he took his vision to the Fine Arts department of Santa Rosa High School and explained the meaning behind two great works—Benjamin Britten's *War Requiem* and Michael Tippett's *Child of Our Time*. Over many months, he worked with and inspired students and their teachers to create ballets, plays, art work, etc. that expressed the deep philosophies of these musical works. Then, on the nights when the two works were performed on stage, the students performed their creations and displayed their art work in the concert hall lobby.

This is just one example of his using music for messages that address great wrongs to humanity: war, poverty and, yes, the Holocaust. It has been actions such as these that have led to Maestro Kahane's being so well-loved and well-respected by his community.

Now he is leaving Santa Rosa to become Musical Director of the Colorado Symphony in Denver. He has promised to return frequently and play for Santa Rosans, many of whom he has educated to understand and love classical music. In the months and years to come, Denver will come to enjoy and respect this amazing performer and admirable human being.

We salute Jeffrey Kahane for his continuing contribution not only to entertainment but to knowledge and caring for the wonders of music as an expression of the best of humanit-y by young and older Americans and citizens of many countries.

And we bestow high gratitude to Lore Kahane, his mother, who brought light out of the darkness of the Holocaust by encouraging a son to make this world a better place with music.
Ms. Noel-Adolphe is founder and president of Sharing Hearts Network, a New York (FIT) with a degree in Management and Civic Communities of Brooklyn. After graduating from the State University of New York (FIT) with a degree in Management and International Trade and Long Island University with a Master's of Social Science degree, Ms. Noel-Adolphe entered the field of education as a NYC high school teacher—and later as Executive Director of The Performing Arts Teen Center. In this capacity, Ms. Noel-Adolphe was responsible for designing and implementing numerous after-school programs in Brooklyn that combined the academic needs of youths and their artistic talents.

Ms. Noel-Adolphe is a proud graduate of Erasmus Hall High School. She is a major contributor to and currently serves on the Board of Directors of Sharing Hearts Network, Inc., a nonprofit charitable organization recently founded to respond to the deterioration of the standard of living of poor children in Haiti.

Additionally, Ms. Noel-Adolphe is an active member of numerous professional and civic associations. Among them are: the National Association for the Advancement of Colored People (NAACP); The Brooklyn Chamber of Commerce; The Caribbean-American Chamber of Commerce and Industry (CACCCI); the National Black Women Health Association; the National Association of Women in Education and the Association for School Supervision and Curriculum Development (ASCD). Ms. Noel-Adolphe and her family including her 2 young daughters reside in South Midwood.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of this outstanding member of the Brooklyn community. Michele Noel-Adolphe is a proud graduate of Brooklyn Institute for Children (BIC), where she has worked since 1992. BIC has developed into one of the foremost early childhood facilities in Brooklyn and Ms. Noel-Adolphe has emerged as a leader in the education and civic communities of Brooklyn.

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Ms. Noel-Adolphe is a proud graduate of Erasmus Hall High School. She is a major contributor to and currently serves on the Board of Directors of Sharing Hearts Network, Inc., a nonprofit charitable organization recently founded to respond to the deterioration of the standard of living of poor children in Haiti.

Additionally, Ms. Noel-Adolphe is an active member of numerous professional and civic associations. Among them are: the National Association for the Advancement of Colored People (NAACP); The Brooklyn Chamber of Commerce; The Caribbean-American Chamber of Commerce and Industry (CACCCI); the National Black Women Health Association; the National Association of Women in Education and the Association for School Supervision and Curriculum Development (ASCD). Ms. Noel-Adolphe and her family including her 2 young daughters reside in South Midwood.

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Developing beneficial uses for produced water could reduce the costs of oil and gas development, while also easing demand for water—especially in the West—by alleviating drought conditions and providing water for agriculture, industry, and other uses. Energy and water—our most important natural resources—so it makes sense to pursue ways to produce more of both. I believe my bill is a step in this direction.

Here is a brief outline of the bill’s provisions:

Section One—provides a short title (“More Water and Energy Act of 2006”), sets forth findings, and states the bill’s purpose, “to facilitate the use of produced water for irrigation and other purposes and to demonstrate the availability of appropriated funds.” The bill shall terminate five years after the date of enactment.

Section Two—provides definitions of key terms used in the legislation.

Section Three—authorizes and directs the Secretary of the Interior, acting through the Bureau of Reclamation and the U.S. Geological Survey, to conduct a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the use of produced water for irrigation and other purposes and the legislative, administrative, and financial actions that could reduce or eliminate these obstacles. The study is to be done in consultation with the Department of Energy, the Environmental Protection Agency, and appropriate Governors and local officials, and the Interior Department will be required to seek the advice of experts and comments and suggestions from the public.

Results of the study are to be reported to Congress within a year after enactment of the legislation.

Section Four—authorizes and directs (subject to the availability of appropriated funds) the Interior Department to award grants to assist in developing facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the use of produced water for irrigation, municipal or industrial uses, or for other purposes. No more than one such project is to be in a State of the Upper Basin of the Colorado River (i.e. Colorado, New Mexico, Utah, or Wyoming), no more than one is to be in either Arizona or Nevada, and no more than one is to be in Texas. Grants are to be for a maximum of $1 million, and can pay for no more than half the cost of any project. Grants are also to be used for operation or maintenance of a project.

Section Five—authorizes appropriations to implement the legislation, including up to $5 million for grants authorized by section 4.

Mr. Speaker, I want to extend my congratulations to each of the members of the Terps Women’s Basketball Team for their outstanding performance last night and all season long. The members of the 2005–2006 Maryland Terps championship team are: Arinna Duron, Kalika France, Laura Harper, Crystal Langhorne, Christie Marrone, Ashleigh Newman, Aurelie Noirez, Jade Perry, Angel Ross, Kristi Toliver, and Sa’de Wiley-Gatcomb.

The fact that 5 players on the team averaged more than 10 points per game this season exemplifies the Terps’ selfless and team-oriented approach to the game. Last night’s performance exemplifies their ability to play with grace under pressure.

Mr. Speaker, I want to extend my congratulations to Coach Brenda Frese who, in only her fourth season as head coach, guided this splendid team to last night’s remarkable victory. I also want to extend my congratulations to Assistant Coaches Jeff Walz, Erica Floyd, and Joanna Bernabei, as well as to Director of Basketball Operations, Mark Pearson.

Finally, Mr. Speaker, I would be remiss if I did not put other collegiate sports teams on notice for the future: Fear the turtle!

THE BUDGET THAT HURTS WOMEN

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mrs. McCARTHY. Mr. Speaker, women live longer and have more health problems associated with aging. They also tend to have less retirement income, which affects their ability to deal with rising health and energy costs. As a result of these factors, the cuts proposed by this budget would affect women especially hard.

Mr. Speaker, last night’s game was the stuff of legends. The more experienced Duke took immediate control and built a 13-point lead with less than 15 minutes left in the game. Rather than succumb to frustration, the Terps patiently chipped away at the lead, with tough baskets from forward Laura Harper and freshman Marissa Coleman. With just seconds left in regulation, the Terps managed to cut the deficit to three points, setting the stage for the game’s electrifying conclusion.

Mr. Speaker, with 6.1 seconds left, Toliver dribbled around two screens and then nailed an audacious 3-pointer right over Bales. The shot capped the Terps’ 13-point comeback and sent the game into overtime, where the Terps sealed its stunning 78–75 victory with confident free throws from Kristi Toliver and Marissa Coleman.
our Nation’s foremost heroes in the civil rights crusade, including the Reverend Martin Luther King, Jr. Reverend Leach also served as the Manpower Director with Total Action Against Poverty (TAP). Even in his later years, Reverend Leach’s dedication as a grassroots activist was as energized and focused as ever, and is reflected in his contribution and leadership within grassroots political campaigns, including my own.

Mr. Speaker and colleagues, please join me in honor, remembrance and gratitude to Reverend Ralph Emerson Leach, whose life was defined by his steadfast commitment to his family and by his limitless passion to make his community, our Nation and our world, a better place. I extend my deepest condolences to his daughters and their spouses: Laura and Don, Rebecca and William, Naomi and Paul; to his son and his fiancée, Stephen and Sally; to his grandchildren, extended family members and many friends. His kindness, integrity, gentle guidance and service to others has made a difference in my life and in the lives of countless families and individuals, and he will be remembered always.

INTRODUCTION OF ROYALTY-IN-KIND FOR ENERGY ASSISTANCE IMPROVEMENT ACT OF 2006

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. UDALL of Colorado, Mr. Speaker, today I am introducing the Royalty-In-Kind for Energy Assistance Improvement Act. This bill is intended to make it possible for the Department of the Interior to implement a provision in the Energy Policy Act of 2005 that is intended to provide a new way to assist low-income people to heat or cool their homes.

For several years before 2005, the Department of the Interior had authority to develop "royalty-in-kind" arrangements under which companies developing federal oil could meet their required royalty payments by providing oil instead of cash. The Energy Policy Act expanded this provision to apply to natural-gas developers as well, and also added new authority for Interior to grant a preference to low-income consumers when disposing of natural gas it obtained under such an arrangement.

While this Energy Policy Act provision does not specifically reference the federal Low-Income Home Energy Assistance Program (LIHEAP), its implementation could benefit that program.

LIHEAP is intended to help low-income Americans pay for their heating and cooling costs. However, at current funding levels this critically important program serves less than 15 percent of those who qualify for it. Implementing the Energy Policy Act provision to grant a preference to low-income consumers would supplement LIHEAP funding and expand the amount of energy assistance available to the poor.

Last September, I joined my colleagues from Colorado in writing a letter to Interior Secretary Gail Norton asking her to consider beginning implementation of the new provision through a pilot program in Colorado. In the letter, we emphasized the importance of helping this country’s most vulnerable citizens, who are increasingly hard hit by rising energy costs.

In a reply to my office, the Interior Department responded that the Interior Department’s lawyers had reviewed the Energy Policy Act provision and had concluded that as it now stands it could not be implemented because the current law “does not provide the Department with the authority or discretion to receive less than fair market value for the royalty gas or oil.”

My bill is intended to correct the legal deficiencies in the provision as enacted to make it possible for the Interior Department to implement the program. In developing the legislation, my staff has reviewed the Interior Department’s legal opinion and has consulted with the Interior Department’s lawyers and with other legal experts. Based on that review, I think enactment of my bill will resolve the legal problems cited by the Interior Department and will enable the program to go forward.

Spring may be upon us, but hot summer temperatures and another winter are just months away. I believe the Energy Policy Act provision to help low-income consumers is an innovative tool that must be allowed to work. The Royalty-in-Kind for Energy Assistance Improvement Act would make this possible. I urge my colleagues to support this legislation and to support energy assistance for this nation’s most vulnerable residents.

Here is a brief outline of the bill:

Section One—provides a short title (“Royalty-in-Kind for Energy Assistance Improvement Act of 2006”).

Section Two—sets forth findings regarding the importance of LIHEAP and the intent of the relevant provisions of law regarding payment of royalties-in-kind and the conclusion of the Interior Department that the provision of the 2005 Energy Policy Act intended to allow use of royalties-in-kind to benefit low-income consumers cannot be implemented. This section also states the bill’s purpose, which is to amend that part of the Energy Policy Act in order to make it possible for it to be implemented in order to assist low-income people to meet their energy needs.

Section Three—amends the relevant provision (Section 342(j)) of the Energy Policy Act by—

1. adding explicit authority for the Interior Department to sell royalty-in-kind oil or gas for as little as half its fair market value in implementing that part of the Energy Policy Act under an agreement that the purchaser will be required to provide an appropriate amount of resources to a Federal low-income energy assistance program;
2. clarifying that such a sale at a discounted price will be deemed to comply with the Anti-deficiency Act; and
3. authorizing the Interior Department to issue rules and enter into agreements that are considered appropriate in order to implement that part of the Energy Policy Act.

These changes are specifically designed to correct the legal deficiencies that the Interior Department has determined currently make it impossible for it to implement this part of the Energy Policy Act.

McKEESPORT TIGERS WIN STATE CHAMPIONSHIP

HON. MICHAEL F. DOYLE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. DOYLE. Mr. Speaker, I rise today to congratulate the McKeesport Tigers on their 2005 PIAA Class AAAA state championship.

The Tigers’ 49–10 victory over the Bethlehem Liberty Hurricanes was one of the most outstanding performances ever in a state title game. I want my colleagues to know just how proud I am of their talent, hard work, and determination. They are an outstanding example of the many admirable qualities possessed by the people of Pennsylvania’s 14th Congressional District.

McKeensport’s second-ever state title capped off one of the greatest and most memorable postseason runs in Western Pennsylvania sports history. Their victory was indeed a team effort under the superb direction of coach George Smith, but there were several individuals who rose to the challenge and pulled through in the crunch. Quarterback Dan Kopolovich ran for three touchdowns and passed for another. On the Tigers’ defensive team, Travis McBride earned great distinction by returning an interception for a score. These athletes’ outstanding performances, ably supported by those of their teammates, resulted in one of the largest margins of victory in the state title game’s history.

I applaud the Tigers for their impressive displays of teamwork and perseverance. They have truly demonstrated the quintessential characteristics of Western Pennsylvanians in their run to the championship.

I want to extend my warmest congratulations to the Tigers, Coach Smith, and the entire McKeesport School District and wish them all the best of luck in the future and hope for much continued success.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

SPEECH OF
HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 29, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 609) to amend and extend the Higher Education Act of 1965:

Mr. MOORE of Kansas. Mr. Chairman, I rise today in opposition to H.R. 609, the College Access and Opportunity Act. H.R. 609 reauthorizes the Higher Education Act (HEA), including all discretionary programs under the HEA, such as Federal student financial aid programs, teacher training programs, and programs that provide aid to institutions of higher education serving minority populations. Reauthorizing the HEA provided the House with an exceptional opportunity to enhance our Nation’s future by making college more accessible and affordable. Unfortunately, H.R. 609 does not provide the investment in higher education
necessary to make college more affordable and to ensure our Nation’s future economic competitiveness and prosperity.

HEA reauthorization bills typically include all mandatory and discretionary programs in the HEA, and H.R. 609, as reported by the House Education and Workforce Committee, included both mandatory and discretionary programs. The recently enacted Deficit Reduction Act (P.L. 109–171) reauthorized the mandatory Federal student loan programs, but cut Federal student aid programs by $12.7 billion—the largest cut ever in the Federal student loan program.

Specifically, P.L. 109–171 doubles the origination fee for students getting Direct Loans from an effective 1.5 percent to 3 percent in 2006. Additionally, P.L. 109–171 requires lenders to collect a 1 percent fee on Federal Family Education Loans (FFEL) that may come directly from students’ pockets or the lenders’ own operating expenses. P.L. 109–171 also increases the fixed rate on parent loans to 8.5 percent (Under current law, beginning in July 2006 parent loans would have a fixed rate). Finally, P.L. 109–171 eliminates all mandatory spending for administration of all higher education programs, which shows a savings of $2.2 billion; however, the only way these savings can occur is if Congress chooses not to appropriate this money. If Congress does not appropriate these savings, the Department of Education would have to cancel certain non-loan programs, such as Pell Grants, TRIO, and Work Study programs.

H.R. 609 presented the House with an opportunity to correct these misguided increases in fees and rates on students and their families. Unfortunately, the House approved a substitute amendment for consideration of H.R. 609, which prohibited amendments from being offered addressing the fee and rate increases for students and their families.

Additionally, while H.R. 609 authorizes a maximum Pell Grant scholarship award of $6,000, the bill does not include any mandatory spending increases for Pell Grant funding, which will ensure that the amount actually appropriated remains frozen. For instance, the Bush Administration’s FY 2007 budget proposes to freeze maximum Pell Grant scholarship award at $4,050, where it has been held since 2003. This is troubling because, during this same period, the average tuition and fees at a four-year public college have risen by $1,593. Further, when adjusted for inflation, the maximum Pell Grant award is actually worth $900 less than the maximum scholarship 30 years ago.

I instead supported the Miller-Kildee-Scott-Davis-Grijalva substitute amendment that boosts college opportunities and makes college more affordable. Specifically, this legislation would offer the 3.4 percent fixed interest rate to students who take out subsidized loans between July 1, 2006, and June 30, 2007, which would lower the cost of college by $2.4 billion for students and their families. This amendment would have also repealed the single holder rule, which requires student borrowers to consolidate their loans with their existing lender. Under the substitute amendment, the borrower could choose which lender he or she wished to use to consolidate loans. Additionally, this substitute amendment would have provided options for nurses, including qualified teachers in bilingual and low-income communities, librarians, first responders, and other public servants.

With our Nation is facing increasing competition from rising economic powers, such as China and India, it is more important that ever that Congress work to improve the accessibility and affordability of a college education. Funding for higher education is an investment, not a cost, which will produce an educated, talented workforce to ensure our nation’s future economic competitiveness and prosperity.

TRIBUTE TO STAFF SERGEANT RICHARD A. BOETTCHER

HON. MARILYN N. MUSGRAVE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the patriotism and self sac- rifice of Staff Sergeant Richard A. Boettcher of Greeley, Colorado because of his service to our country during World War II.

Boettcher was drafted into the U.S. Army in his senior year of high school in 1945 and sent to Ft. Joseph T. Robinson, Arkansas for basic training. At first, his training focused on fighting the Germans in Europe, but when the European war ended, he was transferred to Camp Maxey, Texas. This camp trained sold- diers to fight the Japanese in house-to-house combat in anticipation of a ground invasion of Japan.

After his training was completed, he was shipped to the Pacific with the intent to join up in Okinawa with an infantry division known as “Timber Wolf.” This group had fought in Eu- rope and had been sent to Okinawa to invade Japan. Yet shortly before Boettcher arrived, President Harry Truman ordered the dropping of two atomic bombs, and Japan surrendered shortly thereafter.

Instead of fighting his way into Japan, Boettcher became part of the occupation force. He worked in an office position and was responsible for preparing payroll for over 500 military personnel using a small Royal type- writer. In rank he started as a Private 1st Class and rose to Staff Sergeant in less than one year. He returned home to Lincoln, Ne- braska in October of 1946.

Boettcher attended the University of Ne- braska for two years and then transferred to the University of Northern Colorado to com- plete his education. He continued to serve his country as a member of the Colorado National Guard and received a commission in 1953.

After owning a business for 46 years, Boettcher retired in Greeley, Colorado with his wife Irene of 58 years. Boettcher has three children, seven grandchildren and one great grandchild.

Mr. Speaker, I am honored to represent Mr. Boettcher and the other men and women who have given so much for our freedom. Like so many other members of his generation, Mr. Boettcher set aside his ambitions in service to his country as a member of the Colorado Nation Guard.

TRIBUTE TO JUDGE DENNIS REYNOLDS

HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to a great American, dedi- cated family man, proud Oregonian, outdoors- man, and a good friend of mine, Judge Dennis Reynolds. Over the last decade, Judge Rey- nolds has played a significant role in shaping the future of Grant County, today, as the Judge approaches retirement from elected public service, we thank him for his years of dedication and recognize the numerous con- tributions he has made during his 12 years in office.

Mr. Speaker, people in my part of the country have a long and rich heritage of being car- ing stewards of the land and responsible man- agers of the environment. This is a way of life
that Judge Reynolds has embraced, from his
days working in the lumber industry through
his many years of unselfish public service.
Judge Reynolds has never given up on his be-
 lief that to be an Oregonian is to love the land
and to treat it with great respect.
The Judge has worked tirelessly at the local
level to promote and support good steward-
ship and sound policies that protect our com-
munities and our precious forests from the
threats of catastrophic wildfire, windstorms,
and bug infestation. In a county where the ma-
jority of its land is in public ownership, it is im-
perative that county officials and local leaders
have a strong working relationship with State
and Federal Government. People in all levels
of government have appreciated Dennis’ polite
and straightforward approach. During his ten-
ure, Judge Reynolds has been an effective
leader, steadfastly advocating for the
wellbeing of all rural communities by pro-
moting an effective use of natural resources
that recognizes not only the economic value,
but also the social value of a productive envi-
ronment.
Mr. Speaker, as Grant County’s chief execu-
tive, he has led the county through tough fi-
cancial times, overseeing essential projects
that have improved the way of life for those
who reside in this beautiful Blue Mountain re-

gion of Oregon. These projects include the
construction of a new county health services
center, a new criminal justice center, a re-
model of the Grant County Courthouse, a new
facility to house the Grant County Road De-
apartment, and a new building for the fair-
grounds.
Mr. Speaker, although these projects of
building and mortar and concrete and steel will
benefit Grant County for many years to come,
Judge Reynolds’ real impact has been how he
has treated his fellow man and the heart with
which he has approached every task. Dennis
has cared deeply about the people he has so

terribly served.
Mr. Speaker, Judge Reynolds’ distinguished
accomplishments are well known throughout
Oregon. However, those who know Dennis
know that he would list his most rewarding ac-
accomplishments as marrying his wife Julie and
raising their three sons, Pelli, Beau, and Jake.
Mr. Speaker and colleagues, please
join me in honoring Judge Dennis Reynolds, a
man of vision, a man of heart, and a man of
service.

RECOGNIZING COACH GENO AURIEMMA UPON HIS SELECTION TO THE NAISMITH MEMORIAL BASKETBALL HALL OF FAME

HON. ROB SIMMONS
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SIMMONS. Mr. Speaker, I come to the
floor to recognize a man who has long been one
of Connecticut’s, and America’s, great
sports treasures.
For 21 seasons Geno Auriemma has
coached the University of Connecticut’s Lady
Huskies basketball team. During that time he
has led the Huskies to 5 national champion-
ships. His teams have compiled an incredible
record of 589 wins with only 116 losses. In his

tenure as head coach the team has gone to
the Final Four eight times and achieved two

perfect seasons—that is an NCAA record for

consecutive wins. He is the only coach to take

a team to 5 straight Final Fours. For the
2002–03 season Coach Auriemma was
named the Big East Coach of the Year as well as
the United States Basketball Writer’s Asso-

ciation Women’s Basketball Coach of the
Year; he was also named Coach of the Year
by the Associated Press.
His leadership, his personal integrity and his
deep commitment to his players, both on and
off the court, has now earned him the ultimate
recognition that his sport can bestow. This
year Coach Geno Auriemma will be inducted
into the Naismith Memorial Basketball Hall of
Fame in Springfield, Massachusetts. He is a
first-time candidate, which makes this honor
all the more a special.

The personal story of Coach Auriemma is
inspirational. It is truly an American story. Born
in Naples, Italy, his family was poor. At the
age of 7 Geno arrived in this country unable
to speak English. But he grew up to achieve
the American Dream.
His rise from poor Italian immigrant to one
of the most successful coaches in college his-
tory stands as an example of what happens
when hard work coupled with an indomitable
spirit meets opportunity.
In 1985, while assistant coach at Virginia,
Coach Auriemma was offered the head coach
position with the University of Connecticut
Lady Huskies. He had long desired such an
opportunity. Now, all these years UConn’s Lady
Huskies had no great tradition of winning and
no significant fan base. In their 11 year his-
tory, the Lady Huskies had compiled only 1

winning season. But the coach had a vision
and he took the job. He set goals for himself
and for his team and within a few years the
Lady Huskies were a rising force.

Through hard work, a profound under-
standing of his sport and the ability to motivate
his players in such a way that they draw the
best that is within them, Coach Auriemma has
transformed the Lady Huskies into a force to
be reckoned with on the court. UConn fans
across Connecticut and the United States look
forward every year to cheering on the Huskies
and they know they’re going to see a top team
that is prepared and ready for Showtime.

But the real lesson to be learned from the
Huskies is that winning does not begin on the
court. Winning begins in the preparation, both
mental and physical, and from the great
coaches teach their players and it is a lesson
all great athletes understand. It is some-

thing that all winners throughout our society
know. To prepare for a game or a test, to get
ready for a challenge or a certain moment—
that is what winning is about.

For more than 20 seasons Coach Auriemma
has been a winner and he has communicated
what it takes to achieve to the athletes that
have gone through his program. The fact that
those players have all gone on to attain suc-
cess long after they left UConn is a testament
to their mentor—Coach Geno Auriemma.

Congratulations, coach, and thanks for 21

wonderful seasons. We look forward to the
next 21.
IN HONOR OF LOVIS CLARISA HOWELL DOWNING
HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Lovis Clarisa Howell Downing of Hoxie, AR, a fine businesswoman, a friend, a devoted family member, and someone who spent her entire life trying to make others happy.

Lovis was born in Imboden on September 12, 1912. She grew up during World War I and the Great Depression, accepted a job as a school teacher, and eventually became the longtime owner of the Flower Basket in Walnut Ridge, AR, until she retired at the age of 79.

In addition to being a hard worker, Lovis was an active member of the Hoxie Methodist Church and the Hoxie Hocking Club. She was known for her service to the community, and was a frequent volunteer in church and civic activities.

Lovis and her husband Brooks Downing have one son, Terrell Henry Downing, II, of Hoxie, and two daughters, Dr. Suzanne Gibbard and Dr. Frances Hunter of Jonesboro. They also have nine grandchildren, Kyle Downing of Fayetteville, Amy West of Jonesboro, Jason Willett of Jonesboro, Felicia Willett of Memphis, Mike Deloache and Scott Hunter, Jr., of Jonesboro, Lisa Melton of Houston, TX, Kelley Pillizzi of Libertyville, IL, and David Gibbard of Memphis, and six great grandchildren.

I ask my colleagues to join me in recognizing Lovis Clarisa Howell for 93 years of achievement and contributions to her community. She opened her home to so many during her life, and will be remembered as a wonderful friend, grandson, great grandmother, friend, and a fine American.

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Ms. LOFGREN of California. Mr. Speaker, as in previous years, President Bush has proposed a budget that would harm women and girls across the country.

At a time when over two-thirds of low-income elderly people are women and 56 percent of Medicare beneficiaries are women, the President has proposed substantial cuts in Medicare, food stamps, and food delivery programs.

Top of the $22 billion cut in Medicare that was passed by this Republican-led Congress and the President in February, the Bush budget calls for $105 billion more in cuts over the next ten years.

The President’s budget also would eliminate the Commodity Supplemental Food Program which serves 420,000 seniors and 50,000 women and children with nutritious food packages, often delivered to their homes.

Replacing this home delivery food program with food stamps is not likely to be the solution for as most people on the program are elderly and in need of home delivered food to survive and maintain their health. Moreover, many people now on the food delivery program do not qualify for food stamps for various reasons. That does not mean they are not in need of home delivered food.

Even if we assumed food stamps were the answer for this group of seniors, women, and children, the Bush budget could cause 300,000 Americans to lose their food stamp benefits.

The problems with the Bush budget do not end with cuts in Medicare, food stamps, and food delivery programs. Bush also intends to cut programs that have helped women and girls succeed in education and the workforce.

In 1973, the Women’s Educational Equity Act (WEEA) was introduced by a champion for women, the late Representative Patsy Mink. For more than 30 years, WEEA has funded hundreds of programs to expose girls to careers traditionally dominated by men, develop teaching strategies for math and science that engage girls, and to help schools comply with Title IX.

At a time when the President is touting the need for a greater emphasis on science and math education, his budget would eliminate WEEA, along with $664 million in Federal Perkins Loan funds, just 2 months after Congressional Republicans cut college aid by $12 billion.

This comes at a time when only 21 percent of master’s degrees in engineering are awarded to women. The statistics are even worse for women of color. Of engineering master’s degrees awarded to women, only 11 percent go to Asian-American women, 4 percent go to African-American women, and less than 4 percent go to Latinas. It seems that the President’s “competitiveness agenda” does not apply to women.

Furthermore, instead of closing the wage gap, the Bush budget would increase the gap by eliminating Women in Apprenticeship and Nontraditional Occupations program (WANO), which provides grants to employers to help recruit, train and retrain women in non-traditional, well-paying jobs.

Statistics show that women in WANO were 47 percent more likely to enter a high-paying, technical occupation than women who were not a part of the program.

Bush would eliminate this program at a time when women still earn less than men—on average 76 cents to every dollar that a man earns. Moreover, in high-paying, high-technology jobs, women who hold Ph.D.s in computer science and engineering earn $9,000 less than men.

Women in the workforce faced with a wage gap and great need for child-care assistance would be turned away by the Bush budget.

Since the beginning of the Bush Administration, 250,000 children have lost their child-care assistance. Bush would continue that trend by freezing funding for the Child Care Development Block Grant for the fifth year in a row. At this rate, 400,000 more children will lose their child-care assistance in the next 5 years, creating a situation where 25 percent less children receive this assistance than did in 2000.

The Bush budget would also leave behind women who end up in violent situations, cutting $19.5 million in Violence Against Women programs and completely zeroing-out funding for new programs authorized by this Congress last year in the Violence Against Women Reauthorization Act of 2005.

From birth to old age and in their most vulnerable periods in life, the Bush budget would leave women and girls behind. I join my fellow members of the Women’s Caucus today to call on Congress to reverse the harmful effects of the Bush’s proposed budget on women and girls.

PROCLAMING APRIL 5, 2006
PATIENT ASSISTANCE DAY
HON. VIRGINIA FOXX
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Ms. FOXX. Mr. Speaker, I rise today to talk about an issue that affects all Americans—affordable medications. Millions of Americans lack health insurance and cannot access these vital innovations. While the government looks for sensible ways to help the 45 million uninsured citizens there are private-sector programs in place that are helping millions of Americans no matter where you live.

One program I have shared with my constituents is the Partnership for Prescription Assistance (PPA). The PPA is a national clearinghouse that links uninsured and underinsured people to patient assistance programs that offer drugs for free or nearly free. America’s pharmaceutical research companies, along with 1,300 community and patient organizations launched the PPA in April 2005 and have since helped more than 1.9 million patients. Given the rising cost of prescription drugs, any attempts made by the private sector to alleviate the burdensome costs should be applauded.

It is refreshing that this private-sector program has been so successful and committed to helping Americans in need access life-saving medicines. Mr. Speaker, I ask my colleagues to join me today in proclaiming April 5 “Patient Assistance Day” and do their part on this day to inform their constituents about the great service the PPA provides to Americans in need.

I have also included a statement from the Partnership for Prescription Assistance about “Patient Assistance Day” and an article from the Charlotte Observer that discusses the PPA’s many successes in North Carolina.

[From the Charlotte Observer, Mar. 21, 2006] PARTNERSHIP FOR PRESCRIPTION ASSISTANCE LAUNCHES NATIONAL “PATIENT ASSISTANCE DAY” CELEBRATION ON APRIL 5, 2006
WASHINGTON, D.C.—The Partnership for Prescription Assistance (PPA), a national program sponsored by America’s pharmaceutical research companies to help patients in need access prescription medications will commemorate its one-year anniversary by launching the first annual “Patient Assistance Day” on April 5, 2006 and announcing a major enhancement to the program. The celebration will consist of educational activities across the country to raise awareness of and help educate the public about patient assistance programs. The PPA has
A TRIBUTE AND COMMEMORATIVE STAMP TO HON SUGAR RAY ROBINSON

HON. CHARLES B. RANGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD a tribute to the legendary five-time world champion boxer Sugar Ray Robinson and to recognize the issuance of the Sugar Ray Robinson commemorative stamp.

Although the charming boxer was born Walker Smith, Jr., he is best remembered as “Sugar” Ray Robinson. Born on May 3, 1921 in Alle, GA, his parents moved the family to New York when Sugar Ray was a teenager to escape the prevalent prejudice in the South. It was there, in a Harlem gym, that he was first introduced to boxing. Sugar Ray visited the gym frequently, using a borrowed Amateur Athletic Union boxing card of a friend. The friend’s name, incidentally, was Ray Robinson.

His natural talent in the ring began to draw attention, and soon he gathered to watch Sugar Ray perform. When future coach George Gainford watched him box for the first time, Gainford commented that the young boxer’s style and fluid motions were “sweet as sugar.” Others agreed, and the nickname stuck. After winning the New York Golden Gloves championship in 1940, 19-year-old Sugar Ray turned pro and never looked back.

By 1946, Sugar Ray was the world welterweight champion. His reign included a 91 fight winning-streak. He held the title for 5 years, and then moved on to acquiring the world middleweight title, which he held five times between the years 1951–1960. A dominant force in the boxing ring for two decades, Sugar Ray was 38 when he won his last middleweight title.

In the mid-1960s, Sugar Ray exited the ring gracefully. Sugar Ray’s record was 128–1–2 with 84 knockouts at the pinnacle of his career. Amazingly, in over 200 fights, Sugar Ray was never physically knocked out, though he did receive one technical KO. Altogether, he amassed 109 KOs, and finished with a record of 175–19–6 with two no-decisions. World champion Muhammad Ali called him “the king, the master, my idol!” In 1997, The Ring magazine named Sugar Ray “pound for pound, the best boxer of all time.” In 1999, the Associated Press named him both the greatest welterweight and middleweight boxer of the century.

Sugar Ray Robinson passed away on April 12, 1989. Mr. Speaker, Sugar Ray Robinson is a true legend. I am very pleased to pay tribute to his legacy and also pleased to acknowledge the issuance of a commemorative stamp in his honor scheduled to be unveiled on April 7, 2006.

IN APPRECIATION OF DR. GLEN FENTER

HON. MARION BERRY
OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my great friends, Dr. Glen Fenter, President of Mid-South Community College, and the vision behind the economic renaissance converging in Arkansas’ Delta. Glen is a true leader, who has accomplished more over the past decade than most will accomplish in a lifetime.

As a graduate of Hendrix College with an Ed.D. from the University of Arkansas, Glen is committed to bringing educational opportunities to some of Arkansas’ poorest counties. A former principal of West Memphis High School, Glen accepted the challenge in 1992 to establish a new campus in Crittenden County. After securing local funding, and working with architects and board members to develop a master plan for $40 million of renovations, construction, and equipment, Glen led Mid-South Community College toward accreditation in 1998.

Glen’s vision has not only enhanced the quality of education in Arkansas’ Delta, but made a considerable impact on the surrounding business community. Since Glen accepted the position of President at Mid-South Community College, he and his companies have begun to notice the great possibilities in the region. They watched Glen secure millions of dollars for workforce training programs at the college, and they are excited at the possibility of working with highly skilled graduates prepared for careers in the automobile industry.

Thanks to the tireless commitment of Glen and his staff at Mid-South Community College, the Arkansas Delta has transformed into a place of full economic opportunity. I ask my colleagues in the U.S. House of Representatives to join me in thanking Glen for his selfless work on behalf of all the residents in our community. We are fortunate to have such a strong leader, a true friend, and a great American working to improve the quality of life in Arkansas.

IN HONOR OF JEAN BURNS SLATER

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the incredible career of one of my constituents, Jean Burns Slater, of Hollister. Jean is retiring as superintendent of San Benito High School after a 34-year career in education. I believe that education is critical to the strength of our Nation. The children who are in our schools now will be leading our country before we know it. I am grateful to Jean for her hard work in this department.

Jean’s 3½ years as superintendent of San Benito High School, she has made great improvements to the district and kept a strong focus on the well-being of her students. She has improved the lines of communication between the district, staff, students and the community. She has brought about the introduction of a leadership team and a superintendent’s advisory council for parents who choose to take an active role in their children’s education. She understands that the people in the community need to have a voice in the education of their youth, and she is confident that this has been achieved in her district.

In addition to this, Jean has worked with the board of trustees to improve the health of her...
students through the introduction of a new wellness policy which includes strict dietary reform. Reform such as this throughout the district will not only help to curb the growing childhood obesity rate, but will also help to improve the performance of students in the classroom. The holistic and central coast is an ideal area for the implementation of a policy of this type. We produce an abundance of fresh produce within our district and if students are eating what we are growing right here at home, complying with these new regulations will be a simple, healthy undertaking.

I commend Magi on his contributions to her district and her tireless efforts to improve the quality of life for the children who are the future of our country.

**IMMIGRATION REFORM**

**HON. HILDA L. SOLIS**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 5, 2006**

Ms. SOLIS. Mr. Speaker, I rise today in strong support of tolerant, effective, comprehensive immigration reform.

Half a million people, if not a million people, marched in Los Angeles to let the Senate know that enforcement and border protection-only approach will not solve our broken immigration system. 300,000 people in Chicago, 40,000 in Washington, DC, and 20,000 in Milwaukee and Phoenix marched to defend the hopes and dreams of immigrant families. Nearly 40,000 students across Southern California, including students at several schools in my district, marched for the rights of immigrants.

I urge my colleagues in this body and in the Senate to listen to the message which reverberated across the country and support a tolerant and effective immigration policy. We need effective legislation that strikes the right balance between national security and reforming our current immigration system.

This should include a path to permanency for the millions of law-abiding and taxpaying immigrants who call the United States home. It should reduce the long lines in the family immigration system to promote family unity and include measures to control the future flow of immigrants by providing them with legal avenues to live and work in the United States.

Several proposals under consideration by Congress have a different approach. Rather than fixing the broken immigration system, they worsen the myriad of enforcement only measures which have already been tried and which have failed.

For example, between 1990 and 2000 the size of the border patrol tripled, yet the number of undocumented immigrants increased. Between 1999 and 2004, the number of border agents in the Tucson, Arizona sector of the border increased by 56 percent, while the number of arrests increased by only 4 percent.

This enforcement only approach has done nothing to protect our Nation’s security. It merely encourages immigrants to cross in remote areas where it is more difficult to be caught, and where there is more likely to die. We must secure our borders. We need to know who is crossing our borders and living and working in our country for our national security. But, enforcement alone will not accomplish this goal.

I hope the U.S. Senate follows the lead of its Judiciary Committee and adopts legislation that will truly reform the system and enhance our Nation’s security.

I am pleased that the bill approved by the Committee includes the DREAM Act. As a member of the California Assembly, I authored the first bill to allow in-state tuition for outstanding California students.

Immigrant families are an important part of our social fabric and economy. Undocumented workers contribute as much as $7 billion a year into the Social Security system yet do not collect benefits. They fill an increasing share of jobs in labor-scarce regions and fill the types of jobs native workers often shun.

Immigrants and their families serve and sacrifice as members of our Nation’s Armed Forces. There are more than 35,000 people defending our Nation who are not U.S. citizens, and another 28,806 members of the military who have become U.S. citizens since the events of 9-11. Since September 11, 73 servicemembers have been granted posthumous citizenship. One of them, Francisco Martinez Flores of Duarte, was a constituent of mine. Their sacrifice is no less important to our country because of their immigration status. Undocumented workers are true neighbors, co-workers, fellow worshipers, and friends. Many of them want to stay in America and become full-fledged members of our society.

President Bush said “Immigration is an important topic. . . . We need to maintain our perspective. . . . At its core, immigration is a sign of a confident and successful nation.” I hope the Senate keeps this in mind and does not let itself be influenced by the demagogues in our media and in Congress.

As the proud daughter of immigrants, I value America’s history of treating the contributions that immigrants have made to America. For generations, immigrants all over the World have been welcomed by the Statue of Liberty’s message: “Give me your tired, your poor, your huddled masses yearning to breathe free . . . .” We should not forget that our ancestors struggled and yearned for the American dream as much as immigrants do today.

Today, I was pleased to join the Progressive Caucus in sending a letter to the Senate asking for real and comprehensive immigration reform. I urge my colleagues to adopt legislation which provides a real solution for our broken immigration system and reject enforcement-only proposals.

**A TRIBUTE TO THE LIFE OF GEORGE EDWIN ‘JETTY’ STEEL**

**HON. MIKE ROSS**

**OF ARKANSAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 5, 2006**

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of George Edwin ‘Jetty’ Steel, a dedicated lawyer and long-standing pillar of the Nashville, Arkansas, legal community and Howard County. He passed away on March 3, 2006, at the age of 89. I wish to recognize his life and achievements.

Jetty was born in Ashdown, Arkansas, on August 16, 1916. After graduating from Nashville High School, he attended Hendrix College and received a law degree from the University of Arkansas at Fayetteville. Jetty then began an impressive 67-year legal career in Nashville, where he served as the City Attorney of Nashville, Prosecuting Attorney of the Ninth Judicial Circuit of Arkansas, and a partner of Steel and Law Firm.

Jetty’s commitment went far beyond the legal community; he led a life of public service by offering unwavering support for institutions throughout Nashville. He served on the Arkansas State Police Commission for 19 years, Board of Directors of First National Bank in Nashville for 20 years, Board of Directors of Diamond State Bank, Board of Directors of Nashville Federal Savings and Loan Association for 33 years, Board of Directors of the Bank of Glenwood and Board of Directors of the University of Arkansas Alumni Association. He was also a member of the Arkansas State Racing Commission and a member of First United Methodist Church in Nashville.

Jetty will be remembered for his lifetime of dedication to his community. While he may no longer be with us, his spirit and legacy will live on in the hearts he touched throughout Nashville.

My deepest sympathies and heartfelt condolences are with his son, George Steel; his daughter, Donna Kay Steel Yeargan; his grandchildren, George, Linsley, Ashley, and Nate; his great-grandchildren; and to all those who knew and counted him as a friend.

**IN HONOR OF NEWSPAPER OWNER CONE MAGIE**

**HON. MARION BERRY**

**OF ARKANSAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 5, 2006**

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to Cone Magie of Cabot, Arkansas, a great journalist and businessman who devoted his entire life to public service. As an owner of five newspapers, Magi provided reliable and trustworthy news to Central Arkansas for more than 50 years.

Magi’s love of the newspaper business began as a young boy when he delivered papers for the Arkansas Gazette. He went on to serve as editor of the England High School newspaper, published a newsletter during his service in World War II, and upon leaving the service, studied journalism at the University of Arkansas. Magi took his first reporting job at the Madison County Record and eventually traveled to Washington, DC where he published a newsletter for the Arkansas and Iowa Farm Bureaus. After mastering reporting, Magi bought the Cabot Star-Herald in 1955 and eventually added four other newspapers to his company, Magie Enterprises, Inc. His other newspapers include the Carlisle Independent, the Lonoke Democrat, the Sherwood Voice, and the Jacksonville Patriot. Magi served as president of the Arkansas Press Association in 1967 and frequently testified before the Arkansas Legislature on issues impacting the media. Magi and his wife, Betty, were inducted into the University of Arkansas at Fayetteville’s Walter J. Lemke Department of Journalism Hall of Honor in 2005 for their significant contributions to Arkansas’ newspaper industry.
I ask my colleagues to join me in recognizing Cone Magie for a lifetime of achievement in journalism. His work informed thousands of citizens on local and international issues and inspired an active citizenry in central Arkansas. He will be remembered by many as a devoted businessman, a friend, and a great American.

TRIBUTE TO SUE AND GERALD TRECEE

HON. TED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. POE. Mr. Speaker, every year hundreds of people give their time, money, and dedication to others. Never is there a more shining example of volunteerism than my personal friends, Sue and Gerald Treece. Sue and Jerry Treece have been married for 35 years. They have two wonderful children, Lauren and Justin, who grew up with my four kids. The Treece’s have named a name for themselves throughout their community. They come from West Texas, and they have solid Texas values. They are both Texas educators and they are unafraid to use their hands, heart, and courage to lift people up. They have been on the Cy-Fair community. Jerry consistently has his hand on the wheel, and he is exceptionally busy in ensuring the security of our federal judiciary, where proceedings of late have been highly charged.

The District also continued its highly successful partnership with other federal, state, and local law enforcement entities through the Hawaii Fugitive Task Force, a unit of the Hawaii High Intensity Drug Trafficking Area that focuses on the arrest of dangerous fugitives wanted on federal and state felony warrants for drug-related crimes.

For his work on the Alaska Judiciary, United States Marshal Glenn Ferreria received the Hawaii Federal Top Cop Award by the Hawaii State Law Enforcement Officers Association.

This award is significant for the District as it is the first time, in its fifty year history, that the association has recognized a member of the Hawaii State Marshal’s Service with its highest honor.

The Treece’s change lives and lift people up. I am honored to have known them on a personal level and call them my friends and I am honored to join their community and the Cypress-Woodlands Junior Forum in honoring them today. They are great Americans and great Texans, and “the salt of the Earth.” That’s just the way it is.

I ask my colleagues to join me in recognizing Cone Magie for a lifetime of achievement in journalism. His work informed thousands of citizens on local and international issues and inspired an active citizenry in central Arkansas. He will be remembered by many as a devoted businessman, a friend, and a great American.

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CONGRATULATING THE DISTRICT OF HAWAII UNITED STATES MARSHALS SERVICE ON RECEIVING THE 2005 UNITED STATES MARSHALS SERVICE DISTINGUISHED SMALL DISTRICT DIRECTOR’S FASHION AWARD

HON. ED CASE
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. CASE. Mr. Speaker, I rise today to honor the outstanding work of the District of Hawaii United States Marshals Service, recipients of the 2005 USMS Distinguished Small District Director’s Honorary Award.

Last year, the District successfully accommodated significant workload and productivity increases in law enforcement and prisoner supervision functions. The District was also exceptionally busy in ensuring the security of our federal judiciary, where proceedings of late have been highly charged.

The District also continued its highly successful partnership with other federal, state, and local law enforcement entities through the Hawaii Fugitive Task Force, a unit of the Hawaii High Intensity Drug Trafficking Area that focuses on the arrest of dangerous fugitives wanted on federal and state felony warrants for drug-related crimes.

For his work on the Hawaii Fugitive Task Force, Criminal Investigator/Deputy United States Marshal Glenn Ferreria received the Hawaii Federal Top Cop Award by the Hawaii State Law Enforcement Officers Association.

This award is significant for the District as it is the first time, in its fifty year history, that the association has recognized a member of the Hawaii State Marshal’s Service with its highest honor.

I would like to extend a sincere mahalo (thank you) to Mark “Dutch” Hanohano, United States Marshal for the District of Hawaii, and to our District’s eighteen Deputy Marshals for their service and contributions to our community. I would also like to thank all our United States Marshals that work daily to keep our communities and our nation safe.

Mahalo, and aloha.

HONORING DR. CAROLINE L. LATTIMORE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to recognize my constituent, Dr. Caroline L. Lattimore of Durham, North Carolina, for her leadership, in the state of North Carolina, and nationally. A well-respected Associate Academic Dean in the College of Arts and Sciences and the Terry Sanford Public Policy Institute at Duke University, Dr. Lattimore is also the 15th Mid-Atlantic Regional Director for Alpha Kappa Alpha Sorority, Incorporated. As many of my colleagues know, Alpha Kappa Alpha is the nation’s oldest Greek-letter organization for African-American women, with more than 170,000 members worldwide.

For the last 4 years, Dr. Lattimore has led the Mid-Atlantic Region, which consists of chapters in my state of North Carolina and in the Commonwealth of Virginia. She will chair the 53rd Annual Mid-Atlantic Regional Conference in Crystal City, VA on April 13-16, 2006. The Regional Conference will be the culmination of her four year tenure as Regional Director.

Dr. Lattimore’s tenure as Regional Director has been one of intense activity, as she has almost single-handedly raised the visibility of the Sorority throughout the region. Specifically, Mr. Speaker, she has been the driving force behind the Sorority’s programs to promote educational excellence among K-12 and college students, particularly women and minorities; provide leadership development for the next generation of community leaders; support a myriad of community service programs; and encourage volunteerism. In addition, Dr. Lattimore is a founding member of the Alpha Kappa Alpha Education Advancement Fund and was architect of the Sorority’s registration of more than 200,000 new voters over the last few years. The basis for all of these endeavors has been Dr. Lattimore’s commitment to education.

Mr. Speaker, her work with the Sorority, in educational circles, and in the community has earned Dr. Lattimore numerous awards and accolades. Among them are: Ford Foundation National Fellowship; National Council of Negro Women—Woman of the Year in Leadership Roles; YWCA Women of Achievement Outstanding Woman Award; NAACP Freedom Fund Outstanding Service Award; and the J.C. Penny Golden Rule Volunteer Service Award, to name a few. She was also the Alpha Kappa Alpha International Representative to the 4th World Conference on Women in Beijing, China.

In every aspect of her service to the Alpha Kappa Alpha Sorority, Dr. Lattimore has been a dynamic and inspirational leader. She lives the motto for this Regional Conference: Alpha Kappa Alpha Spirit: Preserving Our Legacy.

As her representative in the United States Congress, I am proud to salute Dr. Caroline L. Lattimore for her accomplishments. I encourage my colleagues to join me in honoring her.
IN APPRECIATION OF DOUG SIMS ON HIS RETIREMENT

HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my good friends, Mr. Doug Sims, a great leader in agriculture and the cooperative movement in America. Doug will retire from his post as Chief Executive Officer of CoBank this June after serving farmers, ranchers, farm cooperatives and rural communities for nearly 37 years. This will mark the end of a very successful career, and a very successful period in CoBank’s history. I have had the pleasure of knowing and working with Doug Sims for many years. As a farmer and a farm cooperative member, I know CoBank has always been there for the cooperatives that serve farmers and the rural communities in which they live.

Doug Sims has served CoBank from a long history of experience in the Farm Credit System, beginning as a credit analyst for the St. Louis Bank for Cooperatives in 1969. From this humble post, Doug rose to be president and chief operating officer of the Farm Credit Bank of St. Louis.

While serving at the Farm Credit Bank of St. Louis, Doug acted as a key advocate for farmers, cooperatives, and the Farm Credit System, working with Congress and the Administration on critical legislation to protect the system from the agricultural economic and credit crises of the late 1980s. That far-reaching legislation paved the way for the modernization of the Farm Credit System, which has allowed the system to prosper and grow into the nation’s largest single lender to agriculture and rural America, with over $135 billion in assets.

Doug guided CoBank to new heights during his tenure with the company. Under his watch, CoBank nearly tripled its assets to $34 billion and enhanced its services to agricultural cooperatives, rural electric cooperatives, rural telecommunications companies, and agricultural lenders. As the financial services’ competitive landscape became increasingly challenging, Doug successfully oversaw mergers, opened overseas offices, and nurtured CoBank into a highly respected financial services company domestically and internationally.

Doug’s service extends beyond CoBank’s interests. He has served as Chairman of many other important organizations, including the National Council of Farmer Cooperatives, the Federal Farm Credit Banks Funding Corporation, the Graduate Institute of Cooperative Administration, the Graduate Institute of Cooperative Economic Development, and the FarmHouse Foundation in Kansas City, Missouri.

While I am confident CoBank and the Farm Credit System will miss Doug’s daily contributions, his leadership has established a strong foundation that will help these institutions continue to successfully support agriculture and rural America.

It has been my pleasure and privilege to know and work with Doug Sims for many years. I know that many of my colleagues will join me in wishing Doug and his wife Nancy many years of happiness, new challenges, and contributions in the years ahead.

DEMOCRATIC WOMEN’S WORKING GROUP BUDGET

HON. DEBBIE WASSERMAN SCHULTZ
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, violence against women is on the rise in this country. Sadly, young women have increasingly become victims of violence and domestic abuse in episodes on college campuses and in communities across America.

One-third of teens report some form of abuse in their romantic relationships. Forty percent of teenage girls report knowing a peer who has been hit by a boyfriend. These are our daughters, our sisters, our friends and our neighbors.

The idea that our society is still struggling to cope with such violence is simply unacceptable. We must do more.

Yet the Republican majority’s budget resolution mirrors the President’s budget suggestion to cut funding for Violence Against Women Programs by $19.5 million dollars—cutting the very programs that prevent domestic violence and aid survivors.

These programs are our first line of defense for battered women across the country—and too often, sadly—our last line of defense.

It is time to get our fiscal house and priorities in order. We must carefully consider the message we send to domestic violence survivors by cutting funding intended as a lifeline in their most vulnerable hour.

HONORING LULA TAYLOR, TONY TERESI AND JANE FAGERSTROM

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Lula Taylor, Tony Teresi and Jane Fagerstrom for their nearly 50 years of combined service in the Chautauqua County Legislature.

Lula Taylor is the first woman of color to be elected to a county leadership position. She was the district eleven representative for 13 years. Within the legislature and in the community Lula could always be found sitting on or serving as the chair of many committees. As a result of her positive attitude and desire to better her community, Lula had broken down so many barriers. It is truly remarkable what one woman can accomplish a positive outlook and a hardworking spirit. I commend Lula for her numerous years of hard work, dedication and contributions in the years to come.

Jane Fagerstrom was the first and only female chair of the Chautauqua County Legislature. That alone speaks volumes for her strong work ethic and desire to better her community. Jane has been involved with county government since 1972 but served in the legislature for 12 years. She served on and was the chair of many committees within the legislature. I commend Jane for her lifetime devoted to public service. She has truly demonstrated a love and devotion to her community.

Lula, Tony and Jane have all shown great dedication and excellence in their work and to their community, that is why, Mr. Speaker, I rise to honor them today.

ON WORLD HEALTH DAY: WORKING TOGETHER FOR HEALTH

HON. SILVESTRE REYES
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. REYES. Mr. Speaker, I rise today in strong support of World Health Day: Working Together for Health.

The main focus for this year’s celebration is to address the crisis in the health workforce. Health workers are the very heart of the health system, providing care to those in need. While we are facing a nationwide shortage of health workers, we are not alone. There isn’t a country in the world that is immune to the problem. Emphasis needs to be placed on solving the crisis.

With more than 100 years of experience, the Pan American Health Organization (PAHO) has been working hard to improve health and living standards in the Western Hemisphere. Recognized as the Regional Office for the Americas of the World Health Organization, PAHO works hard to improve health to vulnerable groups that include mothers and children, workers, the poor, the elderly, and displaced persons.

Established in 1943, the U.S.-Mexico Border Health Association (USMBHA) has helped promote a better understanding of health needs.
and problems. I applaud the efforts of the USMBAHCA for their leadership in the area of public health in the border region and their work fostering communication between both countries as we work together on common health issues.

This is the back in my hometown of El Paso, Texas, the Pan American Health Organization and the U.S.-Mexico Border Health Association will be sponsoring a health forum celebrating the work of promotoras and promotores from the El Paso del Norte region, which includes Texas, New Mexico, and Chihuahua. The event will celebrate the dignity and value of those who work hard everyday for health, and I am here today to help them in this important celebration.

Mr. Speaker, I urge all of my colleagues to join me in supporting World Health Day 2006: Working Together for Health, and I thank PAHO and the USMBAHCA for all their tireless efforts in support of better healthcare for the people of my community, the U.S.-Mexico border region, and the Americas.

BIRTHDAY CONGRATULATIONS FOR MRS. JOHNIE VOGT
HON. MAC THORNBERY OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. THORNBERY. Mr. Speaker, I rise today to congratulate Johnnie Vogt on the occasion of her 85th birthday. Johnnie Vogt was born Johnnie Campbell on April 21, 1921 in White Deer, Texas. She lived there until 1931 when her family moved to Canyon so that she along with her brothers and sisters could eventually go to college.

Mrs. Vogt attended school at West Texas State Teachers College, now known as West Texas A&M University. Upon graduation, she moved to El Paso, Texas where she taught school before enlisting in the Army in 1943. Mrs. Vogt served in the Army from 1943 to 1945, receiving her basic training in Georgia. She was also stationed in Iowa and Illinois. While in Illinois, she was one of a group of eight trained to become physical therapy aides for the Army. She served in that capacity until her discharge from the Army.

In 1946, Mrs. Vogt moved to Denver, Colorado and taught a basic course in finance at Lowry Air Force Base. When those courses were no longer being offered, she moved to San Bernardino, California in 1947 and taught school.

Mrs. Vogt subsequently returned to Texas and settled in Amarillo where she ran a nursery from her home. Her love of children, coupled with her teaching experience, led to the directorship of the nursery and nursery school at Northwest Texas Hospital. Upon completion in 1956 of courses in special education, Mrs. Vogt brought her specialty to the Amarillo Public School System. She then moved to Dalhart, Texas for a brief period of time where she taught English at the junior high school.

In 1960, Mrs. Vogt returned to Amarillo, resuming her Special Ed teaching, first at Bowie Junior High School until 1970, then at Caprock High School until retiring in 1981. Her commitment to children and dedication as an educator were evident by the extent to which she worked with students and the community, teaching life skills, preparation for entering the workforce, and building relationships within the community to ensure job placement upon graduation.

Mrs. Vogt has been active in her church, First Christian Church of Amarillo, teaching and singing in both adult singles and couples for over 20 years. She also sings with the Seniors Happy Timers and has been part of the bell choir.

Mr. Speaker, Mrs. Vogt is blessed with a wonderful, loving family. Mrs. Vogt’s husband, Leo, and her daughters, Trudi, Patti, Sandy, and her son-in-law, Bob McRae, and 11 grandchildren are justifiably proud of her. Her daughter Trudi is one of the outstanding public servants who serve the House and the Nation in the Office of the Clerk. And I suspect she learned the importance of service from her mother. Whether it be in the military, in teaching, in her church and community service, or in looking after her family, Mrs. Vogt has served others. It is in stories like hers that America’s greatness and goodness can be seen.

I join her family in wishing her a very happy 85th birthday.
CELEBRATING THE 40TH ANNIVERSARY OF CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate the faculty, staff, students and alumni of California State University, San Bernardino for 40 years of success in providing top-quality education for one of the most diverse student bodies in the nation.

I was a proud new member of my hometown school board in 1965 when state officials recognized the need for higher education in the Inland Empire and opened California State College at San Bernardino with 293 students and 93 faculty and staff members. The coverage area for the college was 27,000 square miles, taking in San Bernardino and Riverside counties. The first graduating class in 1967 was 59 students.

Since that quiet start, our local college has become one of the fastest-growing in the state. More than 16,400 students now attend and 3,500 graduate each year—more than 55,000 over the past 40 years. The college became California State University, San Bernardino in 1984.

California's higher education system is still considered one of the finest in the world, and the state university system produces 51 percent of all bachelor's degrees awarded by all public and private institutions in the state. The university system has calculated that the increased education level and earning power brought to our economy by these graduates is $25 billion a year. CSUSB alone is calculated to provide $500 million in expenditures annually and supports 10,000 jobs in our region through the ripple effects of salaries, construction, purchases and student spending.

The university now has five academic colleges, offering more than 70 degrees and certificates. The College of Education consistently ranks among the top CSU campuses that produce credentialed teachers, and many programs have gained national recognition. The university's Inland Empire Center for Entrepreneurship has been recognized among the nation's best by Entrepreneur Magazine.

CSUSB has had three dynamic presidents: John Pflau, Anthony Evans and Albert Karnig, the current president. I have enjoyed working closely with Presidents Evans and Karnig during my time in Washington. The university has utilized a number of small federal investments to create many successful programs, including the Water Resources Institute, the entrepreneurship center and a wide-ranging distance-learning program for the Department of Defense.

The university has been especially successful in partnering with local governments and community groups to improve the quality of life in San Bernardino County, and its student body is considered one of the most diverse in the state system—in fact, there is no majority ethnic group on campus.

In recent years, there have been many signs of a rapidly growing educational institution: Robert V. Fullerton Art Museum has a regional reputation for cultural contribution; Coussoulis Arena is the largest facility of its kind in the Inland Empire; and a permanent branch campus has been established in the rapidly-growing Coachella Valley.

Mr. Speaker, there is no question that in the past 40 years, California State University, San Bernardino has become one of the most important institutions in the Inland Empire, and a huge contributor to our state's economic future. Please join me in congratulating its faculty, staff and students for their past and future success.

RE: DELPHI BANKRUPTCY

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HIGGINS of New York. Mr. Speaker, few communities have suffered more from the decimation of the American manufacturing sector than Western New York.

In the Buffalo area of my youth, anyone willing to work hard enough could make a decent living for his or her family at one of our great industrial plants. It is no secret that those days are gone. Factories have closed, health care benefits have been dropped, wages have fallen and pensions are in trouble. Competition for remaining jobs is intense and those lucky enough to have a job live in constant fear that it will be outsourced or that their wages, health insurance or pension benefits will be cut.

One of the last bastions of good-paying manufacturing jobs in Western New York is the auto industry. Over 9,000 workers in my congressional district are employed at the Delphi plant in Lockport, the American Axle facilities which supply General Motors in Tonawanda and Cheektowaga, and the Ford Stamping Plant in Woodlawn.

So far, we have been lucky—as bad as things look now, they could be much worse. The Ford Stamping Plant was spared in the first round of plant closings Ford announced in January. And the Lockport plant will be one of the few to survive the recently announced Delphi closings. However, there will not be much relief for the Delphi workers in New York and elsewhere, because of unconscionable actions taken by the company in bankruptcy proceedings.

Delphi has asked the bankruptcy court to slash wages, jobs, healthcare and retirement benefits by voiding the collective bargaining agreements that were negotiated between the company and its workers. Such disregard for the collective bargaining process is incomprehensible in light of the fact that Delphi was recently able to come to an agreement with the United Auto Workers on an attrition program to save costs. Rather than flouting the collective bargaining agreements, Delphi should have re-engaged its workers in a good-faith manner to find a solution together.

If the bankruptcy court cancels the current contracts it will have devastating effects not only on the workers who rightfully relied on those agreements, but also on General Motors itself. This is a risky and unnecessary gamble Delphi is taking, and the economic health of thousands of families hang in the balance.

I strongly urge Delphi to reconsider its ill-advised request to cancel its contracts and to engage its workers in a constructive, good-faith manner that respects the collective bargaining process and the workers who depend on it.

H.R. 4882. THE VIETNAM VETERANS MEMORIAL VISITOR CENTER DEADLINE ENFORCEMENT ACT

HON. SILVESTRE REYES
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 4882, the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act.

The Vietnam Veterans Memorial was created to honor the more than 58,000 men and women who served and sacrificed their lives in the Vietnam conflict. Since its creation, the Vietnam Veterans Memorial has been the most visited memorial in our Nation's capital, with about 4,000,000 visitors each year.

As a Vietnam veteran, I have experienced the horrors of war and witnessed the sacrifice of the men and women who served honorably in Vietnam. The proposed Vietnam Veterans Memorial Visitor Center will allow future generations to better understand the Vietnam Conflict through exhibits and facilitated tours, and honoring those that have fallen in the line of duty.

It is time for Congress to enforce a deadline so that there is no further delay in the construction of the Visitor Center. Mr. Speaker, I urge all of my colleagues to join me in supporting this very worthwhile bill.

CHILDRESS REGIONAL MEDICAL CENTER

HON. MAC THORNBERRY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. THORNBERRY. Mr. Speaker, I rise today to congratulate Childress Regional Medical Center, in Childress, Texas, on being named one of the top 100 hospitals in the nation by a healthcare information and analysis company.

The ability to provide quality health care in rural regions of our Nation continues to face numerous challenges. Today, citizens who live in rural areas often travel hours to receive medical care, and facilities often experience difficulties in attracting and keeping health care providers.

For over 25 years Childress Regional Medical Center has served as a leading example of a full service rural health care facility. Its mission is to provide personalized, efficient, high quality healthcare services for all patients and their families and to serve as a center where physicians and qualified healthcare providers can practice under high technical standards in a productive, professional environment.

Graded on clinical excellence, responsiveness to the community, operating efficiency and financial health, Childress Regional Medical Center proves quality healthcare can be provided close to home for many in North Texas.

I am glad that the work and dedication by the staff of Childress Regional Medical Center...
has been recognized, and I hope their example will continue to help bring quality medical care to rural communities like Childress.

MANUFACTURING IN THE UNITED STATES FACES CHALLENGE

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. LEVIN. Mr. Speaker, since January 2001, the United States has lost 2.8 million manufacturing jobs. As a result, manufacturing states have seven of the ten highest unemployment rates in the country. But manufacturing affects us all, not just those workers who are directly engaged in manufacturing, because manufacturing has the largest employment “ripple effect” of any U.S. industry. During President Clinton’s administration, when manufacturing was growing and thriving, private sector growth was 2.4 percent. Under the current administration, it’s anemic 2.4 percent. Manufacturing is also responsible for nearly two-thirds of all private sector research and development.

Manufacturing in the United States faces serious challenges in the global marketplace, as our manufacturing sector competes with companies who get the benefit of a healthy workforce without having to shoulder the rising cost of health care, deal with skyrocketing energy costs, and often face an unlevel playing field when they sell their goods. Instead of standing up for our manufacturing employees and the men and women who employ, the Bush administration continues to sit on its hands as the manufacturing jobs crisis worsens. The workers who are harmed by that inaction deserve to be heard. Tonight, I’d like to read testimony several Michigan workers submitted to us about how the manufacturing jobs crisis is affecting them.

Sherry Lowell of Grand Blanc, MI writes: ‘‘For the past 27 years, I have worked as a Journeyman Toolmaker for GM-Delphi in Flint, MI. My marvelous experience as a tradesman began when I was 30 years old. At the Flint East site, I was the 7th female to graduate as a tradesman. For over three decades, I believed that I was an integral part of the team with the goal of producing products with first time quality at a profit. The wages that I earned were appreciated and getting dirty and greasy were part and parcel of my job as a toolmaker. I have fulfilled my promise to the corporation for the past 27 years to faithfully come to work, work hard at work, despite cold (45 degrees) and hot (108 degrees) and dirty environments, and buy GM/AC products.

The promise of a defined-benefit pension was very important to me. Furthermore, financial planning for my old age has been threatened by corporate raiders of pension funds and the possibility of Social Security benefits ceasing. I would appreciate Congressional efforts to support the men and women of manufacturing skilled trades and production protecting the pensions they were promised.’’

Patricia Neal of Clinton Township, MI writes: ‘‘I have been a UAW member and a GM employee for 28 years. I live in Clinton Township, MI. At some point in time nearly every UAW General Motors worker in America has had to hear, that we are ‘over paid and under worked’. Every headline that screams out to the public, pointing a scolding finger at UAW represented auto workers, is not only demoralizing and degrading it is downright degrading.’’

‘‘We, UAW workers, make the products put before us, we drive the fork trucks, we stand on the steel plated or concrete floors, we tighten the nuts and bolts, we handle the machines, we know the new process up to and beyond but we do not make the decisions. We do the work. We want to see GM make a profit, we want GM healthy.’’

Charles McCrory of Southgate, MI writes: ‘‘I am a 54 year old married hourly worker after 30 years of service. I have worked hard for GM and the UAW. I have always purchased GM products over the years. I want GM to keep their promise to me with the contract I signed when I retired. I retired and gave up my position to another worker to pay taxes and make a good wage.

‘‘With the possible problem at GM I if were to lose any pay what-so-ever I’d be in a tight spot. Where does all the money come from to even bury me when the time comes. We have never lived beyond our means at all. We have been able to pay for college for our 2 children, have a small home paid for. There is a small savings for future use after 62 years of age. With our retirement we do OK but must do not. I have already gone out and have taken another job just because I am not sure what is going to happen at GM.’’

I hope President Bush and my colleagues in the House will hear these workers and the millions like them and begin work on a real agenda to preserve and expand our manufacturing sector and the quality products and jobs it produces.

INTRODUCTION OF THE JOBS CREATION INCENTIVE ACT OF 2006

HON. JOE KNO LEN BER G
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. KOLLENBERG. Mr. Speaker, I rise today to introduce a very important piece of legislation to address a very serious problem. As you are aware, I am fortunate enough to claim the majority of California’s Eastern Sierra Mountains as part of my district. My legislation calls for three wilderness additions: the Hoover Wilderness Addition, the Emigrant Wilderness Addition, and the Amargosa Wild and Scenic River Addition. The Hoover Wilderness Addition rests in between Yosemite National Park, the existing Hoover Wilderness, and the Emigrant Wilderness, and designates 39,680 acres of 11,000 foot mountain peaks, glacial valleys, alpine lakes, and conifer forests as protected wilderness area. The Emigrant Wilderness addition lies adjacent to the existing Emigrant Wilderness, and claims two miles of the Pacific Crest Trail. The Amargosa Wild and Scenic River Addition designates a 24-mile stretch of river as protected, and divides the section into three parts: wild, scenic, and recreational.

Mr. MCKEON. Mr. Speaker, today I take pleasure in introducing the Eastern Sierra Rural Heritage and Economic Enhancement Act.

As you are aware, I am fortunate enough to claim the majority of California’s Eastern Sierra Mountains as part of my district. My legislation will protect some of the most pristine land in California for the enjoyment of my constituents in the 25th District, and the visitors we welcome to the Eastern Sierra’s each year. My legislation calls for three wilderness additions: the Hoover Wilderness Addition, the Emigrant Wilderness Addition, and the Amargosa Wild and Scenic River Addition. The Hoover Wilderness Addition rests in between Yosemite National Park, the existing Hoover Wilderness, and the Emigrant Wilderness, and designates 39,680 acres of 11,000 foot mountain peaks, glacial valleys, alpine lakes, and conifer forests as protected wilderness area. The Emigrant Wilderness addition lies adjacent to the existing Emigrant Wilderness, and claims two miles of the Pacific Crest Trail. The Amargosa Wild and Scenic River Addition designates a 24-mile stretch of river as protected, and divides the section into three parts: wild, scenic, and recreational.
Given the popularity of these areas, it is necessary to find a compromise between protection of the land and local wildlife, and recreational sport. This legislation provides such a compromise, affording land for recreation and preservation. Preserving wilderness areas for future generations is imperative, and I am pleased to present this bill as an opportunity to do so.

Mr. Speaker, this legislation is the result of a great deal of compromise, cooperation, and support. Assistance from the Mono County Board of Supervisors which claims the Hoover and Emigrant Wilderness Addition, and the Inyo County Board of Supervisors which claims the Amargosa River Addition has been vital to the introduction of this legislation. This bill required compromise and cooperation between the local environmental community and the Bureau of Land Management, and I am pleased with the agreement that has been reached by both parties. Support from Senators DIANNE FEINSTEIN and BARBARA BOXER, as well as my constituents in the 25th District make it a distinct pleasure to introduce this legislation, and I encourage my colleagues to support the Eastern Sierra Rural Heritage and Economic Enhancement Act.

CECIL D. ANDRUS ELEMENTARY SCHOOL

HON. C.L. “BUTCH” OTTER
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. OTTER. Mr. Speaker, I rise today to call the attention of the House to a most important lesson in civic virtue.

We hear much today about the shortcomings of our system of government. I am growing sense of frustration and despair on the part of students, parents and policy makers. Today I have the honor and privilege of telling you about a success story that we all can celebrate.

The heroes in this story are fifth graders at Cecil D. Andrus Elementary School in Meridian, Idaho. I recently received almost 30 letters from these young Americans requesting that I do whatever I could to stop Congress from removing funds that pay for the “We the People...” civic education program at schools throughout America. Mr. Speaker, these students are to be congratulated and encouraged to continue participating in the process of our government, to fully realize their potential as citizens of our great nation. I also congratulate their teacher, Heidi Fry and their principal, Barbara Horn, whose dedication and example have worked their magic with these students.

As a side note, the namesake of the school those children attend—Cecil D. Andrus—was Secretary of the Interior during the Carter administration and four times was elected governor of the great state of Idaho. I served with Governor Andrus as Lieutenant Governor during his third and fourth terms. He was a leader who put great store in the value of educating Idaho’s young people to prepare them for shouldering the responsibility of freedom and the stewardship of our human and natural resources. He also placed great importance on people meaning what they say and keeping their word—especially those in positions of public trust.

In closing I should like to add the names of these students to the CONGRESSIONAL RECORD so that one day in the not-too-distant future, when citizens of Idaho and this Nation are reviewing the background of their generation’s leaders, I’m confident these names will surely be among them.


Mr. Speaker, I ask you and all my colleagues to recognize the value of the “We the People...” program and help me restore the funding. Let’s keep our word to these Idaho students, and to the generations of American students yet to come.

NIDIS BILL

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HALL. Mr. Speaker, today I rise to introduce a bill to create a National Integrated Drought Information System (NIDIS). Our nation is unfortunately very aware of the damage droughts bring to our citizens. In my home state of Texas, the wheat crops have been decimated by drought conditions, producing the worst ratings in 20 years. My own home district in northeast Texas is experiencing the most severe damage statewide from the drought. In Mississippi, farm ponds have been drying up in record numbers, and in Oklahoma, the wheat crop rated 58% poor to very poor. Droughts cause between $6 billion and $8 billion a year in direct estimated losses to the U.S. economy, and they have devastating impacts on our society.

While we cannot change the weather, we can do a better job predicting, monitoring, and mitigating this problem. Our nation needs a comprehensive drought information system that would require each successive generation to learn and embrace the value, price and responsibility of living in a free country.

No greater testament could exist to the value of this educational program than the words of these young people, Mr. Speaker. No more compelling argument could be made for the continued existence in our schools. I therefore gave them my word I would do what I could to restore the funding.

As a side note, the namesake of the school those children attend—Cecil D. Andrus—was Secretary of the Interior during the Carter administration and four times was elected governor of the great state of Idaho. I served with Governor Andrus as Lieutenant Governor during his third and fourth terms. He was a leader who put great store in the value of educating Idaho’s young people to prepare them for shouldering the responsibility of freedom and the stewardship of our human and natural resources. He also placed great importance on people meaning what they say and keeping their word—especially those in positions of public trust.

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Mr. Speaker, I ask you and all my colleagues to recognize the value of the “We the People...” program and help me restore the funding. Let’s keep our word to these Idaho students, and to the generations of American students yet to come.

THE OCCASION OF THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MICHAEL R. MCNULTY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. April 24th will be the 91st anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world’s greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the
HONORING REGINA MARIE CATANISE

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Regina Marie Catanise who peacefully passed from this earth on Tuesday, April 4, 2006, at the age of 88.

The wife of the late Raymond Catanise, Mrs. Catanise, affectionately known as “Gina,” was a cherished member of her community of Waterloo, NY, and was loved by one and all who knew her.

Survived by her three children, her son the Reverend Joseph Catanise, her daughter Candida Catanise, and her other son, Richard, Gina is also survived by two sisters, two brothers, four grandchildren, six great grandchildren, and several nieces, nephews, cousins and dear friends.

I take this moment to honor Gina Catanise, Mr. Speaker, because of the closeness felt to her by my friend, Richard Catanise. Richard spoke to me very often about his family in general and about Gina in particular. While I know today that Richard and his entire family’s loss is great, I know, Mr. Speaker, that the entire Catanise family knows and understands the depths of the love felt for them by their mother, Gina.

I want to thank you, Mr. Speaker, for allowing me the opportunity to honor the memory of a great New Yorker, a woman who gave of herself to family, friends and community throughout her life. I am pleased that these remarks will remain a permanent part of the Congressional Record in perpetuity, so that generations to come may reflect upon the life and contributions to family and community made by Regina “Gina” Catanise. May her soul rest in eternal peace.

IN RECOGNITION OF JOHN WHEELER, CALIFORNIAN SMALL BUSINESS PERSON OF THE YEAR

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. FARR. Mr. Speaker, today I rise to recognize and congratulate Mr. John Wheeler of Carmel, California. Next week, Mr. Wheeler will be honored as the Small Business Person of the Year for California.

Mr. Wheeler has succeeded through ingenuity and hard work to turn Peninsula Pure Water, Inc., into a very successful business in a short span of time. In the help of a Small Business Administration-backed loan, Mr. Wheeler bought a bottled water company in 1998 with just 50 customer accounts and 70 daily local deliveries and grew the operation into a business with 24,000 customers, and a net income of $275,000. Beyond his resourcefulness and sheer determination, Mr. Wheeler has shown himself to be a model employer, personally training all new hires and offering to pay half of their tuition costs if they attend college.

Small businesses continue to be the engine of both the Californian and U.S. economies. The success of entrepreneurial businessman like Mr. Wheeler reminds everyone that the American dream is still alive and well. I again congratulate Mr. Wheeler on his well-deserved award as the Californian Small Business Person of the year and wish him much success as he continues to expand Peninsula Pure Water, Inc.

INTRODUCTION OF “FAIRNESS AND ACCOUNTABILITY IN REORGANIZATIONS ACT OF 2006”

HON. JOHN CONYERS, JR.
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. CONYERS. Mr. Speaker, today I am introducing the “Fairness and Accountability in Reorganizations Act of 2006,” legislation designed to protect the rights of workers during corporate bankruptcy proceedings which give greater weight to large corporations and the executives who run them.

Many recent corporate bankruptcy filings, including that of the Delphi Corporation, have come under fire for the extravagant bonus packages they reserve for executives while regular workers are forced to accept drastic pay cuts or even job losses. We need legislation to ensure that workers and retirees receive the fair treatment they have earned when their company is facing bankruptcy.

The Fairness and Accountability in Reorganizations Act of 2006 would guarantee that workers are treated more fairly by limiting executive compensation deals and requiring corporations to provide a more accurate picture of their holdings before attempting to modify collective bargaining agreements or promised health benefits during reorganizations. More specifically, this simple and effective legislation would:

- Require any executive bonus package to be approved by the bankruptcy court for any corporation undergoing or connected to a bankruptcy reorganization plan.

- Consider the debtor company’s foreign assets when determining whether or not a company can modify its existing collective bargaining agreement. Some international corporations that are struggling domestically use their losses at home to justify breaking contracts with American workers while their overall company is still thriving.

- Require the bankruptcy court to take into account the debtor company’s foreign assets when determining whether or not to modify the company’s retiree health benefits.

- Require that its provisions apply to any chapter 11 bankruptcy case, filed or pending on or after October 1, 2005.

- Congress has gone to great lengths to grant advantages to creditors and big business over ordinary Americans. It is time that we include the interest of working families in the bankruptcy law. My legislation would therefore add a small measure of fairness to a playing field that is overwhelmingly tilted against workers.

A TRIBUTE TO PLAINS COTTON GROWERS

HON. RANDY NEUGEBAUER
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. NEUGEBAUER. Mr. Speaker, this morning I rise to honor an organization based in the 19th district of Texas that has played a vital role in West Texas for half a century.

In 1956, a group of West Texas cotton farmers and agricultural businesses came together to form Plains Cotton Growers. Today, PCG represents cotton growers in 41 counties throughout the High Plains and Panhandle of Texas. These growers produce nearly 20 percent of the nation’s cotton crop each year.

In the 50 years since its creation, PCG has attained a much-deserved reputation as an organization that producers can trust and rely upon for a wide range of services and information. Under the leadership of presidents from W.O. Fortenberry to Rickey Bearden, PCG has promoted regional cotton interests, served as a resource for cutting-edge agricultural research, and provided its members with information on important legislative matters.

If there is an issue in Congress affecting cotton farmers, their firms, Cotton Growers is on top of it. PCG provides the invaluable service of informing its members on agricultural policy being debated in the Capitol in both Washington, DC and Austin, Texas. PCG also ensures that its members have a voice in both Capitols as it keeps legislators abreast of the views and concerns of its farmers.

To the staff and members of Plains Cotton Growers: Congratulations on your 50th anniversary and thank you for your service to the people of West Texas.
INTRODUCTION OF THE NATIONAL SCIENCE FOUNDATION SCHOLARS PROGRAM ACT

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the National Science Foundation Scholars Program Act to support students who wish to be scientists, technicians, engineers, and mathematicians.

Although not every student in America needs to become a scientist, technician, engineer, or a mathematician, those who are headed that way need our support for what they contribute to the long-term economic health of our nation. This merit-based financial support gives consideration to financial need and to the goal of supporting underrepresented groups as defined in the Equality in Science and Engineering Act.

The United States needs to improve our technical and scientific workforce for the success of our nation in the unfolding global knowledge economy. Although we still educate many foreign students in our graduate science, technology, and engineering, and mathematics departments across the nation, we no longer keep these talented, well-trained individuals here; they want to return to their home.

We must create and retain our highly-skilled, well-trained scientific and technical workforce here rather than be dependent on work abroad.

Increases in tuition at colleges and universities in the United States have outpaced inflation for the past two decades. The increases are especially large at public 4-year colleges. The NSF Scholars program would serve as a real inducement to students who would augment our highly-skilled, highly technical work force.

As we move to a global knowledge economy, Juan Enriquez gives us warning for the future of our nation. Such success be achieved. I am honored to that it is only by embracing the importance of recreation and parks system, water supply and hospital systems.

The history of this city further demonstrates that it is only by embracing the importance of community, cooperation and shared vision can such success be achieved. I am honored to stand and shine a spotlight on the city of Coalinga, as they celebrate a century of pride and progress.

IN HONOR OF ADRIENNE JONES

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Adrienne Jones, who was awarded the 2006 New Castle County Delaware Chamber of Commerce’s William V. Roth, Jr. Citizenship Award. The late Senator Roth would have been extremely proud to see the award which bears his name go to such a deserving individual.

Adrienne has been described by her guidance counselor at A.I. DuPont High School in Wilmington, Delaware as “scholarly, mature, focused and friendly.” Senator Roth conducted his business in a focused manner but always went about it in a friendly way. This is why he was able to do so much for so many people across our great nation.

Adrienne has exhibited an excellent academic record in her high school studies. She possesses an outstanding work ethic and selected a quite rigorous college-preparatory curriculum including three advanced placement courses and eleven honors level courses. She

also committed to the study of two foreign languages, Spanish and Latin. By the time she graduates, Adrienne will have completed seven years of foreign language study.

While maintaining a full study schedule, Adrienne finds significant time to contribute to her community. Senator Roth was well known in Delaware for his tireless work on behalf of his constituents. Adrienne has earned this award by dedicating herself to community organizations such as the A.I. DuPont Hospital for Children, the National Youth Leadership Forum on Medicine, and the Delaware Community Foundation’s Youth Philanthropy Board.

I congratulate and thank Adrienne for all she has contributed to the State of Delaware. She is an exemplary citizen and a proud American. Senator Roth would have been extremely pleased with the work Adrienne has done to help her fellow Delawareans, just as I am today.

PAYING TRIBUTE TO LILIAM LUJAN HICKEY

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Liliam Lujan Hickey who through her extensive and diversified experiences, has established herself as a successful small business owner, effective manager of professional, specifically in the Hispanic-American community. Through her ardent desire to serve others, she has been personally and extensively involved in promoting educational programs in Las Vegas, as well as the entire state of Nevada. She will be honored on April 19th, at the formal dedication of Liliam Lujan Hickey Elementary School, which was named in her honor.

In the business world, Liliam has truly made a name for herself. She is owner and chief executive officer of Lujan Development, a property management firm. In 1980, she formed L H System International, a business consulting and sales company with customized training for professionals.

Although born in Havana, Cuba, Liliam has resided in Las Vegas, Nevada for over thirty-six years. As a resident of Nevada, her list of achievements and volunteer service is impressive. Liliam established Career Day for high school students, which has awarded over $300,000 in scholarships to hundreds of needy Hispanic students. She also served as co-founder and president of the Classroom on Wheels, a program which has facilitated educational, medical, and dental services to disadvantaged preschool children.

Liliam was director for the Congressional Award Council of Nevada and co-chaired the Southern Nevada Education Coalition, a non-profit organization working towards a drug and alcohol-free lifestyle in Las Vegas schools and communities. She also served as chairperson of the Urban Emphasis Committee for the Boy Scouts of America.

She is co-founder, past president, and board member of the Latin Chamber of Commerce. She was one of only two professionals selected from Nevada to attend the White House Hispanic Leadership Reception held by
practitioners, for example, who are among the best qualified, are significantly deterred, and the court loses judicial talent that would otherwise be available.

The present anomaly has forced the Superior Court to use senior or retired judges inappropriately. Because they are retired, senior judges take on particular cases or a full calendar temporarily, for up to a year. However, inasmuch as confirmed active or permanent judges often cannot be immediately seated, there is no judge to maintain the court's calendar, one for criminal court and the other for restraining orders and warrants. Consequently, several senior judges have taken on this indispensable duty since 2003. While senior judges, of course, take on cases, they do so at their discretion. It should never be the case that senior judges perform an important regular and vital function of the court for years at a time.

I ask that this bill be approved to remedy this problem in the D.C. court system that results entirely from congressional action.

INTRODUCTION OF THE CONGRESSIONAL TEACHER AWARD PROGRAM ACT

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Congressional Teacher Award Program Act, establishing the Congressional Teacher Award.

This is a moment for Congress to raise the level of respect for teaching across the nation. Although we cannot legislate that the nation's most important profession be paid more, we can recognize the dedication, hard work, and excellence that all teachers bring to the classroom every day.

This act creates a bi-partisan, bi-cameral commission to determine a nonprofit entity to establish and operate the Congressional Teacher Award. This award would be given each academic year to highly-qualified, hardworking teachers who change the lives of students. As funds raised by the nonprofit entity allow, awardees would receive a scholarship to attend a professional development opportunity of their choosing.

The teachers receiving the award must be certified, have been teaching for 5 consecutive years in a public or private school elementary or secondary school, and demonstrate a commitment of service to his or her school, maintain high standards for students, and incorporate multiculturalism, technology, interdisciplinary studies, student centeredness, and current issues in lessons, classroom activities, and special presentations. An application with letters of recommendation would be required.

Each Member of Congress would get to celebrate a teacher in his or her district each year. This continued focus on excellent teaching will wash over on the level of respect for teaching in America. Henry Booker Adams said, "A teacher affects eternity; he can never tell where his influence stops."

Congress does have influence; people and nations take their lead from us, and it is time that we lead the celebration of those who helped us reach this professional level—our teachers.

IN RECOGNITION OF LEONARD HALL'S 100TH BIRTHDAY

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise today to recognize Leonard Hall of Armona, California who will be celebrating his 100th birthday on April 24, 2006.

Mr. Hall was born in 1906 to parents Clarence R. Leonard and Ida Mae Hall. Leonard learned at a young age the daily routine of life on a farm. When he was in his early twenties, Leonard began farming on his own. Soon his business grew to include cattle and sheep he also raised and sold cattle. Mr. Hall successfully ran his business for about 80 years.

Leonard Hall once stated, "I think everyone should give back something to the community where they lived. How else are we going to keep our memories alive?" These were not words without substance—Mr. Hall is a great advocate for his hometown and has financially supported several important projects within Kings County.

In remembrance of his wife Katherine, he gave financial support to the Burns Park Museum in Hanford. The museum recognized the gracious gift by dedicating the new wing of the museum in her name. The Hanford Carnegie Museum also benefited from Mr. Hall's generous donations. With his help the institution was able to install a new foundation and also introduce the original Beacon Oil office as an historical exhibit.

Perhaps the most poignant of his contributions is the funding he provided to help restore the Grangeville Church, which is known as the first church of Kings County. For Mr. Hall, the renovation was not just for the purpose of historical preservation but it was a way for him to honor the memory of his parents, who were wed there at the turn of the century.

Leonard Hall's generosity is his way of saying thank you for all the wonderful memories. During this momentous occasion of Leonard Hall's 100h birthday, I would like to wish to him and his family all the best. I would also like to extend, on behalf of the residents of Kings County, heartfelt appreciation and gratitude for Mr. Hall's generosity that has helped preserve the past for the generations of the future.

IN HONOR OF DONALD R. KIRTLEY
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Donald Kirtley, who was awarded the 2006 New Castle County Delaware Chamber of Commerce's Wallace M. Johnson Community Service Award. Over the past 7 decades, Don...
has been committed to providing better opportunities for children, improving healthcare, and expanding access to the arts for so many in the community.

Don has dedicated time to a variety of organizations in the State of Delaware, including a 20-year affiliation with the Boys and Girls Club and a 25-year affiliation with the Greater Open House. He has been on the United Way of Delaware’s Campaign Committee numerous times and is a founding member and chairman of the board of the Arts Consortium of Delaware. His resume is truly amazing and all Delawareans are thankful for Don’s service.

A telling quote comes from Julie Van Blarcum, Chairwoman of the Arts Consortium of Delaware, who said “He’s an old-fashioned, committed volunteer.” Don contributes countless hours to different causes and makes every organization he is involved with a top priority.

Currently, Don is in his 2nd year as the chairman of the board of the Delaware Community Foundation (DCF), an umbrella organization that oversees many of the community service organizations in Delaware. I congratulate and thank Don for all of his contributions to the State of Delaware. He is an exemplary citizen and a proud American. I am pleased to call Don a friend and am impressed by his dedication to the causes in which he so strongly believes. Thank you, Don, for all you have done and continue to do for people of our State.

PAYING TRIBUTE TO THE NEVADA CANCER INSTITUTE

HON. JON C. PORTER
OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the Nevada Cancer Institute and their team of dedicated professionals who are committed to advancing the frontiers of knowledge of cancer through research and providing world-class cancer services to Nevadans and people throughout the Southwest. The facility opened late summer 2005, and this month the new John Robert Murren Research Wing will be dedicated.

It is the remarkable goal of the Nevada Cancer Institute to become a National Cancer Institute Designated Comprehensive Cancer Care Center. Facilities awarded this designation not only must perform first-rate research and exceptional patient care, but they must also demonstrate that the close integration of research and clinical efforts fosters an environment that stimulates new discoveries, and translates those discoveries quickly into better care to patients. Research in the area of cancer control and programs in community outreach and education are also essential for comprehensive status. With the opening of a new research wing and implementation of groundbreaking methods of prevention, detection and treatment of cancer, the Institute is well on its way to receiving this honor.

Designated by the State Legislature as the official Cancer Institute for the State of Nevada, the Nevada Cancer Institute is a collaborative, statewide effort involving concerned citizens, the oncology community, academic leaders, legislators, corporations, healthcare advocates, and cancer patients and their families. The Institute is wholly committed to offering the residents of Nevada a facility that offers the most current and most advanced cancer treatment options.

Mr. Speaker, I am honored to recognize the Nevada Cancer Institute on the floor of the House today to congratulate them for their efforts in fighting cancer and wish them the best with their new research wing.

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

HON. STEPHANIE TUBBS JONES
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mrs. JONES of Ohio. Mr. Speaker, during a conference of October 7, 2005, titled “Torture and the War on Terrorism” Case Western Reserve University School of Law facilitated discussions with legal scholars from across the country focused on international law. The conference culminated in adoption of The Cleveland Principles, a document that seeks to identify acts of torture should never be used or justified as a tool of the Global War on Terror. International law establishes a normative framework to advance international peace and security. The reciprocity of international law protects Americans abroad as well as individuals within the government. I commend Case Western Reserve University School of Law for its leadership on this issue and I would like to enter into the CONGRESSIONAL RECORD, The Cleveland Principles.

THE CLEVELAND PRINCIPLES OF INTERNATIONAL LAW ON THE DETENTION AND TREATMENT OF PERSONS IN CONNECTION WITH “THE GLOBAL WAR ON TERROR”

INTRODUCTION

In the context of revelations about the mistreatment of detainees at U.S. detention centers in Guantánamo Bay, Iraq, and Afghanistan; the practice of “irregular rendition” as means of outsourcing torture; the existence of US-created “black sites” where torture is implemented abroad; and the content of the leaked “White House Torture memos”—the Cleveland Principles were adopted by the undersigned experts who took part in the “Torture and the War on Terror” Conference at Case Western Reserve University School of Law in Cleveland, Ohio, on October 7, 2005. The Principles have been endorsed by the numerous other experts whose names are also listed below. The undersigned include current and former high-ranking government, military, and law enforcement personnel or intelligence agents, and prominent academics, and leading practitioners in the field—representing all ends of the political spectrum. The Principles are intended as a clear and plain English, of the fundamental international legal rules that apply to the treatment of persons in connection with the so-called “Global War on Terror.” The goal was to produce a text that would be easy for the American public, members of the military, and members of Congress to understand—a text that would spell out clearly that in the context of the Global War on Terror, there is no law-free zone, torture can never be justified; outsourcing torture is unlawful; individual accountability may be criminally liable for involvement in acts of torture.

THE CLEVELAND PRINCIPLES

Principle 1: With respect to the “Global War on Terror,” there is no law-free zone. International Law (which includes International Humanitarian Law, International Human Rights Law, and International Criminal Law) applies to all contexts and persons in the “Global War on Terror.”

The “Global War on Terror” is not in its entirety an armed conflict and so long as the “Global War on Terror” does manifest itself in armed conflict, the rights of persons detained and the obligations of detainees’ authorities, under International Humanitarian Law, including the Geneva Conventions of 1949 and the Additional Protocols to the Geneva Conventions. International Humanitarian Law, including the Convention Against Torture and the Covenant on Civil and Political Rights, also applies to situations of armed conflict, to the extent that its provisions are not inconsistent with applicable international humanitarain law.

Wherever persons are detained outside the factual framework of armed conflict, international humanitarain law is not applicable and international human rights law, including the Convention Against Torture and the Covenant on Civil and Political Rights, applies instead.

Principle 2: Whenever there is any doubt about whether an individual apprehended in the Global War on Terror is entitled to Prisoner of War status, the decision must be made on a case-by-case basis by a competent tribunal.

Persons who do not qualify for POW status under the Third Geneva Convention are still entitled to humane treatment and the other applicable guarantees of the Fourth Geneva Convention. In addition, such persons must not be subject to acts of torture or to cruel, inhuman or degrading treatment, in accordance with the Torture Convention.

Principle 3: Nothing in the “Global War on Terror” can justify violating the prohibition on committing acts of torture or cruel, inhuman or degrading treatment.

Interrogation in the context of the “Global War on Terror,” whether by military personnel or intelligence agents, and whether conducted inside or outside of the State’s territory, must never cross the boundaries of humane treatment.

“Irregular rendition” as a means of outsourcing torture to third countries is unlawful.

No person acting as an agent of a government may participate in the transfer of any person to any country for interrogation where there are substantial grounds for believing that the person would be in danger of being subjected to torture or to cruel, inhuman or degrading treatment.

Diplomatic assurances from the receiving State that the person will not be subjected to torture or cruel, inhuman or degrading treatment are not a sufficient basis upon which it may be determined that such treatment or punishment will not be imposed, where the receiving State has demonstrated a history of engaging in such treatment.

Principle 5: Governments and Government personnel are obligated to strictly adhere to the international law applicable to the “Global War on Terror” as set forth in the above principles.

States are responsible under international law for violations of war crimes committed by the Government’s personnel or agents, or by private parties exercising traditional government functions with the Government’s acquiescence. Liability occurs in the territory of the State or outside the territory of the State.

THE CLEVELAND PRINCIPLES

Principle 1: With respect to the ‘Global War on Terror,’ there is no law-free zone.
Persons who breach or order violations of these principles, or who aid and abet the breach of these principles, or who fail to punish subordinates who have committed breaches of these principles, may face individual criminal liability at home and/or in foreign or international courts.

**DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006**

**SPEECH OF
HON. TIM RYAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 5, 2006

Mr. RYAN of Ohio. Mr. Speaker, I rise today to praise the passage of H.R. 3127, The Darfur Peace and Accountability Act of 2006. As I was regretfully absent at the time of this vote, I now take the opportunity to affirm my resolute support of this act.

“**The care of human life and happiness, and not their destruction, is the first and only object of good government.**” These words, spoken by Thomas Jefferson, come to mind as I consider the current situation in Darfur, Sudan. In a conflict that has killed hundreds of thousands of people, displaced and left millions hungry, the United States can remain idle no longer. I stand with my colleagues in the House in support of the Darfur Peace and Accountability Act and would have voted for the resolution if I had been present.

**INTRODUCTION OF THE SCHOLARSHIP DATABASE ACT**

**HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES**

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Scholarship Database Act to create a one-stop Web portal of scholarships, grants, fellowships, and other forms of financial aid for the students wishing to study science, technology, engineering, and mathematics postsecondary and post-graduate level science, technology, engineering, and mathematics postsecondary and post-graduate level study.

First generation students would greatly benefit from such a database that would separate the information according to disciplines of study, level of study, and assistance based on gender, ethnicity, or other characteristics.

When one is the first person in your family to consider going to college one often has very little guidance on how to proceed with the entire college application process, of which financial aid is one piece. If a student does not immediately or easily find financial assistance they may at first see the dream of a college degree in STEM field shattered. We can ease this with the one-stop Web portal of STEM financial aid.

As we move forward, this Web portal can expand to meet the needs of our nation, and it can serve as a model for other disciplines to follow suit.

**IN HONOR OF CALIFORNIA’S COUNTY AGRICULTURAL COMMISSIONERS**

**HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES**

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor California’s County Agricultural Commissioners. Agriculture is California’s No. 1 industry. In 2004 the fertile soils of California supported over 350 different crops, which were valued at over $1 billion and shipped throughout the United States and foreign countries. Weather, water and good farmers are some of the major factors contributing to California’s bountiful crops. One other prime factor in California’s agricultural success has been the presence of California Agricultural Commissioners.

California County Agricultural Commissioners will celebrate their first 125 years during their annual convention in May 2006, in San Luis Obispo, CA. No other State in the United States has the Agricultural Commissioners system, which has been in existence in California since 1881. It is fitting that the California Agricultural Commissioners be recognized and honored for their contributions to the well being of California and to our Nation.

As prescribed by State Law, the County Agricultural Commissioner is responsible for the local administration of State wide enforcement programs that promote and protect the agricultural industry of the State. In addition this commission is dedicated to protecting public health, safety and welfare. In fulfilling this responsibility, the primary objective of the County Agricultural Commissioner is to maintain a viable system of production and delivery of an abundant supply of wholesome food and fiber to domestic and export consumers. Each agricultural commissioner adheres to the following policies in order to maintain the integrity of the County Agricultural Commissioner’s Office.

The first and foremost policy is to ensure the protection of California’s agricultural resources and the environment in manner that will result in the greatest long-term benefit to all. One of the primary ways the commission protects agricultural resources, the environment and public health is by supporting beneficial legislation as well as preserving local determination. The Commissioner seeks to ensure that all interagency and joint policies provide adequate flexibility to accommodate local concerns and resources.

The County Agricultural Commissioner recognizes the need to protect the agriculture industry from the introduction and spread of damaging pests. Therefore, it encourages and promotes the suppression of pests through biological, cultural, mechanical and chemical methods. However, the Commissioner has always been cognizant of the effects of harmful pesticides and has adamantly enforced all laws and regulations that provide for the appropriate safe and effective use.

The Commissioner protects both businesses and consumers. The consumers are protected from fraud and deception and are assured marketing equity among producers and among shippers in the distribution of fruits, nuts, vegetables, eggs and honey by the uniform enforcement of quality standards. The Commissioner’s Office also encourages the development of alternate disposal methods for substandard commodities to prevent waste.

The Agricultural Commissioners are today enforcing legislation of the basic quarantine sections that have stood for over 115 years. It has been the enforcement of these quarantine laws that has helped to keep California agriculture free from biological pollution caused by invasive insect and plant diseases found in other parts of the world.

The work of the Agricultural Commissioners is to be commended as their presence, dedication, knowledge, professionalism and hard work, has insured an adequate food supply for millions of people and a healthy economy for the State of California. Our Nation’s residents as well as citizens of other nations are the beneficiaries of an amazing supply of agricultural products grown throughout the year in California. California, her farmers and Agricultural Commissioners can be proud of the first 125 years of service.

**PAYING TRIBUTE TO LT. COL. GEORGE SHERMAN (RET.)**

**HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES**

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor a true American hero, Lt. Col. George Sherman (Ret.) who will be celebrating his 80th birthday on April 17, 2006. A distinguished member of the Las Vegas community, Lt. Col. George Sherman (Ret.) has dedicated his life to being a loving and devoted husband, father, and grandfather, achieving a brilliant career in the United States Army Air Corp-Air Force, and serving as a respected leader in his community.

In the early 1940’s, while serving in the Army Air Corp-Air Force, Lt. Col. George Sherman (Ret.) earned the distinct honor of becoming one of the famed Tuskegee Airmen. Throughout his 22 year service in the United States Military, Lt. Col. George Sherman (Ret.) served as Aircraft Commander, Launch and Control Training Officer, and Chief of Operations. Furthermore, while serving, he earned a Bachelor of Science degree in Sociology from the University of Illinois; and after retiring from the military in 1971, Lt. Col. George Sherman (Ret.) received a Masters of Arts in Public Administration.

Over his distinguished life, Lt. Col. George Sherman (Ret.) has shown a passion for aviation and community service. He was awarded the Silver Beaver Award, the highest honor of the Boy Scouts of America; he was a member...
of Kappa Alpha Psi Fraternity, an organization that promotes minority brotherhood and leadership; he continues his connection to the Tuskegee Airmen Inc., represented on several occasions in the Las Vegas Sun and Review Journal newspapers; and has held memberships in Negro Aviation International (NAI), the Daddies, Inc. and the Board of Directors of the Nevada Black Chamber of Commerce. Today, Lt. Col. George Sherman (Ret.) remains active in the pursuit of minority youth achievement in aviation, while maintaining his commitment of volunteer work within the Clark County community.

Mr. Speaker, It is an honor to recognize Lt. Col. George Sherman on the floor of the House today. I thank him for his services to this country and congratulate him on a wonderful eighty years.

TRIBUTE TO THE HAITIAN EVANGELICAL BAPTIST CHURCH OF MIAMI

HON. KENDRICK B. MEEK
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to recognize the Haitian Evangelical Baptist Church of Miami on the occasion of the blessing of its new Sanctuary.

On Sunday, April 9, 2006, the Reverend David Eugene will lead the members of his Church, but he has also made magnificent strides in ensuring that its commitment to the membership is defined by its outreach efforts to provide free and reduced-price daycare services to the children in the community, along with an after-school program for low-income families, dropout prevention, computer literacy and acculturation classes, voters’ education and registration. It has also established free student tutorials, substance-abuse prevention counseling, along with counseling for dysfunctional families, parenting skills, and regular seminars on cultural diversity.

I am confident that this Church will continue to serve as an unerring instrument for good by evoking in us the centrality of God in our daily lives, conscious of the fact that mandate of our faith must define our charity, understanding that America is defined for those who could least fend for themselves.

With the consecration of its Sanctuary on its 26th year of establishment, the Haitian Evangelical Baptist Church of Miami symbolizes a magnificent legacy for the perseverance and resilience of our Haitian community. I join Reverend Eugene and his congregation in celebrating this historic event. My genuine pride in sharing their friendship is only exceeded by my heartfelt gratitude and admiration for all that they have done to help the people of our community.

INCREASING AWARENESS OF KIDNEY DISEASE IN THE AFRICAN AMERICAN COMMUNITY

HON. WILLIAM J. JEFFERSON
OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. JEFFERSON. Mr. Speaker, as Congress recognizes National Minority Health Month, I join my colleagues, Congresswoman Christensen and Congressman Jefferson to increase awareness about the devastating effects of kidney disease on the African American community.

Both kidney failure and its precursor, Chronic Kidney Disease, CKD, disproportionately affect African Americans. Although only about 13 percent of the U.S. population, African Americans make up 32 percent of the patients treated for kidney failure. The American Heart Association reports that African Americans have a 4.2 times greater rate of kidney failure than white Americans. The Congressional Black Caucus is especially concerned about the growing prevalence of kidney disease because of this disproportionate impact.

Mr. Speaker, the leading causes of kidney disease are diabetes and high blood pressure, both of which also disproportionately affect African Americans. Diabetes occurs at twice the rate in the African American community than it does with Caucasians. High blood pressure affects 1 out of every 3 African American adults. According to the American Heart Association, the prevalence of hypertension in the African American community is among the highest in the world.

Mr. Speaker, African Americans are four times more likely to develop kidney failure than Caucasians. African Americans make up 12 percent of the population but account for 30 percent of people with kidney failure. Diabetes and high blood pressure account for about 70 percent of kidney failure in African Americans. A recent National Kidney Disease Education Program, NKDEP, survey of African Americans found that only 17 percent named kidney disease as a consequence of diabetes, and only eight percent named it as a consequence of high blood pressure. African American males ages 22–44 are 20 times more likely to develop kidney failure due to high blood pressure than Caucasian males in the same age group. Forty-five percent of African American men with kidney failure received late referrals to nephrologists. In some cases people were not aware they had a problem until they needed dialysis.

We must continue our strong support of the efforts of the kidney care community to meet the needs of these patients. We must fund education programs to raise awareness of the disease within the African American community. We must ensure that Medicare treats those who care for patients with kidney disease the same way it treats all other groups of providers—this means enacting an annual update mechanism to recognize inflation and other increases related to caring for these patients. Without equitable reimbursement, it will be difficult for the community to continue to meet the needs of the ever-growing patient population.

Supporting educational programs and high quality care not only improves quality of life for patients, but also reduces the cost to the overburdened Medicare program. Preventing kidney failure and improving care will result in substantial savings for the government. In addition, it treated early, individuals with kidney disease will experience improved quality of life and be able to maintain more daily life activities, including keeping their jobs.

My colleagues and I applaud the efforts to increase awareness about this important issue and to show support for Americans living with kidney disease. We must help African Americans learn more about this deadly disease and how to prevent its development and progression to kidney failure.

TRIBUTE TO THE LATE DAVE PETERSON

HON. DENNIS MOORE
OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise to pay tribute to the late Dave Peterson, of Overland Park, Kansas, who died on March 20th. Dave was born March 31, 1951, to Harold and Josephine (Lewis) Peterson. He was a lifelong resident of the Kansas City area and married Cindy Peterson, with whom he had two daughters: Erica and Andrea Peterson, all of Overland Park. He is also survived by his sister Pat Higgins and brothers Harold Peterson, Jr., and John Peterson.

Dave Peterson was a member of United Auto Workers Local 31 since he began working at General Motors in 1976. He became the President of the local in 2002, a position he held until the time of his death. He was also the President of the Kansas State CAP Council, the AFL–CIO Tri-County Labor Council, was a past member of the executive board of the Wyandotte County United Way and was involved in numerous charity organizations throughout the community. He formerly served as an employee representative for the AFL–CIO. Dave worked at the GM-Fairfax facility in Kansas City, Kansas, for 30 years, starting on the production line and then going
That is what made him a great man.

Dave Peterson brought to bear in his passions and convictions.

He always made the Local 31 union hall available for whoever needed a bigger space, Clark said.

PETerson worked at the Fairfax plant for 30 years. He survived a 21-month layoff when GM eliminated his job in the early 1980s. Peterson was president when GM decided to invest $500 million in the Fairfax plant to build the new Chevrolet Malibu. With a new Saturn passenger car also expected to come on line this year, the Fairfax plant survived GM’s decision last fall to close several plants in an effort to become profitable.

After years of suffering through temporary shutdowns from slow sales in the 1980s and 1990s, the Fairfax plant’s 3,000 employees have had steady work and overtime since the Malibu’s introduction three years ago. But Peterson continued to warn the public about the trend among U.S. corporations to eliminate high-paying domestic jobs and opening plants in countries with cheap labor.

He was definitely a working man’s friend, Manning said. If you worked hard, he believed you should be rewarded for that. He will be greatly missed.

ACCELERATING THE CREATION OF TEACHERS OF INFLUENCE FOR OUR NATION (ACTION) ACT

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Accelerating the Creation of Teachers of Influence for Our Nation (ACTION) Act, a bill that creates an alliance of science, technology, engineering, and mathematics teachers for elementary and secondary classrooms across America.

The ACTION Act has two separate pieces. Through the scholarship portion we create teachers with a science, technology, engineering, and mathematics degree with teacher certification to raise scientific literacy and teach critical thinking, two necessary skills for our students.

The competitive renewal university grants encourage universities or a consortium of universities to create these programs, thus augmenting the pool of potential institutions for these scholarship recipients to attend.

Recently Maine declared that they are retiring more science and mathematics teachers than are being produced by colleges and universities. The National Science Board Science and Engineering Indicators 2006 states that “out-of-field teaching (as measured by either lacking a certificate or a college major or minor in the assigned teaching) is common. A maximum of twenty-eight percent of high school mathematics and science teachers lacked full certification in their teaching field in academic 2002.”

As the global economy of the 21st century unfolds, scientific and engineering occupations are expected to continue to grow more rapidly than occupations in general. Our future workforce must be literate and fluent in both the technical and the scientific arenas. The decisions facing our Nation will also require these skills, as we move into uncharted waters with such topics as STEM cell research, nanotechnology, high-tech manufacturing, and international trade and law.

Right now our 15-year-old students score below the international average on the Program for International Student Assessment which measures students’ abilities to apply scientific and mathematical concepts and skills.

It is time to take action and make changes necessary for the future of our Nation, and move the ACTION Act forward.

Paying Tribute to St. Rose Hospital-San Martin Campus

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the St. Rose Hospital and their team of dedicated professionals who are committed to providing compassionate, high-quality, affordable health services. Moreover, St. Rose Hospital has a proud history of service to the communities of Nevada.

It is the principal goal of St. Rose Hospital to provide a health care ministry distinguished by excellent quality and committed to expanding access to medical care to deprived individuals. This mission is complemented by numerous community outreach programs, sponsored by the hospital, designed to assist those in need and improve the quality of life. Furthermore, St. Rose Hospital has a strong tradition of establishing programs to assist eligible uninsured patients gain access to government funded insurance programs, advancing their goal to help those individuals’ access preventative and ongoing care beyond an emergency or acute health care need.

St. Rose Hospital is dedicated to promoting the wholeness of body, mind and spirit in the Dominican tradition of working with others to improve the health status of the community, and does so by providing premium health care services through team work and innovation. Their professional staff members reach out to patients, their families, and those in need outside of the hospitals, while their services focus on the healing concept of physical restoration of the body and the healing of the mind and soul.

Mr. Speaker, I am honored to recognize St. Rose Hospital in the House of Representatives today. I commend them for their efforts to provide high-quality health care and improve the quality of life of the community, and I wish them the best in continuing their mission.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3167–S3346

Measures Introduced: Forty bills and five resolutions were introduced, as follows: S. 2556–2595, S.J. Res. 33, and S. Res. 434–437. Pages S3211–12

Measures Passed:

National Small Business Week: Senate agreed to S. Res. 435, honoring the entrepreneurial spirit of America’s small businesses during National Small Business Week, beginning April 9, 2006. Pages S3343–44

Local Community Recovery Act: Senate passed H.R. 4979, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities, clearing the measure for the President. Page S3344

Honoring and Congratulating the Minnesota National Guard: Committee on Armed Services was discharged from further consideration of S. Con. Res. 85, honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation’s citizen-soldier based militia, which was formed before the U.S. Army, has been and still is extremely important to the security and freedom of the Nation, and the resolution was then agreed to. Pages S3344–45

Honoring and Congratulating the Minnesota National Guard: Senate agreed to H. Con. Res. 371, honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation’s citizen-soldier based militia, which was formed before the U.S. Army, has been and still is extremely important to the security and freedom of the Nation. Page S3345

Year of the Museum: Senate agreed to S. Res. 437, supporting the goals and ideals of the Year of the Museum. Pages S3345–46

National Peace Officers Memorial Service: Senate agreed to H. Con. Res. 360, authorizing the use of the Capitol Grounds for the National Peace Officers’ Memorial Service. Page S3346

Securing America’s Borders Act: Senate continued consideration of S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform, taking action on the following amendments proposed thereto:

Pending:

Specter/Leahy Amendment No. 3192, in the nature of a substitute. Pages S3167

Kyl/Cornyn Amendment No. 3206 (to Amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status. Page S3167

Cornyn Amendment No. 3207 (to Amendment No. 3206), to establish an enactment date. Page S3167

Isakson Amendment No. 3215 (to Amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured. Page S3167

Dorgan Amendment No. 3223 (to Amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20. Page S3167

Mikulski/Warner Amendment No. 3217 (to Amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers. Page S3167

Santorum/Mikulski Amendment No. 3214 (to Amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act. Page S3167
Nelson (FL) Amendment No. 3220 (to Amendment No. 3192), to use surveillance technology to protect the borders of the United States. Page S3167

Sessions Amendment No. 3420 (to the language proposed to be stricken by Amendment No. 3192), of a perfecting nature. Page S3167

Nelson (NE) Amendment No. 3421 (to Amendment No. 3420), of a perfecting nature. Page S3167

Frist Motion to Commit the bill to the Committee on the Judiciary with instructions to report back forthwith with an amendment in the nature of a substitute (Frist Amendment No. 3424). Page S3346

Frist Amendment No. 3425 (to the instructions to the motion to commit the bill to the Committee on the Judiciary), to establish an effective date. Page S3346

Frist Amendment No. 3426 (to Amendment No. 3425), of a technical nature. Page S3346

During consideration of this measure today, Senate also took the following action:

By 39 yeas to 60 nays (Vote No. 88), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Specter/Leahy Amendment No. 3192, in the nature of a substitute (listed above). Page S3177

A unanimous-consent agreement was reached providing for further consideration of the bill at 8:30 a.m. on Friday, April 7, 2006; that there be 1 hour for debate equally divided between the Managers or their designees; that the Senate vote on the motion to invoke cloture on the Frist Motion to Commit (listed above) at approximately 9:45 a.m.; provided further, that with respect to the cloture motions filed on the motion to commit and the underlying bill, the mandatory Quorum required under rule XXII be waived. Page S3346

Nominations—Agreement: A unanimous-consent agreement was reached with respect to the motions to invoke cloture filed on Wednesday, April 5, 2006, on the nominations of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense, and Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense, that the mandatory quorum under rule XXII be waived. Page S3346

Executive Reports of Committees: Senate received the following executive report of a committee:


Nominations Confirmed: Senate confirmed the following nominations:

Gordon England, of Texas, to be Deputy Secretary of Defense.

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

(Prior to the confirmation of the nominations (listed above), Senate vitiated the votes on the motions to invoke cloture on the nominations, respectively.) Page S3346

Nominations Received: Senate received the following nominations:

John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues.

John A. Cloud, Jr., of Virginia, to be Ambassador to the Republic of Lithuania.

Lurita Alexis Doan, of Virginia, to be Administrator of General Services.


Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

Robert M. Duncan, of Kentucky, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009, which was sent to the Senate on April 4, 2005. Page S3346

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Authorities for Committees to Meet:

Record Votes: One record vote was taken today. (Total—88) Page S3177

Adjournment: Senate convened at 9:30 a.m., and adjourned at 10:18 p.m., until 8:30 a.m., on Friday, April 7, 2006. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S3346.)
**Committee Meetings**

(Committees not listed did not meet)

**APPROPRIATIONS: EPA**

Committee on Appropriations: Subcommittee on Interior and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Environmental Protection Agency, after receiving testimony from Stephen L. Johnson, Administrator, Marcus Peacock, Deputy Administrator, and Benjamin Grumbles, Assistant Administrator, Office of Water, all of the Environmental Protection Agency.

**APPROPRIATIONS: DEPARTMENT OF THE TREASURY**

Committee on Appropriations: Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Department of the Treasury, after receiving testimony from John Snow, Secretary, Stuart Levey, Under Secretary for Terrorism and Financial Intelligence, and Janice B. Gardner, Assistant Secretary for Intelligence and Analysis, all of the Department of the Treasury.

**BORDER SECURITY**

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine the United States Coast Guard’s role in border and maritime security, focusing on port infrastructure and ports of entry in the United States, and terrorist targets including ferries, cruise ships, and fuel vessels, after receiving testimony from Vice Admiral Thad Allen, Chief of Staff, Commandant, U.S. Coast Guard, Department of Homeland Security.

**DISTRICT OF COLUMBIA HEALTHCARE**

Committee on Appropriations: Subcommittee on the District of Columbia concluded a hearing to examine healthcare in the District of Columbia, focusing on access to primary care and affordable health insurance, after receiving testimony from Brenda Donald Walker, Deputy Mayor for Children, Youth, Families and Elders, Government of the District of Columbia; Randall R. Bovbjerg, Urban Institute, Sharon A. Baskerville, District of Columbia Primary Care Association, Maria Gomez, Mary’s Center for Maternal and Child Care, Lawrence H. Mirel, Wiley Rein and Fielding, LLP, Edmund F. Haislmaier, Heritage Foundation, and Christine Reesor, DC Spanish-Catholic Center Medical Clinic of Catholic Community Services, all of Washington, D.C.

**APPROPRIATIONS: NATIONAL NUCLEAR SECURITY ADMINISTRATION**

Committee on Appropriations: Subcommittee on Energy and Water concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the National Nuclear Security Administration, after receiving testimony from Linton F. Brooks, Under Secretary of Energy for Nuclear Security and Administrator, National Nuclear Security Administration.

**DEFENSE AUTHORIZATION**

Committee on Armed Services: Subcommittee on SeaPower concluded a hearing to examine the proposed defense authorization request for fiscal year 2007, focusing on navy shipbuilding, after receiving testimony from Delores M. Etter, Assistant Secretary for Research, Development, and Acquisition, Rear Admiral Mark J. Edwards, USN, Director for Warfare Integration, N8F, and Rear Admiral Samuel J. Locklear, III, USN, Director for Programming Division, N80, both of the Office of the Chief of Naval Operations, all of the Department of the Navy; Damien Bloor, First Marine International Limited, United Kingdom; and John F. Schank, RAND Corporation, Arlington, Virginia.

**DEFENSE AUTHORIZATION**

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine the proposed defense authorization request for fiscal year 2007, focusing on military space programs, after receiving testimony from Ronald M. Sega, Under Secretary of the Air Force; Rear Admiral Kenneth W. Deutsch, USN, Director, Net-Centric Warfare Division, Office of the Chief of Naval Operations; Lieutenant General Kevin P. Chilton, USAF, Joint Functional Component Commander for Space and Global Strike, U.S. Strategic Command; Lieutenant General Michael A. Hamel, USAF, Commander, Space and Missile Systems Center, Air Force Space Command; and Cristina T. Chaplain, Acting Director, Acquisition and Sourcing Management Team, Government Accountability Office.

**OFFSHORE AQUACULTURE**

Committee on Commerce, Science, and Transportation: Subcommittee on National Ocean Policy Study concluded a hearing to examine offshore aquaculture, focusing on current proposals to regulate offshore aquaculture operations, discuss research in this field being conducted off the coasts of New England and Hawaii, and the impacts that expanded aquaculture operations would have on fishermen, seafood processors, and consumers, after receiving testimony from Bill Hogarth, Director, National Marine Fisheries
Service, National Oceanic and Atmospheric Administration, Department of Commerce; Richard Langan, University of New Hampshire Open Ocean Aquaculture Project, Durham; John R. Cates, Cates International Inc., Kailua, Hawaii; Mark Vinsel, United Fishermen of Alaska, Juneau; Rebecca Goldburg, Environmental Defense, New York, New York; and Sebastian Belle, Maine Aquaculture Association, Hallowell.

**LAND BILLS**

*Committee on Energy and Natural Resources:* Subcommittee on National Parks concluded a hearing to examine S. 1510, to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado, S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, S. 1957, to authorize the Secretary of Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 2034 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park, S. 2252, to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States, and S. 2403, to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, after receiving testimony from Sue Masica, Associate Director, Park Planning, Facilities, and Lands, National Park Service, Department of the Interior; and Gerald H. Yamada, O'Connor and Hannan LLP, Washington, D.C., on behalf of the Japanese American National Heritage Coalition.

**HEALTH CARE COVERAGE**

*Committee on Finance:* Committee held a hearing to examine challenges and opportunities relating to health care coverage for small businesses, focusing on the employer-based system in the United States and the impact of health care cost growth and state regulation of health insurance rates, receiving testimony from Senators Durbin and DeMint; Joseph E. Rossman, Associated Builders and Contractors, Inc., Arlington, Virginia, on behalf of the Small Business Health Plan Coalition; and Len M. Nichols, New America Foundation, Todd O. McCracken, National Small Business Association, and Deborah Chollet, Mathematica Policy Research, Inc., all of Washington, D.C.

Hearing recessed subject to the call.

**LONG-TERM ECONOMIC GROWTH**

*Committee on Finance:* Subcommittee on Long-Term Growth and Debt Reduction held a hearing to examine if America is saving enough to be competitive in the global marketplace relating to saving for the 21st century, focusing on current saving decisions and their implications for long-term economic growth, receiving testimony from Thomas J. McCool, Director, Center for Economics, Applied Research and Methods, Government Accountability Office; Jurrien Timmer, Fidelity Investments, Boston, Massachusetts; Barry P. Bosworth and Lael Brainard, both of The Brookings Institution, Washington, D.C.

Hearings recessed subject to the call.

**NOMINATION**

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nomination of Mark C. Minton, of Florida, to be Ambassador to Mongolia, after the nominee testified and answered questions in his own behalf.

**SMALL BUSINESS ADMINISTRATION**


**ORPHAN WORKS**

*Committee on the Judiciary:* Subcommittee on Intellectual Property concluded a hearing to examine proposals for a legislative solution relating to orphan works, focusing on enactment of legislation as a catalyst necessary to prompt non-legal, marketplace reforms that will most efficiently address the problems identified by photographers and creators of visual images, after receiving testimony from Jule L. Sigall,
Associate Register for Policy and International Affairs, U.S. Copyright Office, Library of Congress; Victor S. Perlman, American Society of Media Photographers, Inc., Philadelphia, Pennsylvania; June V. Cross, Columbia University, and Maria Pallante, Solomon R. Guggenheim Foundation (Guggenheim Museum), both of New York, New York; Brad Holland, Illustrators’ Partnership of America, Marshfield, Massachusetts; Thomas C. Rubin, Microsoft Corporation, Redmond, Virginia; and Rick Prelinger, Prelinger Archives, San Francisco, California, on behalf of the Internet Archive.

VA’S CAPITAL PLAN

Committee on Veterans Affairs: Committee concluded a hearing to examine the Department of Veterans Affairs 5-year capital construction plan, focusing on the VA’s portfolio management approach and how the Capital Asset Realignment for Enhanced Services (CARES) process and the Enhanced-Use Leasing program play an integral role in the management of VA’s portfolio, after receiving testimony from Senators Allard, Nelson of Florida, and Martinez; Jonathan B. Perlin, Under Secretary for Health, James M. Sullivan, Deputy Director, Office of Asset Enterprise Management, and Robert L. Neary, Jr., Acting Chief and Associate Chief, Facilities Management Officer for Service Delivery, all of the Department of Veterans Affairs; and Dennis M. Cullinan, Veterans of Foreign Wars of the United States, Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

SENIOR EMPLOYMENT AND COMMUNITY SERVICE

Special Committee on Aging: Committee concluded a hearing to examine employment and community service for low-income seniors, focusing on what effect the Older Americans Act Amendments have had on the distribution of the Senior Community Service Employment Program (SCSEP) funds to national and state grantees, describe the progress Labor has made in implementing the enhanced performance accountability system, and identify the challenges faced by national and state grantees in managing the SCSEP program, after receiving testimony from Sigurd R. Nilsen, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; John R. Beverly, III, Administrator, Office of National Programs, Employment and Training Administration, Department of Labor; Melinda M. Adams, Idaho Commission on Aging, Boise; Shauna O’Neil, Salt Lake County Aging Services, Salt Lake City, Utah; and Carol Salter, Easter Seals, Inc., Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 56 public bills, H.R. 5112–5167; 1 private bill, H.R. 5168; and 11 resolutions, H. Con. Res. 381–388; and H. Res. 769–771 were introduced. Pages H1676–80

Additional Cosponsors: Pages H1680–82

Reports Filed: Report were filed today as follows:
H.R. 4973, to restore the financial solvency of the national flood insurance program (H. Rept. 109–410);
H.R. 5020, to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment (H. Rept. 109–411);
H.R. 4411, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes, with an amendment (H. Rept. 109–412, Pt. 1); and
Conference report to accompany H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, (H. Rept. 109–413). Pages H1640–64, H1676

Chaplain: The prayer was offered by the guest Chaplain, Rev. Steven T. Cherry, President, Wesley Enhanced Living at Heritage Towers, Doylestown, Pennsylvania. Page H1565

Concurrent Resolution on the Budget for FY 2007: The House began consideration of H. Con. Res. 376, establishing the congressional budget for
the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011. Further consideration will resume at a later date.

Pages H1568–78, H1578–H1609

H. Res. 766, the rule providing for consideration of the measure was agreed to by a recorded vote of 225 ayes to 196 noes, Roll No. 92, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 199 nays, Roll No. 91. Pages H1568–78

Tax Relief Extension Reconciliation Act of 2005—Motion to Instruct Conferrees: The House rejected the Cardin motion to instruct conferrees on H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, by a yea-and-nay vote of 196 yeas to 232 nays, Roll No. 94, after the previous question was ordered without objection.

Pages H1609–15, H1621–22

Pension Protection Act of 2005—Motion to Instruct Conferrees: The House agreed to the Miller of California motion to instruct conferrees on H.R. 2830, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, by a yea-and-nay vote of 248 yeas to 178 nays, Roll No. 93, after the previous question was ordered without objection.

Pages H1615–21

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, April 5th:

Concerning the Government of Romania’s ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania: H. Res. 578, concerning the Government of Romania’s ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania, by a yea-and-nay vote of 428 yeas with none voting “nay”, Roll No. 95; Pages H1622–23

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience: H. Con. Res. 320, amended, to call on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, by a yea-and-nay vote of 425 yeas to 1 nay, Roll No. 96; Page H1623

Supporting the goals and ideals of Financial Literacy Month: H. Res. 737, to support the goals and ideals of Financial Literacy Month, by a yea-and-nay vote of 423 yeas to 1 nay, Roll No. 97; Pages H1623–24

Expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic: H. Res. 556, to express the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic, by a yea-and-nay vote of 421 yeas to 2 nays, Roll No. 98; and Pages H1624–25

Congratulating the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people: H. Con. Res. 366, to congratulate the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people, by a yea-and-nay vote of 422 yeas with none voting “nay”, Roll No. 99. Page H1625

Spring District Work Period: The House agreed to H. Con. Res. 382, providing for a conditional adjournment of the House and a conditional recess or adjournment of the Senate. Pages H1625–26

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 2 p.m. on Monday, April 10, 2006 unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 382, in which case the House shall stand adjourned pursuant to that concurrent resolution. Page H1626

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 26. Page H1626
Agreed by unanimous consent that it should be in order at any time to consider in the House H. Res. 764.

Recognizing and honoring firefighters for their many contributions throughout the history of the Nation: The House agreed to H. Res. 764, to recognize and honor firefighters for their many contributions throughout the history of the Nation, by voice vote.

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 25, 2006.

Senate Message: Message received from the Senate today appear on page H1565.


Adjournment: The House met at 10 a.m. and at 11:45 p.m., pursuant to the provisions of H. Con. Res. 382, it stands adjourned until 2 p.m. on Monday, April 10, unless it sooner has received a message from the Senate transmitting its adoption of the concurrent resolution, in which case the House shall stand adjourned until 2 p.m. on Tuesday, April 25, 2006.

Committee Meetings

DEPARTMENT OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies held a hearing on NIH. Testimony was heard from Elias A. Zerhouni, M.D., Director, NIH, Department of Health and Human Services.

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies held a hearing on the District of Columbia. Testimony was heard from the following officials of the District of Columbia: Anthony Williams, Mayor; Natwar Gamdi, Chief Financial Officer; and Linda Cropp, Chairman, Council.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Oversight of DOE’s Waste Treatment Plant at Hanford. Testimony was heard from Gene Aloise, Director, Natural Resources and Environment, GAO; Kim Callan, Chief of the Cost of Engineering Directory of Expertise and the Project Manager of the Independent Review Team, U.S. Army Corps of Engineers; James A. Rispoli, Assistant Secretary, Environmental Management; Department of Energy; A.J. Eggenberger, Chairman, Defense Nuclear Facilities Safety Board; and a public witness.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Secure Border Initiative/Immigrations Custom Enforcement/Customs Border Protection. Testimony was heard from the following officials of the Department of Homeland Security: Gregg Giddens, Director, Secure Border Initiative Office; Deborah Spero, Acting Commissioner, Customs and Border Protection Commission; and Julie Myers, Assistant Secretary, Immigration and Customs Enforcement.

MILITARY QUALITY OF LIFE, AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies held a hearing on Veterans Affairs. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies held a hearing on DEA. Testimony was heard from Karen P. Tandy, Administrator, DEA, Department of Justice.

The Subcommittee also continued appropriation hearings. Testimony was heard from Members of Congress.

MILITARY, COMPENSATION AND BENEFITS

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on policy, compensation, and benefits overview. Testimony was heard
from the following officials of the Department of Defense: David S.C. Chu, Under Secretary, Personnel and Readiness; LTG Franklin L. Hagenbeck, USA, Deputy Chief of Staff, Personnel, G1, Department of the Army; VADM John C. Harvey, USN, Chief of Naval Personnel, Department of the Navy; LTG Roger A. Brady, USAF, Deputy Chief of Staff, Personnel, A1, Department of the Air Force; and LTG H.P. Osman, USMC, Deputy Commandant, U.S. Marine Corps.

NAVY’S ENERGY-EFFICIENT PROPULSION

Committee on Armed Services: Subcommittee on Project Forces held a hearing on Integration of Energy-Efficient Propulsion Systems for Future U.S. Navy Vessels. Testimony was heard from the following officials of the Department of the Navy: RADM Bernard J. McCullough, USN, Director, Surface Warfare (N86); RADM Joseph A. Walsh, USN, Director, Submarine Warfare Division (N87); RADM William E. Landay, III, USN, Chief of Naval Research; and RADM Kevin McCoy, USN, Deputy Commander, Naval Sea Systems Command, Ship Design, Integration and Engineering; Ronald O’Rourke, Specialist in National Defense, Congressional Research Service, Library of Congress; and a public witness.

NAVY TRANSFORMATION

Committee on Armed Services: Subcommittee on Readiness held a hearing on Navy Transformation. Testimony was heard from John Jamian, Acting Administrator, Maritime Administration, Department of Transportation; and VADM Justin D. McCarthy, USN, Director, Material Readiness and Logistics, Department of the Navy.

DEFENSE UAVS/SURVEILLANCE

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Fiscal Year 2007 National Defense Authorization budget request—Unmanned Aerial Vehicles (UAVs) and Intelligence, Surveillance, and Reconnaissance (ISR) Capabilities. Testimony was heard from the following officials of the GAO: Sharon Pickup, Director, Defense Capabilities and Management; and Michael J. Sullivan, Director, Acquisition and Sourcing Management; and the following officials of the Department of Defense: Lolita Long, Deputy Under Secretary, (Policy, Requirements, and Resources); BG Stephen Mundt, USA, Army Director of Aviation, Office of the Deputy Chief of Staff for Operations; RADM Bruce Clingan, USN, Deputy Director, Naval Air Warfare Division; LTG John G. Castellaw, USMC, Deputy Commandant, Aviation, U.S. Marine Corps; and MG Stanley Gorenc, USAF, Director, Operational Capability Requirements, U.S. Air Force.

DEFENSE IT/TRANSFORMATION

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on information technology issues and defense transformation. Testimony was heard from the following officials of the Department of Defense: John J. Grimes, Assistant Secretary (Networks and Information Integration); LTG Charlie Croom, USAF, Director, Defense Information Systems Agency; LTG Steven W. Boutelle, USA, Chief Information Officer, Department of the Army; Dave Wennergren, Chief Information Officer, Department of the Navy; BG George J. Allen, USMC, Chief Information Officer, U.S. Marine Corps; LTG Michael Petersen, USAF, Chief Information Officer, Department of the Air Force; Paul Brinkley, Deputy Under Secretary, Business Transformation; and Thomas Modly, Deputy Under Secretary, Financial Management, both with the Business Transformation Agency.

U.S. COMPETITIVENESS

Committee on Education and the Workforce: Held a hearing entitled “Building America’s Competitiveness: Examining What Is Needed To Compete in a Global Economy.” Testimony was heard from Elaine L. Chao, Secretary of Labor; Margaret Spellings, Secretary of Education; and public witnesses.

PROJECT BIOSHIELD REAUTHORIZATION

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Project Bioshield Reauthorization Issues.” Testimony was heard from Alex M. Azar, Deputy Secretary, Department of Health and Human Services; and Jean D. Reed, Special Assistant, Chemical and Biological Defense and Chemical Demilitarization Programs, Office of the Assistant to the Secretary, Nuclear and Chemical Biological Defense, Department of Defense, and public witnesses.

INTERNET CHILD PREDATORS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings entitled “Sexual Exploitation of Children Over the Internet: What Parents, Kids, and Congress Need To Know About Child Predators.” Testimony was heard from the following officials of the Department of Justice: William W. Mercer, Principal Associate Deputy Attorney General, U.S. Attorney for the District of Montana; Frank Kardasz, Sgt Phoenix Police Department, Project Director, Arizona Internet Crimes Against Children Task Force; and Flinst Waters, Lead Special Agent, Wyoming Division of Criminal Investigation, Internet Crimes Against Children Task Force Technology Center; and Chris
Swecker, Acting Assistant Executive Director, FBI; James Plitt, Director, Cyber Crimes Center, Office of Investigations; and John P. Clark, Deputy Assistant Secretary, both with the U.S. Immigration and Customs Enforcement, Department of Homeland Security; and the following officials of the Postal Inspection Service, U.S. Postal Service: William E. Kezer, Deputy Chief Inspector; and Raymond C. Smith, Assistant Inspector in Charge, Child Pornography and Adult Obscenity; and a public witness.

FOREIGN COUNTER-TERRORISM ASSISTANCE
Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled “Counter-Terrorism Financing Foreign Training and Assistance: Progress since 9/11.” Testimony was heard from David M. Walker, Comptroller, GAO; Gerald M. Feierstein, Deputy Coordinator, Programs and Plans, Department of State; William Larry McDonald, Deputy Assistant Secretary, Technical Assistance Policy, Department of the Treasury; and Barry M. Sabin, Deputy Assistant Attorney General, Department of Justice.

MISCELLANEOUS MEASURES; INVESTIGATIVE REPORTS
Committee on Government Reform: Ordered reported the following bills: H.R. 4975, amended, Lobbying Accountability and Transparency Act of 2006; and H.R. 5112, Executive Branch Reform Act of 2006.

INTERNATIONAL DISASTER ASSISTANCE
Committee on Government Reform: Held a hearing entitled “Looking a Gift Horse in the Mouth: A Post-Katrina Review of International Disaster Assistance.” Testimony was heard from the following officials of the Department of Defense: Scott Rowell, Deputy Assistant Secretary, Defense for Homeland Security (Strategy, Plans, and Resources); and Davi M. D’Agostino, Director, Defense Capabilities and Management; the following officials of the Department of State: Deborah McCarthy, Director, Hurricane Katrina Task Force Working Group; and Gregory C. Gottlieb, Acting Director, Office of U.S. Foreign Disaster Assistance, U.S. Agency for International Development; Casey Long, Acting Director, Office of International Affairs, FEMA, Department of Homeland Security; and Hudson LaForce, Senior Counsel to the Secretary, Department of Education.

HOMELAND SECURITY AND PERSONAL PRIVACY
Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “Protection of Privacy in the DHS Intelligence Enterprise.” Testimony was heard from Maureen Cooney, Acting Chief Privacy Officer, Department of Homeland Security; and public witnesses.

BRIEFCING—NATIONAL STRATEGY FOR PANDEMIC INFLUENZA
Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology met in executive session to receive a briefing on the implementation plan for the President’s National Strategy for Pandemic Influenza. The Subcommittees were briefed by departmental witnesses.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT

PALESTINIAN ANTI-TERROISM ACT; RESOLUTION CONGRATULATING SUCCESSFUL COMPLETION OF THE WINTER OLYMPICS
Committee on International Relations: Ordered reported, as amended, H.R. 4681, Palestinian Anti-Terrorism Act of 2006.

The Committee also approved a motion urging the chairman to request that the following resolution be considered on the Suspension Calendar: H. Res. 697, Congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy.

ARCHBISHOP OCAMPO KILLING; MISCELLANEOUS MEASURES
Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations approved for full Committee action, as amended, the following measures: H.R. 4423, Ethiopia Consolidation Act of 2005; and H. Res. 608, Condemning the escalating levels of religious persecution in the People’s Republic of China.

The Subcommittee also held a hearing on An End to Impunity: Investigating the 1993 Killing of
Mexican Archbishop Juan Jesus Posadas Ocampo. Testimony was heard from public witnesses.

TERRORISM AND BORDER SECURITY

Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held a hearing on Checking Terrorism at the Border. Testimony was heard from Michael J. Maxwell, former Director, Office of Security and Investigations, U.S. Citizenship and Immigration Services, Department of Homeland Security; and a public witness.

SADDAM HUSSEIN’S DOCUMENTS

Committee on International Relations: Subcommittee on Oversight and Investigations held a hearing on the Iraqi Documents: A Glimpse Into the Regime of Saddam Hussein. Testimony was heard from Daniel Butler, Senior Advisor to the Deputy Director of National Intelligence Open Source, Office of the Director of National Intelligence; and the following officials of the Joint Forces Command, Department of Defense: BG Anthony A. Cucolo, III, USA, Director, Joint Center for Operational Analysis; and LTC Kevin M. Woods, USA (Ret.), Project Leader and Principal Author of Iraqi Perspective Project; and a public witness.

OVERSIGHT—DEPARTMENT OF JUSTICE

Committee on the Judiciary: Held an oversight hearing entitled “The United States Department of Justice.” Testimony was heard from Alberto Gonzales, the Attorney General, Department of Justice.

FUELING RENEWABLE AND ALTERNATIVE ENERGY IN AMERICA—ROLE OF THE FEDERAL GOVERNMENT AND FEDERAL LANDS

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on the Role of the Federal Government and Federal Lands in Fueling Renewable and Alternative Energy in America. Testimony was heard from Wayne Arny, Deputy Assistant Secretary, Installations and Facilities, Department of the Navy; Leland Roy Mink, Manager, Office of Geothermal Technology, Department of Energy; Marcia Patton-Mallory, National Biomass and Bio-Energy Coordinator, Forest Service, USDA; and Brenda Aird, Ombudsman for Renewable Energy, Department of the Interior.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries and Oceans held a hearing on the following bills: H.R. 138, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P; H.R. 479, To replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida; H.R. 1656, To correct maps depicting Unit T–10 of the John H. Chafee Coastal Barrier Resources System; H.R. 3280, To exempt certain coastal barrier areas in Florida from Limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; and H.R. 4165, to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL–64P. Testimony was heard from Representatives Kingston and Mack; Mamie Parker, Assistant Director, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

OVERSIGHT—NATIONAL PARK SERVICE VISITATION TRENDS

Committee on Resources: Subcommittee on National Parks held an oversight hearing on Visitation Trends in the National Park System. Testimony was heard from the following officials of the National Park Service, Department of the Interior: Marcia Blaszak, Regional Director, Alaska Region; and Pat Hooks, Regional Director, Southeast Region; Mike Cerletti, Secretary of Tourism, State of New Mexico; and public witnesses.

OVERSIGHT—CALIFORNIA WATER SUPPLIES

Committee on Resources: Subcommittee on Water and Power held an oversight hearing entitled “Protecting Sacramento/San Joaquin Bay-Delta Water Supplies and Responding to Catastrophic Failures in California Water Deliveries.” Testimony was heard from BG Joseph Schroedel, USA, Commander and Division Engineer, South Pacific Division, U.S. Army Corps of Engineers; William Lokey, Operations Branch Chief, Response Division, FEMA, Department of Homeland Security; Kirk Rodgers, Regional Director, Mid-Pacific Region, Bureau of Reclamation, Department of the Interior; Lester Snow, Director, Department of Water Resources, State of California; and public witnesses.

GLOBAL NUCLEAR ENERGY PARTNERSHIP

Committee on Science: Subcommittee on Energy held a hearing on Assessing the Goals, Schedule, and Costs of the Global Nuclear Energy Partnership. Testimony was heard from Shane Johnson, Deputy Director, Technology, Office of Nuclear Energy Science and Technology, Department of Energy; and public witnesses.
SMALL HEALTHCARE GROUPS/ELECTRONIC RECORDS

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled “Can Small Healthcare Groups Feasibly Adopt Electronic Medical Records Technology?” Testimony was heard from Representative Gingrey; and public witnesses.

OVERSIGHT—NATIONAL LEVEE SAFETY PROGRAM ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on H.R. 4650, National Levee Safety Program Act of 2005. Testimony was heard from MG Don T. Riley, USA Director, Civil Works, U.S. Army Corps of Engineers; and public witnesses.

VETERANS LEGISLATION

Committee on Veterans’ Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the following measures: H.R. 23, Belated Thank You to the Merchant Marines of World War II Act of 2005; H.R. 601, Native American Veterans Cemetery Act of 2005; H.R. 2188, To amend title 38, United States Code, to authorize the placement in a national cemetery of memorial markers for the purpose of commemorating service members or other persons whose remains are interred in an American Battle Monuments Commission cemetery; H.R. 2963, Dr. James Allen Disabled Veterans Equity Act; H.R. 4843, Veterans’ Compensation Cost-of-Living Adjustment Act of 2006; H.R. 5037, Respect for America’s Fallen Heroes Act; and H.R. 5038, To amend title 38, United States Code, to extend and expand the application of the Department of Veterans Affairs benefit for Government markers for marked graves of veterans buried in private cemeteries and to provide Government markers or memorial headstones for deceased dependent children of veterans whose remains are unavailable for burial. Testimony was heard from Representatives Rogers of Michigan, Chabot, Reyes, Filner, Baldwin, Langevin, and Udall of New Mexico; William F. Tuerk, Under Secretary, Memorial Affairs, National Cemetery Administration, Department of Veterans Affairs; John C. Metzler, Jr., Superintendent, Arlington National Cemetery, Department of the Army; and representatives of veterans organizations.

HEALTH INFORMATION TECHNOLOGY (IT)

Committee on Ways and Means: Subcommittee on Health held a hearing on health information technology (IT). Testimony was heard from the following officials of the Department of Health and Human Services: David Brailer, M.D., Technology Coordinator; and Lewis Morris, Chief Counsel to the Inspector General; and public witnesses.

TAX SEASON/IRS BUDGET

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the 2006 tax return filing season, the Internal Revenue Service budget for fiscal year 2007, and other issues in tax administration. Testimony was heard from of the Department of the Treasury: Mark W. Everson, Commissioner, IRS; and J. Russell George, Inspector General, Tax Administration; Raymond T. Wagner, Chairman, Internal Revenue Service Oversight Board; James R. White, Director, Tax Issues, GAO; and public witnesses.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 7, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, hearing on building the capacity of foreign military forces, 10 a.m., 2118 Rayburn.
Committee on Government Reform, hearing entitled “Out at Home: Why Most Nats Fans Can’t See Their Team on TV,” 12:30 p.m., 2154 Rayburn.
Committee on the Judiciary, Task Force on Telecom and Antitrust, oversight hearing on Network Neutrality: Competition, Innovation, and Nondiscriminatory Access, 10 a.m., 2141 Rayburn.
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