The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPITO).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, April 26, 2006.
I hereby appoint the Honorable SHELLY MOORE CAPITO to act as Speaker pro tempore on this day.

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

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore, Will the gentlewoman from California (Ms. ESHOO) come forward and lead the House in the Pledge of Allegiance.

Ms. ESHOO 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.

FREEDOM IN MACEDONIA
(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 of Michigan. Madam Speaker, as a member of the House Democracy Assistance Commission, I was honored this past week to host a delegation of Parliamentarians from the Republic of Macedonia, in my home State of Michigan.

The Macedonia delegation was immersed in many factors important to the development of a democratic society. They visited our State capitol, as well as visiting one of our major daily newspapers, understanding that a free press is critical to a thriving democracy.

They met with State elections officials to talk about how to run free and fair elections, a fundamental caveat of a thriving democracy. They visited the University of Michigan’s famed Center for Russian and Eastern European Studies. They visited our courts to get a better understanding of our system of justice, and we enjoyed each other’s fellowship at a banquet held in their honor at our local Macedonian cultural center.

This week we welcome them to Washington D.C. The Republic of Macedonia is a great emerging democracy, and its leaders are committed to the cause of freedom and liberty for every individual.

Da zivee slobodna, Makedonia. Long live freedom and democracy in Macedonia.

NATIONAL DAY OF SILENCE
(Mr. FARR asked and was given permission to address the House for 1 minute.)

Mr. FARR. Madam Speaker, I rise today to give voice to those who are silent: the many youth in our high schools and middle schools who are afraid to speak out of their place in our society because they are gay, lesbian, bisexual, transgender, intersex or questioning their sexual identity.

Today marks the 10th National Day of Silence in which we celebrate the diversity in our society, but acknowledge a deep-seated intolerance toward that diversity.

In my district, several efforts are being made to turn the intolerance into tolerance. The Watsonville YMCA has added a group called Latinas y Lesbianas y Alladas. It is one of the few programs in the Nation dedicated to reaching out to the Spanish-speaking community, which has not historically had access to such support systems. I hope this becomes a national movement.

I am also proud to represent several Shoreline Middle School eighth graders who have been nominated for the Queer Youth Leadership Awards. These brave students have worked to end homophobia and discrimination, making their school or community a safer place for people of all walks of life. These students are joined by their families, but should not be alone in their efforts.

For this reason, I join my colleague Eliot Engel in cosponsoring H. Con. Res. 86 which memorializes the National Day of Silence and encourages each State or local jurisdiction to adopt laws to prohibit discrimination and harassment against persons of alternative sexual orientation.

May the laws that come from this House strengthen, nourish and keep us united as citizens and as Your children. With all of our ideals, and all of our limitations, we pray for the Members and staff. Give them insight, guidance and vision to discern the common good of all Your people in this land and beyond. Amen.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
GAS PRICES AND THE NEED FOR LOBBYING REFORM

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

Mr. EMANUEL. Madam Speaker, yesterday President Bush said record oil prices and large cash flows also mean that these companies don’t need unnecessary tax breaks. How does the President think that these oil companies got the tax breaks in the first place? A Republican Congress of course.

Energy companies spent $86 million lobbying Congress last year, and in return the Republican Congress gave them $14.5 billion of hard-earned money by the taxpayers. You can’t get a return like that on Wall Street. Before the President signed the energy bill of June 6, 2005, energy was $2.09 a gallon. Today it is $3.30 in my district. The debate about lobbying reform is a debate about a $14.5 billion taxpayer giveaway to Exxon, Chevron and ConocoPhillips. But what this Congress is going to vote on tomorrow is not lobbying reform. To quote The Washington Post, “To quote The New York Times, it is a laughing stock. You could say the same and use the same adjective to describe the energy bill.

Remember, it all started with the Vice President candidating closed doors meeting with energy executives. They weren’t exactly playing Scrabble or gin rummy back there. Madam Speaker, the Republican bill isn’t reform, it is just another sign that the people’s House is still for sale.

ROBBER BARON BUREaucrats

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

Mr. POE. Madam Speaker, as this Victims Rights Month of April comes to an end, the bureaucrats are also trying to end a fund that supports victims of America. The Victims of Crime Act requires convicted criminals to put money into a fund that then pays for crime victim services.

What a great idea: make criminals pay for the system that they have created. Make them pay rent on the courthouse. This fund is about $1.6 billion. This is not Federal money, this is not taxpayer money, this is victim money. Now the robber baron bureaucrats want to take this money and put it into the abyss of the Federal Treasury. As one of the members of the Victims Rights Caucus, along with Jim Costa and Katherine Harris, we do not want the government to victimize victims again.

This money belongs to thousands of victims and thousands of victims organizations, including domestic violence victims, rape centers, child abuse centers, and should not be taken away. Congress needs to prevent this stealth stealing of victims’ money, and we must demonstrate to America that criminals will pay and be accountable for the misdeeds against the American people.

And that’s just the way it is.

HONORING THE LIFE OF RICHARD KOHNSTAMM

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

Mr. BLUMENAUER. Madam Speaker, last week Oregonians were saddened by the sudden death of Richard “Dick” Kohnstamm.

He was a visionary leader who conceived and then for half a century led the Kohnstamm family crusade to restore the jewel that is Timberline Lodge. This historic structure, a Depression-era public works project on Oregon’s majestic Mt. Hood, is today an artistic and historic treasure. Dick was not just a leader in alpine sports, an innovator in year-round skiing, but also a force in recreation and tourism at the national level as well. His passions ranged from historic preservation to, notably, public broadcasting leadership. He was a pioneer in creative ways to fashion public and private partnerships before the buzz word became popular.

He will be deeply missed but leaves a vision, a committed family, and a State that is grateful for over half a century of leadership.

EXTENSION OF ALTERNATIVE MINIMUM TAX

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

Mrs. KELLY. Madam Speaker, millions of Americans filed their income tax returns last week. The tax relief measures we have passed in Congress during the past 5 years have helped drive down the Federal tax bill of all Americans, but more work needs to be done. It is up to our constituents to keep more of the money they earn, rather than sending it here to Washington in taxes.

This year, we have got to get the alternatives. Let minimum tax off the backs of small business and the middle-class families once and for all.

It was a tax increase in 1993 that failed to adjust the AMT exemption amounts for inflation. That negligence led us with a stealth tax that is looming at the doorstep of middle-class families throughout New York and across our country.

We protected those middle-class families by increasing the AMT exemption amounts in tax relief we enacted during the past few years, but if middle-class exemptions are not extended or made permanent this year, the number of New Yorkers forced to pay the AMT will more than quadruple to 1.6 million next year, and this is just New York.

Let us not repeat the mistake Congress made in 1993. Let us stop the alternative minimum tax on the middle class and on America’s small businesses. Let us commit ourselves to lowering taxes, not raising them.

EXCESSIVE OIL COMPANY PROFITS

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

Mr. KUCINICH. Madam Speaker. Congress must break the hold which the oil companies have on the politics of our country.

The American people are demanding action. The price of gasoline has climbed to over $3 a gallon, headed towards $4, maybe $5 a gallon. But listen to this: since 2001, the five largest oil companies have made over $280 billion in profits. ExxonMobil alone made $36 billion in profits last year.

There is only one way to stop the oil companies from an endless series of increases in the price of gasoline.

Nearly 50 Members of Congress have now signed on to my bill, H.R. 2070, which calls for a 10 percent excess profits tax on the oil company profiteering. This act does not tax the price of gasoline so it will not increase the cost. However, by taxing excessive profits, it puts the breaks on price gouging and will lower the price of gasoline.

Congress must not stand by while the oil companies are stealing from the American people.
CONGRESSIONAL RECORD—HOUSE

RECOGNIZING NATIONAL CRIME VICTIMS RIGHTS WEEK

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

Mr. CHABOT. Madam Speaker, I would like to take this opportunity to recognize Crime Victims Rights Week with my colleagues from the Congressional Victims Rights Caucus.

Recently, the Judiciary Crime Subcommittee examined the issue of crime victims where we discovered that one violent crime occurs every 6 seconds in this country, one rape or sexual assault occurs every 2½ minutes.

The issue of how crime victims are treated within the criminal justice system has been of paramount importance to myself and many of us throughout our tenure in Congress. I was the sponsor of the Crime Victims Rights constitutional amendment back in the 106th, 107th and 108th Congresses. That legislation would have given crime victims the right to be reasonably protected from the accused, to be heard at all court proceedings, to receive full and just compensation in the form of restitution and, most importantly, to be treated with fairness and dignity and respect.

Unfortunately, despite numerous hearings and attempts by Senators Kyl and Feinstein, it was bipartisan, myself and others, we did not have the votes to pass a constitutional amendment. However, the Crime Victims Rights Act was included as title I of the Justice for All Act.

We need to recognize and support all crime victims in this country.

MR. CHABOT. Madam Speaker, I would like to take this opportunity to recognize Crime Victims Rights Week with my colleagues from the Congressional Victims Rights Caucus.

WELCOME TO STUDENTS AND PRINCIPAL OF ST. JOSEPH’S AT SACRED HEART SCHOOL

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

Ms. ESHOO. Madam Speaker, I am very pleased to welcome a special group to the Capitol this morning. It is the season where so many students come to Washington to see their government in action and to visit the historic sites in Washington. This week the students of St. Joseph’s School of Sacred Heart in Atherton, California, are here.

The school is over 100 years old. It was founded by the religious of the Sacred Heart, the beloved religious of the Sacred Heart, and the traditions and their mission of excellence in education and the formation of the character and the spiritual formation of students continues today. How proud I am that they are here; how proud I am of the teachers; how proud I am of the principal of St. Joseph’s at Sacred Heart, my daughter, Karen Eshoo.

Welcome, students, and enjoy your memorable and historic visit to our Capitol. May what you see and what you experience remain with you for a lifetime.

Ms. ESHOO. Madam Speaker, I am very pleased to welcome a special group to the Capitol this morning. It is the season where so many students come to Washington to see their government in action and to visit the historic sites in Washington. This week the students of St. Joseph’s School of Sacred Heart in Atherton, California, are here.

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Welcome, students, and enjoy your memorable and historic visit to our Capitol. May what you see and what you experience remain with you for a lifetime.

SUPPORT LEGISLATION TO ADVANCE ENERGY INDEPENDENCE

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

Mr. WELLER. Madam Speaker, the statistics say it all: two-thirds of the oil we consume today is imported. Sixty percent of our trade deficit, the increase, is as a result of oil imports, and today we are paying $3 or more per gallon of gasoline. The message is clear: we need independence from imported oil.

Last year’s energy bill was a good start. In the district I represent, we are seeing new jobs created and much investment in wind energy, ethanol production, and a doubling of biodiesel production at the local plant, but we need to do more. I urge this House to take up and advance comprehensive legislation to replace oil with renewable fuels.

Would you support legislation that would replace 1.6 million barrels of oil a day? I would hope so. We have that opportunity with the Biofuels Act, H.R. 4973, legislation that would increase the amount of ethanol and biodiesel we produce from 4 billion gallons a year today to 25 billion gallons by the year 2025. This legislation will reduce our oil imports, create energy independence, and it is home-grown fuels.

We need to recognize and support all crime victims in this country.

“DO-NOTHING” CONGRESS REPUBLICANS HAVEN’T CHANGED MUCH FROM TRUMAN’S TIME

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

Mr. McDERMOTT. Madam Speaker, back in 1948, President Truman dubbed the Republican-led House the “Do-Nothing Congress.” He came up with the name because the House barely met. How could they do better and less than the “Do-Nothing Congress” of 1948?

Would you believe that as bad as the 1948 Congress was, the Republican-led Congress of 2006 is worse? So far this year we have only been in session 22 days, and we are only scheduled to hold votes on a total of 97, which is 11 days less than the “Do-Nothing Congress” of 1948.

There is so much to do, gas prices and all the rest, but here in Washington the House Republicans seem content just to ignore our Nation’s problems. Maybe they are satisfied with the work they have already done on behalf of their special interests for the election.

There is another thing this group has in common with the 1948 Republican “Do Nothing Congress.” Consider this statement made by President Truman in 1948: “Something happens to Republican leaders when they get control of the government. They have a hard time hearing what the ordinary people of the country are saying, but they have no trouble at all hearing what Wall Street wants.”

It is time for the 2006 Congress to do something about the problems of the people in this country.

DEMOCRATS’ HYPOCRISY ON ENERGY

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

Ms. FOXX. Madam Speaker, the Democrats surely do like to have their cake and eat it, too. Over and over again they complain about something, then turn right around and oppose any commonsense solutions offered by Republicans.

Democrats whine about our deficit, but vote against slowing the growth of spending. They complain about our President’s plan in Iraq, but they offer no alternatives. They say we need to increase border security, yet vote against the bills that would do just that. The list goes on and on.

The Democrats’ latest case of hypocrisy: they hold a press conference, complain about our rising energy prices, even though their actions have contributed directly to the problem. For a party that claims it is looking out for the best interests of the American people, it has a funny way of showing it.

For decades the Democrats have fought to stop production of all forms of energy. They voted against increasing domestic energy supplies, which would not only lower prices, but create more jobs here at home. The Democrats have opposed Republican efforts to lessen the tax burden at the pump. They have opposed nuclear energy and renewable fuels. They have opposed cracking down on price gouging.

Madam Speaker, Republicans have been working hard to address rising energy prices, yet all the Democrats do is vote “no.”

GAS CRISIS

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

Mr. INSLEE. Madam Speaker, if you like the administration and the Republican Congress’ response to Hurricane Katrina, you are going to love the response to this gas crisis. Because while folks said they could not anticipate that the levees would be topped, when you do what the administration has done, you should have been anticipating $3 plus, $3.25, and $3.35 gasoline at the pump.

When you go into secret energy meetings, as the Vice President did, to devise an energy strategy and come out with giveaways to the energy industry when you have a President who refuses to act when Enron was stealing billions of dollars from the economy,
telling the oil industry you can go ahead and do the same thing because I will not act; when three times Democrats stood proudly to have a bill to allow the FTC to investigate this price gouging and the Republicans voted in lockstep against it, you could anticipate the levees would be topped, and you could anticipate that the oil companies would run rampant with the price of gasoline.

Now, how has this President responded? He wants to do this thing with a slow one-half of one-third of 1 percent increase in production to do something about it. If your house is on fire, the President would bring you a thimbleful of water, and that is the only assistance we are getting. We need real action, not these baby steps.

REFINING CAPACITY

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

Mr. SULLIVAN. Madam Speaker, we all know that gas prices are very high right now, but one of the reasons that gas prices are high is that we haven’t built or expanded a refinery in this country for 30 years, and the reason is because the environmental extremists won’t allow that to happen. That is one of the reasons there is not enough supply for the demand out there. It is very simple. That is what it is, supply and demand.

Our refineries right now are operating at maximum capacity. They can’t pump out any more gas to the people of this country. So we need to expand domestic production. We need to expand refining capacity in this country. It is critically important we do that, and that in return will help to reduce gas prices in this country.

So we need to build these around the country and to build them with geographical diversity as it relates to the refining capacity. Katrina underscored the fact that 90 percent of our refining capacity is down in the gulf, and it was affected by Katrina. We saw gas prices go up when they were affected. So one of the things we need to do is spread refining capacity around the country.

One of the best places to build a refinery in this country is Cushing, Oklahoma. I say that not only because I am from Oklahoma, but because nine major oil pipelines intersect in Cushing. We have the infrastructure in place, we already have the supply there. It is about a near perfect place to build a refinery in this great country. We need it desperately. Let’s make it a megarefinery producing 500,000 barrels a day.

GAS PRICES

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

Ms. DELAUNOY. Madam Speaker, it is breathtaking what President Bush and congressional Republicans will say or do when it comes to skyrocketing gas prices. In discussing tax breaks for oil companies, the President said yesterday, and I quote, “RECORD oil prices and large cash flows also mean that Congress has got to understand that these energy companies don’t need unnecessary tax breaks.”

Coming from the single greatest champion of tax breaks for oil companies that the Oval Office has ever known, that is rich. The President has spent the last 5 years working for these tax breaks that he now disavows. Last year’s energy bill, which he signed, had $8 billion of corporate welfare for oil companies. For him to suggest now that he opposes these tax breaks is, in my opinion, dishonest, cynical, and the height of hypocrisy.

When it comes to solving the energy crisis, President Bush and his Republican Congress have no credibility. Had they spent the last 5 years working to reduce our dependence on foreign oil, rolling back the billions of dollars in tax breaks and royalty relief to the big oil companies; and if he were about promoting alternative fuels, as Democrats have proposed, we might now today be on the road to energy independence. Instead we are bracing ourselves for $4 gas prices.

The American people expect leadership from their President and Congress, Madam Speaker. They are not getting it from either.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from referring to the President in personally offensive terms.

COMMONSENSE APPROACH TO BORDER SECURITY

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

Mr. KELLER. Madam Speaker, I rise today to talk about a commonsense approach to border security. I recently conducted three town hall meetings throughout central Florida. The message I received from my constituents was loud and clear: our first priority must be to secure our borders and enforce the law. After that we can then determine for ourselves how many workers we need for construction, agriculture, landscaping, and other jobs.

It is really a matter of common sense. For example, imagine there was a bucket of water sitting next to a wall. Just above the bucket is a faucet turned on full blast. Your job is to take a ladle and remove the water from the bucket. You could do that job for the rest of your life, or common sense would tell us: first turn off the faucet, then it would be much easier to decide what to do with the remaining water.

Let’s use our common sense and make securing our borders and enforcing the law our top priority in Congress.

NINETEEN DAYS UNTIL BUSH RX DRUG TAX TAKES PLACE

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

Ms. SCHAKOWSKY. Madam Speaker, when are House Republicans going to stop being a rubber stamp for President Bush and join us in being on the side of seniors and the disabled instead of the pharmaceutical companies?

House Republicans don’t have too much time left to make the right decision. As this calendar shows, Congress has only 19 days left to act on behalf of millions of American senior citizens who have still not chosen a drug plan. Despite a multimillion-dollar campaign and months of heavy promotion by the administration, only 8 million uninsured Medicare beneficiaries have voluntarily signed up so far for a private drug plan, leaving 14 million seniors still without any drug coverage.

Well, some of these seniors have simply determined that the new prescription drug plan will not help them and their prescription drug bills. Others are still navigating through dozens of different plans hoping to find one that will help them. Will hurricanes should not add to this pressure by supporting the President’s unreasonable May 15 deadline.

House Republicans should join the Democrats in extending the deadline until the end of the year. As we mark off another day, the countdown continues.

DEMOCRATS CAN’T HAVE IT BOTH WAYS

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

Mrs. BLACKBURN. Madam Speaker, you know, as we are talking about energy, and as we are talking about fuel prices today, it is quite amazing to watch selective memory and revisionist history take place within this Chamber. To my liberal colleagues I would simply say: you cannot have it both ways.

And I hope we are learning a lesson from what we are hearing in this Chamber and from what we are seeing in the papers. Thirty years of environmental extremist policies on energy consumption in this Nation leads to the situation that we have today. For 30 years we have not been able to build new refineries because of environmental regulations. For 30 years we have not been funding exploration and development. Couple that with what has happened with Katrina and Rita, and, yes, we have a painful situation with energy prices.
Let us learn the lesson. Let us come together and let us be certain that we are thoughtful and that we realize our Nation depends on an energy source that is going to be consistent and supply lines that are going to be open.

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

Mr. COSTA. Madam Speaker, I rise today to speak on behalf of the Victims Rights Caucus which Congressmembers Poe, Harris, and I chair. We have introduced a resolution that recognizes what many Americans know all too well: crime does not know any geographic, demographic, or political boundary. It touches all of our communities.

We support the Victims Rights Week and the Crime Victims Fund, legacies that President Reagan and Congress passed in the 1980s. The Crime Victims Fund is distributed to service providers who assist millions of crime victims annually throughout our communities in a host of ways. It is paid for by fines levied on criminals, not taxpayers.

Yet today, our caucus is fighting to protect that fund from this administration’s wrongheaded attempt to balance the budget on the backs of victims by putting those dollars into the general fund. This is morally wrong.

We must ensure that this fund is used for its original intent: to provide for crime victims, to provide for probation departments, and to help the victims who truly need and deserve our assistance to hold offenders accountable.

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

Mr. PENCE. Madam Speaker, after months of scandal and years of deficit spending, millions of Americans fear that this Congress is fiscally and ethically bankrupt.

This week, thanks to the bold leadership of Speaker Dennis Hastert, Congress will consider historic lobbying reform legislation that will bring new transparency to the relationship between lobbyists and lawmakers, and I applaud it.

But as important as these changes are, we must also change the way we spend the people’s money here on the floor of this Chamber. And this legislation also includes commonsense reforms in earmark spending that will end an era of unaccountable pork-barrel spending in Congress.

It is said that righteousness exalts a nation, and meaningful lobbying reform and earmark reform will lift the spirits of the American people demonized by years of disappointment from Washington, D.C.

I urge my colleagues to come together in the spirit of that high standard and this privileged service and support lobbying reform legislation.

GOP IGNORED ENERGY PROBLEM FOR 5 YEARS
(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Madam Speaker, it is hard to believe that when President Bush took office in 2001, the average price of gasoline was $1.65. Since that time, on both the President and Congressional watch, gas prices have doubled, leaving everyday families squeezed to afford other necessities.

Washington Republicans have had 5 years to develop a comprehensive energy policy that would not only free America from reliance on Middle East oil, but would also crack down on price gouging and market manipulation. Instead, almost immediately after taking office, the Vice President began holding secret meetings with oil and gas company executives to create a special-interest energy plan. The secret Bush administration energy plan was finally rubber-stamped by the Republican Congress last year.

Under this energy plan, oil companies got at least $20 billion in both tax breaks and royalty-free drilling rights, while hardworking Americans got stuck with the bill.

It is no wonder that their initials are G-O-P: Gas, Oil and Petroleum. Democrats refuse to do the dirty work of the Republican-controlled Congress to address the problem by raising an energy bill last year, but the Bush administration’s own Energy Department admitted that it would not do anything to reduce gas prices.

Madam Speaker, it is time for House Republicans to come home for breaks. The American people were rightfully demanding a solution to the energy crisis. It is time for the do-nothing Congress to do something.

BETTER ENERGY POLICY IS POSSIBLE
(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Madam Speaker, the American people seem wedged between record oil company profits, half-billion-dollar retirement packages for oil executives, and a Federal energy policy that just does not work. Now Americans have to choose between not only medicine through a prescription drug plan that is a boon to pharmaceuticals and a doggie to the people who need the drugs, but the people are also being victimized by a secret energy plan drawn up by oil barons. My friends, people like me have been saying that this Nation needs to decrease oil dependence, that it was depletable, causes global warming, was not worth destroying ANWR or waging wars over.

Better policy is possible, but we won’t get it from this administration of oil barons.

ENERGY SOLUTION NEEDED
(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. Madam Speaker, I do not want to blame Republicans or Democrats for the price of gas. I think perhaps all of us have somewhat to share in it. We need to find a solution so we can become energy independent.

I believe that the scientists, those people in our country who won a war, have the capability of creating a situation and doing the scientific research necessary to make us self-sufficient.

But I do have a suggestion. I hear a lot from the other side about the environmental issues. We have passed several trade agreements in this country: GATT and the WTO that regulates environmental issues and labor issues and prohibits the employers in this country from even negotiating issues with those countries. So corporate America is leaving in an exodus from this country to build factories in Asia and other parts of the world. My suggestion to Big Oil is they use part of the $113 billion they earned last year just to move south of Padre Island and south of San Diego and build refineries if that is what it will take to bring all of our high gas prices. They can build them there without environmental issues, and certainly no labor issues would be involved. That is my answer.

ADDRESSING SKYROCKETING ENERGY PRICES

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

Mr. LYNCH. Madam Speaker, we have to stop the partisan bickering here. The American people need our help. I am sure we are all aware of the effects and hardships that $3-a-gallon gas prices are having on average American citizens and their families. It amounts to a huge tax increase. And the saddest part of this fiasco is that much of this price increase is the result of mere speculation. It is, therefore, preventable.

We, the Democrats, have an answer which will provide immediate relief to American families. It is H.R. 3936 offered by the gentleman from Michigan (Mr. STUPAK). It would regulate and put an end to the process of price gouging. We have been trying to get this bill passed for some time.

For once we need to forget about the rich oil companies and record profits and tax cuts for the oil companies. That needs to go away. We need to start remembering the American people who need our help. The Republican leadership needs to realize this economy is going in the toilet as a result of this and the nation’s economic policies and millions of American families are suffering. We need to pass the Stupak anti-price-gouging bill.

REPUBLICANS TOO COZY WITH OIL AND GAS COMPANIES

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

Mr. PALLONE. Madam Speaker, last year when gas prices hit record highs and House Republicans called the CEOs of the oil and gas companies to a closed-door meeting for an explanation.

One of the CEOs Republicans met with was ExxonMobil’s chief executive, Lee Raymond, who just walked away with a $400 million retirement package. House Republicans vowed dismay as to why these CEOs did not get the message last fall.

Who was the House Republican leadership trying to fool? Why would oil and gas executives worry about Republicans taking action against them? After all, House Republicans have refused repeated Democratic efforts to allow a vote on tough legislation that would empower the Federal Government to end price gouging.

House Republicans also supported an energy bill last year that did little more than provide $20 million in gifts to the oil and gas companies.

Madam Speaker, House Republicans have a cozy relationship with these guys, and they have had it for too long to be taken seriously. It is no wonder oil and gas CEOs did not get the Republican message.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. Res. 443

In the Senate of the United States, April 25, 2006.

Whereas Francis R. (Frank) Valeo served with distinction as chief of the Foreign Affairs Division of the Legislative Reference Service and specialist in the Far East, before becoming Secretary of the United States Senate in 1952 on the staff of the Committee on Foreign Relations;

Whereas Frank Valeo in 1958 became foreign policy advisor and assistant to the Majority Whip, Senator Mike Mansfield, and then served as Majority Secretary from 1963 to 1966;

Whereas Frank Valeo served as Secretary of the Senate from 1966 to 1977;

Whereas Frank Valeo accompanied many United States Senators on missions to all parts of the globe, assisted the Majority Leader in regularly reporting on conditions in Southeast Asia, and was part of the first congressional delegation to visit the People’s Republic of China in 1972;

Whereas Frank Valeo represented the United States Senate on the Federal Election Commission from 1974 to 1977, and in that role participated in the 1976 landmark Supreme Court decision of Buckley v. Valeo;

Whereas Frank Valeo helped to modernize and set professional standards for service in the diverse offices that report to the Secretary of the Senate, and served as a member of the Commission on the Operation of the Senate from 1975 to 1976, where he helped craft its proposals for structural and technological reforms in Senate operations;

Whereas Frank Valeo’s clear understanding and appreciation of the challenges facing the nation have left his mark on those many areas of public life: Now, therefore, be it

Resolved. That (a) the Senate has heard with profound sorrow and deep regret the announcement of the death of Frank Valeo.

(b) The Secretary of the Senate shall communicate these resolutions of the Senate to the President of the United States.

(c) The Secretary of the Senate shall communicate these resolutions of the Senate to the Speaker of the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators to serve as members of the Senate Delegation to the Canada–United States Interparliamentary Group and during the Second Session of the One Hundred Ninth Congress:

The Senator from Colorado (Mr. ALGARD).

The Senator from Ohio (Mr. VOINOVICH).

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators to serve as members of the Senate Delegation to the Canada–United States Interparliamentary Group during the Second Session of the One Hundred Ninth Congress:

The Senator from Colorado (Mr. ALGARD).

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, appoints the following individual to the United States Commission on International Religious Freedom:

Preeta D. Bansal of Nebraska for a term of two years (May 15, 2006 to May 14, 2008).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.
URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND HIS LAW FIRM AND REVISE LAW AND PRACTICE IN CHINA SO IT CONFORMS TO INTERNATIONAL STANDARDS

Mr. SMITH of New Jersey, Madam Speaker,

I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 365) urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal suspects in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards.

The Clerk read as follows:

H. Con. Res. 365

Whereas, since November 2005, the Beijing Judicial Bureau has shut down the law firm and suspended the license of Mr. Gao Zhisheng, one of China’s best known lawyers and legal rights defenders;

Whereas Mr. Gao has defended citizens of China in lawsuits against various local and administrative governmental bodies of the People’s Republic of China over corruption, land seizures, police abuse, and violations of religious freedom;

Whereas Mr. Gao wrote 3 open letters to President Hu Jintao and Premier Wen Jiabao condemning the methods employed by the Government of China in implementing its ban on “evil cults”, such as the Falun Gong and an additional letter documenting severe persecution of Christians in Xinjiang Uighur Autonomous Region;

Whereas Mr. Gao’s law practice filed a petition to appeal the verdict against Cai Zhuohua, who was found guilty of “illegal business practices” based upon his distribution of Bibles and religious material;

Whereas Mr. Gao’s home has been constantly monitored by agents from the Ministry of State Security and Mr. Gao was prevented by the Public Security Ministry from meeting with the representatives of the United Nations Special Rapporteur on Torture during his November 2005 visit to Beijing;

Whereas agents of the Public Security Bureau of China, numbering between 10 and 20, have consistently monitored the activities and whereabouts of Mr. Gao, his wife, and his daughter, Wei Quan, who advocates on behalf of victims filing grievances with the Central government in Beijing, was also beaten on October 10, 2005, when meeting with Chen Guangcheng;

Whereas Mr. Yang Maodong (also known as Gao Feixiong), a lawyer who registered with his license and lagers in Taishi village who attempted to oust their village head in peaceful elections, has been arbitrarily detained repeatedly and remains under consistent surveillance by security agents;

Whereas Mr. Tang Jingling, a Guangdong based lawyer also working on the Taishi village election case, received from his law firm and was beaten on February 2, 2006, after attempting to meet with Yang Maodong;

Whereas, on February 28, 2006, the Joint United Nations Programme on HIV and AIDS (also known as “UNAIDS”) office in China expressed concern regarding the disappearance of Mr. Hu Jia, an activist who worked to organize the legal defense of AIDS patients in Henan Province, and who has been placed in detention and has not been permitted to contact his friends and family since February 16, 2006;

Whereas, according to the Department of State 2005 Country Reports on Human Rights Practices, China has failed to meet the requirements of the Helsinki Accords, as well as of the International Covenant on Civil and Political Rights, by using terrorism charges, and such cases continued during the last year despite promises made by the Government of China to amend Article 306; Whereas the State Department’s 2005 Annual Report on Human Rights states that Beijing’s human rights record remains poor; that authorities of China quickly moved to suppress those who openly expressed dissenting political views, and that writers, religious activists, dissidents, lawyers, and petitioners to the Central Government were particularly targeted; Whereas directly following their August 2005 visit to China, the State Department’s Commission on International Religious Freedom found that—

(1) The Government of China actively seeks to control and suppress the activities of unregistered religious organizations and provides severe penalties for engaging in unregistered religious activities;

(2) Leaders of unregistered Protestant organizations have come under increased pressure to register with the authorities, and those who refuse, for theological or other reasons, are subject to harassment, arrest, and closing of their religious facilities;

(3) Leaders of unregistered Protestant organizations have come under increased pressure to register with the authorities, and those who refuse, for theological or other reasons, are subject to harassment, arrest, and closing of their religious facilities;

(4) Groups determined by the Government of China to be “evil cults”, such as Falun Gong, are brutally suppressed; and

(5) Practitioners of Falun Gong have experienced severe persecution, including arrests, numerous detentions, torture, irregular trials, imprisonment, and submission to the reeducation through labor system, whereby accused criminals are subject to up to 3 years detention;

Whereas despite questions raised by the Government of the United States and others about the charges made against Pastor Cai Zhuohua, the Government of China sentenced Pastor Cai and other members of his family to 3 years in prison for “illegal business practices” for their printing and distribution of religious materials;

Whereas, according to the Regulations on Religious Affairs, the Government of China has stepped up its efforts to eliminate unregistered religious activity, with raids on “house church” Christian groups in several provinces, resulting in detention of hundreds of leaders of the house church, dozens of whom remain in custody; and

Whereas the Government of China has, on several occasions, steadfastly refused to ratify the International Covenant on Civil and Political Rights, but has delayed ratification since signing the document in 1998; Now, therefore, be it

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

(C) urges the Government of the People’s Republic of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal suspects in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; and

(D) urges the Government of the People’s Republic of China to cease its harassment of Mr. Gao Zhisheng, overturn any decision of his conviction to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial;

(C) urges the Government of the People’s Republic of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal suspects in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; and

(D) urges the Government of the People’s Republic of China to cease its harassment of Mr. Gao Zhisheng, overturn any decision of his conviction to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial;

(C) urges the Government of the People’s Republic of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal suspects in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; and

(D) urges the Government of the People’s Republic of China to cease its harassment of Mr. Gao Zhisheng, overturn any decision of his conviction to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial;

(C) urges the Government of the People’s Republic of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal suspects in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; and

(D) urges the Government of the People’s Republic of China to cease its harassment of Mr. Gao Zhisheng, overturn any decision of his conviction to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial;
The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume to protest the counsel of the Chinese government to refuse the freedom of the Chinese people.

Madam Speaker, I thank our good friend, Mr. MARK KENNEDY, for sponsoring this important human rights legislation. It is very well crafted. It sends a clear and unambiguous message to the People’s Republic of China. Having served for 29 years as a Member of Congress, I want to thank him for his extraordinary leadership on this. It is an excellent resolution.

This resolution can probably be summed up in one phrase: Rule of law. When you get the details, it asks China simply to adhere to the rule of law. First, it demands that China adhere to its own Constitution, its own procedure law, and its own law on lawyers. This is not asking a great deal. These instruments give very few rights, it is true, but unless China protects the rights it already acknowledges, nobody in China can have any genuine fundamental human rights.

China acknowledges the right of defendants to a lawyer, the right of a citizen to seek redress of their legitimate grievances through the courts, and the duty of lawyers to represent clients. Yet China tramples on even these minimal rights.

Lawyers like Gao Zhisheng, who dare to follow the law and represent clients, are harassed, threatened, beaten, forbidden to practice, detained and imprisoned. Defense lawyers are faced with the constant threat of indictment for perjury if and when the government decides their clients have lied. These practices must stop.

Secondly, the resolution demands that China cease its assault on basic human rights, an assault that is the real reason behind the persecution of Falun Gong, human rights, an assault that is the real reason behind the persecution of Falun Gong and its members. It is the assault of the People’s Republic of China on the right to the rule, the gentleman from California (Mr. LANTOS) and the Department of State of China in March 2005; and it is the sense of Congress that—

(A) the Government of the United States should sponsor “patriotic religious associations” and promote religious freedom and human rights programs that strengthen protection of basic rights and freedoms, and should initiate programs to train lawyers, judges, academics, and students in China about international human rights law, to inform citizens of China about international human rights norms, and to build organizations and associations to promote these priorities;

(B) the Government of the United States should seek grant proposals and fund programs to promote legal protections and cultural awareness of the right to the freedom of religion or belief commensurate to ongoing rule of law programs funded by the Human Rights and Democracy Fund for Chinese workers, women, and public interest law training; and

(C) the President should raise the issue of the Government of China’s harassment, arrest, detention, and persecution of rights defense lawyers and activists and the need for the Government of China to respect the basic human rights of its citizens and the rule of law during his planned meeting with Chinese President Hu Jintao in April 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each have 2 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend these remarks and include extraneous material on the concurrent resolution under consideration.

They are being punished for their courageous defense of religious freedom, the right of women not to be violated by China’s coercive population control program, the right of citizens to protest corrupt officials, the rights of Chinese to petition their government to redress grievances. Such rights are not Western or American inventions. They are universal. No rule of law can exist unless such rights are acknowledged and protected. The State Department, in its annual report, last week, in its annual report, in its report to the American people, acknowledges the rights of its own citizens—survivors of the Chinese concentration camps—Laogai—including Harry Wu, who spent 19 years in prison. The hearing focused on some of the worst abuses, including Chinese censorship of the Internet, the use of the Internet as a tool of repression, violations of the rights of Chinese citizens to worship freely; also the incalculable loss of labor rights; and the corruption of officials, which continue to be a serious and highly pervasive abuse by the Chinese Government.

Madam Speaker, Beijing has increasingly viewed the Internet as a potential threat to the party’s ability to control the population and monopolize political power. It has turned China into one of the most repressive and restrictive Internet countries in the world. It is important to note that freedoms that we enjoy in America allowing individuals to publish information and news on the Web unfettered is not something that Chinese individuals have. Those freedoms do not exist in China. Individuals are imprisoned and tortured.

At the very least, U.S. corporations should not be aiding in that process. Yet at a February hearing I chaired on the Internet in China, we learned in China where and disturb our interests in the future, and at a hearing where the biggest corporations of America have partnered with the much-hated Chinese secret police to find, apprehend, convict and jail religious believers, labor activists, and democracy advocates.

Yahoo told us at the hearing how profoundly regretted sending Shi Tao to prison for 10 years, but then they couldn’t tell us and didn’t seem to want to know how many others were condemned to jail and torture because of Yahoo’s complicity with the secret police. When I asked under what conditions, a court order, police demand, a fishing trip, Yahoo surrenders e-mails and address files, Yahoo told us that they couldn’t reveal this information because it would break Chinese law. Give me a break.

Google, for its part, created an exclusively Chinese search engine that only a Joseph Goebbels could love. Type in any number of vile words like “human rights” or “Tiananmen Square massacre” or “Falun Gong,” and you get rerouted to government propaganda, much of it heavily anti-American, much of it heavily anti-President Bush, and filled with hate, especially for the Falun Gong.

How did Google respond to our deep concern about their enabling of a dictatorship to expand its hate message? They hired big-time Washington lobbying firms like Podesta-Mattoon and the DCI Group to put a good face on it. Yet Google was more than complicit with the secret police. They hired big-time Washington lobbyists, especially Policenet, a tool for good in the hands of honest cops and legitimate law enforcement, but a tool of repression in the hands of Chinese...
Police, has now effectively linked and exponentially expanded the capabilities of the Chinese secret police.

Microsoft also censors and shuts down blogs that Big Brother objects to. You can be sure that no serious discussion was on the agenda at President Hu’s visit with Bill Gates at Microsoft.

China’s continued repression of religion is among the most despotic in the world. In February, a BBC report said that China had warned Hong Kong’s newly appointed Cardinal, Joseph Zen, a well-known critic of China’s suppression of religious freedoms, to remain quiet on political issues. Citizens practicing a faith other than officially sanctioned religions are often subjected to torture, imprisonment and death, at which time prisoner organs are frequently harvested to meet demand. Christians, Tibetan Buddhists, and Muslim Uighurs are all being persecuted for their faith. Today numerous Catholic monasteries and churches are closed, priests and bishops and Protestant pastors languish in the infamous concentration camps known as the Laogai for simply proclaiming the Gospel of Jesus Christ.

In the early 1990s, Madam Speaker, I met a bishop, Bishop Su Zhimin of Baoding Province, a gentle and kind man who celebrated mass for our small delegation. I was deeply inspired by his faith. He had recently been let out of jail, and his liberation was overwhelming even for those who jailed and mistreated him. He had no animosity for his jailers, only compassion and forgiveness. Soon after my visit—he was sent back to prison. What kind of regime incarcerates a truly noble man like this? Bishop Su has now spent 30 years of his life in prison for loving God and for loving his neighbor and even loving the despotic dictatorship that so hates him. What kind of barbarous man like this?

And then there is the special hate that Beijing pours out on the Falun Gong. Nearly 7 years ago the Chinese Government began its brutal campaign to completely eradicate the Falun Gong through whatever means necessary. Many party members as early as 7 years ago or so and army officials began to practice Falun Gong. Like all dictators and totalitarian terror systems, the PRC fears and hates what it cannot control, so it decided to destroy and intimidate those who practice Falun Gong. We see before us now a Stalinist nightmare revived for the 21st century, hundreds, perhaps thousands, dead as a result of torture; tens of thousands of jailed individuals without trial held in labor camps or mental hospitals where they are forced to endure torture-brainwashing sessions.

I would note parenthetically that when a Chinese president like this White House lawn from President Hu was making his speech, it may have been impolite for her to do that, but had she done that in China, Madam Speaker, she would be dead now, having been subjected to torture and then an execution. That is the reality on the ground in the People’s Republic of China.

Just over a year ago, Madam Speaker, Beijing finally released the renowned human rights activist Rebiya Kadeer, who also testified at our hearing from prison, where she had been held on trumped-up charges and lived there in prison for over 6 years. We had hoped this signaled some sort of genuine reform, but maybe things were beginning to turn. However, we have now learned that nothing could be further from the truth, and the Muslims, like the Tibetan Buddhists and like so many others, are being continually harassed and put into prison.

Madam Speaker, coercive family planning in China has slaughtered more innocent children than any war in human history. It is a weapon of mass destruction. Coercive family planning has wounded Chinese women by the millions. The ecological consequence is that some 500 women commit suicide each and every day in the People’s Republic of China. China’s one child per couple policy decreed back in 1979 has killed hundreds of millions of babies.

Ms. Thea Lee, who spoke at our hearing, is one of the bravest human rights activists I have ever met. She had in mind 40 years ago in Cape Town. His remarks that day were particularly eloquent, and I quote, “Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in war. Yet it is the one essential vital quality for those who seek to change the world which yields most painfully to change.”

Madam Speaker, China’s human rights lawyer Gao Zhisheng is precisely the type of individual Robert Kennedy had in mind 40 years ago in Cape Town. As a former soldier in the People’s Liberation Army and a member of the Chinese Communist Party, he wanted to join China’s political and social elite. But, instead of power and prestige, Gao opted to become a human rights lawyer in a nation where respect for human rights and political freedoms are not part of the government’s lexicon.

Gao’s struggle for human rights within China’s legal system has not been without cost. His law firm has been shut down by the Chinese Government. Gao and his family are subject to constant surveillance by agents of government agents. Police officers called him a few months ago to say, we have gathered a lot of information about you, including your home, your wife and your children. We even know that your children usually take to go to school.

Madam Speaker, these scare tactics are unfortunately standard practice against Chinese lawyers who fight for real justice in the Chinese legal system. One of Beijing’s wrath by defending a Chinese activist who had worked on behalf of the villagers trying to unseat their corrupt village
chief, and by representing a journalist sentenced to jail for posting his own political thoughts on line. And perhaps, most importantly, Gao had written an open letter to the Chinese leadership condemning the unfounded persecution of the Chinese Church.

The resolution before the House today commends Gao and other Chinese human rights lawyers for their brave and principled actions on behalf of individual Chinese citizens fighting the government’s injustice. It also condemns the government’s ceaseless efforts to harass, intimidate and imprison lawyers who are simply attempting to uphold China’s own Constitution.

Madam Speaker, when Bob Kennedy spoke to South African students four decades ago, it seemed inconceivable that apartheid would fall and that human rights and democracy would one day flourish in South Africa.

Mr. SMITH of New Jersey. Madam Speaker, I strongly support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. KENNEDY), the author of this resolution.

Mr. KENNEDY of Minnesota. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I rise today to call attention to the persecution that has been well laid out to those who dare challenge the Chinese Government on matters of human rights and religious freedom. This resolution calls on the Government of China to stop its persecution of lawyers who defend clients in human rights and religious freedom cases and to repeal its laws designed to prohibit unlicensed religions from meeting freely.

The case of Gao Zhisheng, one of China’s best-known lawyers and human rights defenders, is illustrative of the abuse that the Chinese people suffer for the exercise of rights that many Americans take for granted.

Mr. Gao has dared to represent Chinese citizens in lawsuits over corruption, land seizures, police abuse, and violations of religious freedom. One of these lawsuits was filed to appeal a verdict in the Guan Command of Construction. But Gao and his fellow Chinese human rights lawyers have bravely refused to concede defeat, and we remain grateful to their moral courage and willingness to persevere despite all the odds. When the day comes that human rights are respected in China, we will all stand to applaud Gao and his colleagues.

Madam Speaker, I strongly support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. KENNEDY), the author of this resolution.

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

Mr. SMITH of New Jersey. Madam Speaker, I want to thank Mr. KENNEDY for his eloquent statement as well as Mr. LANTOS for his always eloquent statements on behalf of human rights.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). 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. 365.

The question was taken.

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

IRAN FREEDOM SUPPORT ACT

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 282) to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran, as amended.

The Clerk read as follows:

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 “Iran Freedom Support Act”.

Sec. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title
Sec. 2. Table of contents

TITLE I—CODIFICATION OF SANCTIONS AGAINST IRAN

Sec. 101. Codification of sanctions
Sec. 102. Liability of parent companies for violations of sanctions by foreign entities

TITLE II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS ACT OF 1996 AND OTHER PROVISIONS RELATED TO INVESTMENT IN IRAN

Sec. 201. Multilateral regime
Sec. 202. Imposition of sanctions
Sec. 203. Termination of sanctions
Sec. 204. Sunset
Sec. 205. Clarification and expansion of definitions
Sec. 206. United States pension plans
Sec. 207. Technical and conforming amendments
TITLE III—DIPLOMATIC EFFORTS TO CURTAIL IRANIAN NUCLEAR PROLIFERATION AND SPONSORSHIP OF INTERNATIONAL TERRORISM

Sec. 301. Diplomatic efforts to curtail Iranian nuclear proliferation and sponsorship of international terrorism.

Sec. 302. Strengthening the Nuclear Non-Proliferation Treaty.

TITLE IV—DEMOCRACY IN IRAN

Sec. 401. Declaration of Congress regarding United States policy toward Iran.

Sec. 402. Assistance to support democracy in Iran.

Sec. 403. Waiver of certain export license requirements.

TITLE I—CODIFICATION OF SANCTIONS AGAINST IRAN

SEC. 101. CODIFICATION OF SANCTIONS.

(a) CODIFICATION OF SANCTIONS.—United States sanctions, controls, and regulations with respect to Iran issued pursuant to Executive Order 12957, sections 2 and 3 of Executive Order 13059 (relating to exports and certain other transactions with Iran) as in effect on January 1, 2006, shall remain in effect.

(b) DEFINITIONS.—In this section:

(1) the words ‘‘considerable or substantial’’ are defined as in section 5(a) of such Act (50 U.S.C. 1701 note); and

(2) a description of those measures, including—

(A) government actions with respect to public or private (or their subsidiaries) located in their territories, that are engaged in Iran; and

(B) any decisions by the governments of those countries to rescind or continue the provision of credits, guarantees, or other governmental assistance to these entities; and

(c) actions taken in international fora to further the objectives of section 3;

(3) a list of the countries that have not agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

(d) a description of any memorandums of understanding, political understandings, or other understandings under which the United States has acceded which affect implementation of this section or section 5(a).

(b) WAIVER.—Section 4(c) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

(1) the words ‘‘considerable or substantial’’ are defined as in section 5(a) of such Act (50 U.S.C. 1701 note); and

(2) the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction by the Government of Iran.

(2) Subsequent renewal of waiver.—If the President certifies, in accordance with paragraph (1), such a waiver is appropriate, the President may, on a case by case basis, waive for a period of not more than six months the application of section 5(a) with respect to a national of a country, if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that—

(A) such waiver is vital to the national security interests of the United States; and

(B) the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction by the Government of Iran.

(3) Waiver.—Section 4(c) of such Act (50 U.S.C. 1701 note) is amended by inserting after the period at the end of paragraph (1)—

‘‘(2) the Secretary of State, the Secretary of Defense, or the Secretary of Energy, as appropriate, shall include a list of the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

(3) a description of any memorandums of understanding, political understandings, or other understandings under which the United States has acceded which affect implementation of this section or section 5(a).’’.

(c) INVESTIGATIONS.—Section 4 of such Act (50 U.S.C. 1701 note) is amended to read as follows:

‘‘(1) In general.—If the President determines that a person has, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Iran goods, services, technology, or other items that would contribute to the ability of—

(A) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

(B) acquire or develop destabilizing numbers and types of advanced conventional weapons;’’.

(c) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—Section 5(c)(2) of such Act (50 U.S.C. 1701 note) is amended—

(1) in subparagraph (B), by striking ‘‘, with actual knowledge,’’ and by striking ‘‘or’’ at the end;

(2) in subparagraph (C), by striking ‘‘, with actual knowledge,’’ and by striking the period at the end and inserting ‘‘; or’’; and

(3) by adding after subparagraph (C) the following new subparagraph:

‘‘(D) a private or government lender, insurer, underwriter, or guarantor engaged in the activities referred to in paragraph (1) that has or will provide goods, services, technology, or other items to the Government of Iran to undertake measures to further the objectives of section 3;’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions taken on or after March 15, 2006.
SEC. 203. TERMINATION OF SANCTIONS.
Section 8(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—
(1) in paragraph (1)(C), by striking and;
(2) in paragraph (2), by striking the period at the end and inserting a semicolon;
(3) by striking section designation and heading;
(4) by striking subsection (b); and
(5) by striking subsection (c).";

SEC. 204. SUNSET.
Section 13 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—
(1) in the section heading, by striking ;
(2) in subsection (a), by striking the subsection designation and heading; and
(3) by striking subsection (b).";

SEC. 205. CLARIFICATION AND EXPANSION OF DEFINITIONS.
(a) Petion.—Section 14(14)(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—
(1) by inserting after trust, the following:
(2) petroleum, or to any other business organization, including any foreign subsidiary of the foregoing;
(2) by inserting before the semicolon the following: such as an export credit agency;
(b) PETROLEUM RESOURCES.—Section 14(15) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after petroleum the second place it appears, the following: petroleum by-products;";

SEC. 206. UNITED STATES PENSION PLANS.
(a) FINDINGS.—Congress finds the following:
(1) The United States and the international community face no greater threat to their security than the prospect of rogue regimes who support international terrorism obtaining weapons of mass destruction, and particularly nuclear weapons;
(2) Iran is the leading state sponsor of international terrorism and is close to achieving nuclear weapons capability but has paid no price for nearly twenty years of deceptive behavior under our nuclear program. Foreign entities that have invested in Iran’s energy sector, despite Iran’s support of international terrorism, furthers United States national security interests.
(3) United States investors have a great deal at stake in preventing Iran from acquiring nuclear weapons;
(4) United States investors can have considerable influence over the commercial decisions of the foreign entities in which they have invested;
(b) PUBLICATION IN FEDERAL REGISTER.—Not later than 60 days after the date of the enactment of this Act and every six months thereafter, the Secretary of State shall publish in the Federal Register a list of all United States and foreign entities that have invested more than $20,000,000 in Iran’s energy sector between August 5, 1996, and the date of such publication. Such list shall include an itemization of individual investments of each such entity, including the dollar value, intended purpose, and current status of each such investment.
(c) SENSE OF CONGRESS RELATING TO DIVESTITURE FROM IRAN.—It is the sense of Congress that, upon publication of a list in the relevant Federal Register under subsection (b), managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States should, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, immediately initiate efforts to divest all investments of such plans or funds in any entity included on the list.
(d) SENSE OF CONGRESS RELATING TO PROHIBITION ON FUTURE INVESTMENT.—It is the sense of Congress that, upon publication of a list in the relevant Federal Register under subsection (b), there should be, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, an immediate prohibition on investment in any entity included on the list by managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States;";

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.
(a) FINDINGS.—Section 2 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—
(1) in paragraph (1)(C), by striking policy with respect to Iran; and
(2) by striking subsection (b).
(b) DECLARATION OF POLICY.—Section 3 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—
(1) in subsection (a), by striking and;
(2) by striking subsection (b); and
(3) by striking subsection (c).
SEC. 208. TECHNICAL AND CONFORMING AMENDMENTS.
(a) PETITION.—Section 9(c)(2)(C) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking the following:
(b) REPORTS REQUIRED.—Section 10(b)(1) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:
(c) DEFINITIONS.—Section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—
(1) by striking subsection (a); and
(2) by striking subsection (b).
SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.
(a) SENSE OF CONGRESS RELATING TO UNITED NATIONS SECURITY COUNCIL AND THE INTERNATIONAL ATOMIC ENERGY AGENCY.—It is the sense of Congress that the President should instruct the United States Permanent Representative to the United Nations to ensure that the Permanent Representative at the United Nations Security Council for a resolution that would impose sanctions on Iran as a result of its repeated breaches of its nuclear nonproliferation obligations, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, immediately initiate efforts to divest all investments of such plans or funds in any entity included on the list.
(b) SENSE OF CONGRESS RELATING TO UNITED NATIONS SECURITY COUNCIL AND THE INTERNATIONAL ATOMIC ENERGY AGENCY.—It is the sense of Congress that the President should instruct the United States Permanent Representative to the United Nations to ensure that the Permanent Representative at the United Nations Security Council for a resolution that would impose sanctions on Iran as a result of its repeated breaches of its nuclear nonproliferation obligations, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, immediately initiate efforts to divest all investments of such plans or funds in any entity included on the list.
(c) SENSE OF CONGRESS RELATING TO DIVESTITURE FROM IRAN.—It is the sense of Congress that, upon publication of a list in the relevant Federal Register under subsection (b), managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States should, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, immediately initiate efforts to divest all investments of such plans or funds in any entity included on the list.
(d) SENSE OF CONGRESS RELATING TO PROHIBITION ON FUTURE INVESTMENT.—It is the sense of Congress that, upon publication of a list in the relevant Federal Register under subsection (b), there should be, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, an immediate prohibition on investment in any entity included on the list by managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States;".

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the United States to support diplomatic efforts to end the manipulation of Article IV of the Nuclear Nonproliferation Treaty, as undertaken by Iran, without undermining the Treaty itself.

TITLE IV—DEMOCRACY IN IRAN

SEC. 401. DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAN.

(a) In General.—Congress declares that it should be the policy of the United States to support independent human rights and peaceful pro-democracy forces in Iran.

(b) Legislative Declaration.—Nothing in this Act shall be construed as authorizing the use of force against Iran.

SEC. 402. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.

(a) Authorization.—

(1) In general.—The President is authorized to provide financial and political assistance to independent and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast to Iran.

(2)Authorization of Appropriations.—In accordance with the rule of construction described in subsection (b) of section 401, none of the funds authorized under this section shall be used to provide assistance that (A) supports a transition to democracy in Iran that is not conducted in a democratic and biologically healthy manner; or (B) supports the adoption of a democratic form of government in Iran.

(b) Eligibility for Assistance.—Financial and political assistance under this section may be provided only to an individual, organization, or entity that—

(1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182) at any time during the preceding four years;

(2) advocates the adherence by Iran to non-proliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) Funding.—The President may provide assistance under this section using—

(1) funds available to the Middle East Partnership Initiative (MEPI), the Broadest Middle East and North Africa Initiative, and the Human Rights and Democracy Fund; and

(2) amounts made available pursuant to the authorization of appropriations under subsection (g).

(d) Notification.—Not later than 15 days before making an obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394f–1), the President shall notify the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate. Such notification shall include, as practicable, the types of programs supported by such assistance and the recipients of such assistance.

(e) Sense of Congress Regarding Diplomatic Assistance.—It is the sense of Congress that—

(1) contacts should be expanded with opposition groups in Iran that meet the criteria under subsection (b);

(2) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(3) efforts to halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(A) between the Government of Iran and the Government of the Russian Federation; and

(B) between the Government of Iran and individuals from China and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(4) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(2) Authorization of Appropriations.—There is authorized to be appropriated to the Department of State such sums as may be necessary to carry out this section.

SEC. 403. WAIVER OF CERTAIN EXPORT LICENSE REQUIREMENTS.

The Secretary of State may, in consultation with the Secretary of Commerce, waive the requirements to obtain a license for the export to, or by, any person to whom the Department of State has provided a grant under a program to promote democracy or human rights abroad, any item which is commercially available in the United States without government license or permit, to the extent that such export would be used exclusively for carrying out the purposes of the grant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. PAUL. Madam Speaker, I request the time in opposition if neither gentleman is opposed to the bill.

The SPEAKER pro tempore. The gentleman from New Jersey?

Mr. SMITH of New Jersey. Madam Speaker, I yield 10 minutes of my time to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California?

Mr. LANTOS. Yes, I support the motion, Madam Speaker.

The SPEAKER pro tempore. Then the gentleman from Texas (Mr. PAUL) is entitled to control 20 minutes in opposition.

Mr. SMITH of New Jersey. Madam Speaker, I yield 10 minutes of my time to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?
that invest in Iran's energy sector. Such investment can be a powerful tool in our efforts to stop Iran's march towards nuclear weapons.

In February, Madam Speaker, H. Con. Res. 941 passed overwhelmingly by this House. It called for sanctions "in particular the Russian Federation and the People's Republic of China, to take expeditious action in response to Iran's noncompliance with the mandate of the Security Council, and it calls on all members of the international community" to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons.

We were severely criticized by many members of the world community, Madam Speaker, for not relying on the Security Council and on sanctions in our confrontation with Saddam Hussein. Now is the time for the world community, for China and Russia especially, to show that they are indeed responsible members of the international community and take effective action to stop this terrorist regime in Iran.

Time is running out. The world needs to act now. The Bush administration deserves for working with our friends to get Iran to the Security Council where once again next week it will be on the agenda.

This bill renews our call for diplomatic and multilateral action and will strengthen the President's hand with our international partners.

Finally, we must work to change Iran itself by working to promote democracy and human rights within Iran. This bill authorizes the President, who is doing something that was gradually developed over the 20th century, led to a century of war and killing and was very expensive to the American people in costs. It means that we assume the moral right and the constitutional authority to be involved in the internal affairs of other nations, and yet there is no moral right for us to get involved in the internal affairs of other countries, and there is no constitutional authority for us to do so.

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

Mr. PAUL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I sought the time in opposition mainly because it is a very opportune time to talk about our foreign policy and the disadvantages that interventionism poses for us.

There are two types of foreign policy we can have: interventionism, where we tell other people what to do; and the more traditional American foreign policy of nonintervention and using force to tell other people what to do. The policy of foreign intervention has been around a long time, and it is not only one party that endorses it. In 1998 we had a similar bill come up to the floor. It was called the Iraqi Freedom Act. And that was the preliminary stages of leading to a war, which is a very unpopular, very expensive, and deadly war going on right now in Iraq. So this is a similar bill moving in that direction.

The 1998 resolution, which required regime change and laid the plans out for regime change, did not come up under this administration. That occurred with the previous administration.

But I have no quibbles about the goals of the authors of this legislation. They would like to see freedom in Iran. I would, too. It is just that I believe the use of force backfires on us, and when we use force such as sanctions and subsidizing and giving money to dissidents, what we really do is the opposite of what we want. Those individuals who are trying to promote more freedom in Iran actually are forced to ally themselves with the radicals, so instead of undermining the system, it has made it worse. It is always argued that there was a march in as liberators, and Iraq proved that that was not the case. Iran won’t be much better.

But let me just say a few things about interventionism. Interventionism, which is essentially something that was gradually developed over the 20th century, led to a century of war and killing and was very expensive to the American people in costs. It means that we assume the moral right and the constitutional authority to be involved in the internal affairs of other nations, and yet there is no moral right for us to get involved in the internal affairs of other countries, and there is no constitutional authority for us to do so.

We are not designated as "the nation builder." No matter how well-intended it is, it doesn’t work, and we don’t have this authority to do this. We have not been designated the “policeman of the world,” although we have assumed that role more so every year, and that has been going on for several decades.

There are always more costs than anybody imagines. Iraq was supposed to cost $50 billion. It is now hundreds of billions of dollars. There is economic damage, arm damage, and all the damage that it causes. Yet it continues, and instead of coming to an end, it tends to spread. That is why I fear this so much.

I see the way we are dealing with Iran as just spreading a problem that we contributed to in the Middle East. Too many innocent lives are lost, innocent American lives, GIs that go over and are killed so needlessly, especially since we don’t achieve the goal of bringing freedom and liberty and democracy to these countries.

Another reason why interventionism is so bad for us, it encourages special interests to get behind foreign policy and endorse what we are doing and influence what we are doing, possibly another country and possibly some industry that might influence us.

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

Madam Speaker, I rise in strong support of this resolution. The single-most important action that we will take today is to ensure that the Iran-Libya Sanctions Act is not extended. Libya no longer needs to be subject to such punitive measures. It is our partner in the global goal of controlling the spread of unconventional weapons.

In December 2003, Libya took a bold and courageous step. It pledged to rid itself of all weapons of mass destruction that was in Tripoli immediately thereafter in January 2004 to encourage the leadership of Libya to follow through with its stated goal. After that, Libya loaded its nuclear weapons onto American ships. These weapons, together with all details plans and programs, are today under lock and key in Tennessee. As a result, the legislation now before us removes all references to Libya from the Iran-Libya Sanctions Act. ILSA, Madam Speaker, is dead, and the Iran Sanctions Act will rise in its place.

The weight of American sanctions will now be focused exclusively on Iran because the mullahs in Tehran continue to pursue blatantly their nuclear ambitions. The message to Tehran is simple: follow the Libya model, and we in Congress are more than prepared to open a new, constructive and happy chapter in U.S.-Iranian relations.

Madam Speaker, the Iran Freedom Support Act will dramatically ratchet up the economic pressure on Tehran to stop its headlong rush to acquire nuclear weapons. If we fail to use both our economic and our diplomatic tools, the world will face a nightmare that...
knows no end; a despotic, fundamentalist regime that avidly supports terrorism, exploiting and threatening to use the ultimate weapon of terror.

Just yesterday the leader of Iran indicated that they stand ready to share their nuclear technology with the Government of Sudan, which as we speak here this morning is engaged in genocide in Darfur. This is the regime that we are dealing with.

It is very naive, Madam Speaker, to expect oil prices to incentivize Iran to end its nuclear program voluntarily based on reason. We can only hope to inflict economic pain at the highest levels in Tehran and starve the Iranian leadership of the resources it needs to fund a costly nuclear program. And that is the purpose of our legislation.

Some argue that this legislation might undermine our relations with European allies which invest in Iran, but who have also helped lead an important diplomatic effort to bring the Iranian regime to the United Nations Security Council. But that argument, Madam Speaker, is a pure and simple misreading of the contents of our bill.

Our legislation is intended to reinforce diplomacy with economics. We ask Congress to hold what the United States did over a decade ago, divest from Iran’s energy sector, the cash cow of the ayatollahs’ nuclear plans.

At the same time, our legislation does not put the President in a straitjacket. If a verifiable deal to eliminate Iran’s nuclear program has marched forward at a frighteningly rapid pace.

Our legislation will extend the Iran Sanctions Act indefinitely. It will dramatically boost congressional oversight over its implementation. The administration will have to enforce the law fully. Ignoring the law will no longer be an option.

I commend the administration for convening the International Atomic Energy Agency in Vienna to send its Iran file to the U.N. Security Council. Unfortunately, the Russians have already made clear that the Security Council action will be impeded by them. Just last week, the Russian Foreign Minister announced that Moscow would only consider U.N. sanctions on Iran if it were shown what it called concrete proof of Iran’s nonpeaceful intentions.

Madam Speaker, what gall. As we all know, there is no shortage of proof to be found in the numerous International Atomic Energy Agency reports over recent years. These reports demonstrate conclusively that for two decades, for two decades, Iran has run a clandestine nuclear program in violation of its commitments under the treaty of the nonproliferation of nuclear weapons.

I can’t help but wonder what the Russians require as proof. Perhaps Iran parading a nuclear device through the streets of Tehran, or Israel being wiped off the map, as the Iranian President has declared.

The leadership in Moscow ought to know that support for terrorists is not a policy that the United States or other civilized nations will accept, especially from a country that expects to be treated as a member of the G-5 nations, seven of which are a true democracy. Russia clearly is not.

Madam Speaker, I would be delighted if our legislation were rendered redundant by serious Security Council action, but the attitudes shown by Russia and China thus far show that that is a most unlikely development. In the meantime, we cannot shirk our responsibility to employ every peaceful means possible to undermine Iran’s ugly nuclear ambitions. That, in essence, is the very reason for the urgency of passing H.R. 292 today.

Madam Speaker, I strongly support this bill for the sake of staving off a looming, long-term nuclear threat, and I urge all of my colleagues to do as well.

Madam Speaker, I ask unanimous consent that the balance of my time be controlled by my good friend, our colleague from New York (Mr. CROWLEY) since I have responsibilities in the Homeland Security Committee.

There was no objection.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana (Mr. PENCE) will now control the time that the gentleman from New Jersey (Mr. SMITH) previously had controlled.

There was no objection.

Mr. PAUL. Madam Speaker, I yield myself 20 seconds for a quick quote, and then I am going to yield to the gentleman from Oregon.

The quote: ‘The people of England have been led in Mesopotamia into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information. The Baghdad communiqués, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. We are today not far from a disaster.’

This comes from Lawrence of Arabia, 1929. We should learn from our mistakes and other countries’ mistakes.

Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER). Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman’s courtesy in permitting me to speak on this resolution.

One of the reasons, Madam Speaker, that I argued against our invasion of Iraq long before the war began was because I felt we needed to face far more serious threats like the danger posed by Iran. In the 3 years since that attack, the threat from Iran has grown, and I need allies and ask should Iran launch a new wave of terrorism.

We have done nothing to break our dependency on oil, the control of which gives Iran its greatest ability now to blackmail us and other countries.

I appreciate the leadership of my good friend Mr. LANTOS and others bringing the resolution forward to spotlight the problems with Iran. I appreciate their working with us to improve the bill.

For instance, now the bill will not allow us to deal with terrorist groups on our own watch list. I think that is very important. Importantly, this legislation does not provide solutions. Instead it limits the administration’s flexibility to pursue diplomacy without providing any new tools not already at their disposal.

Our global standing is at a low point. Yet this bill sanctions not Iran, but the very countries we need for a strong diplomatic effort. This bill tragically gives equal weight to overthrowing the Iranian Government as it does to the immediate threat of nuclear proliferation.

Now, I am strongly opposed to this regime, but preventing them from developing nuclear weapons capacity must be our first priority, not prioritizing behavior change over regime change. We pull the rug out from under anybody in the current Iranian leadership who values survival over the nuclear program, and it clearly works to eliminate incentives for diplomatic solutions.

I have a sense of deja vu when I think back to the Iraq Liberation Act of 1998 which did not explicitly authorize the use of force, but certainly got the ball rolling that led to the tragedy of this Iraq war. Knowing what they know today, how many Members of this House would have voted differently 8 years ago?

I am very worried about where all this ends. We have heard reports from the Pentagon of plans to attack Iran, indeed plans for a nuclear strike on Iran, the repercussions of which should make us all recoil with horror. Now, the administration dismisses these news reports, but the American people
and this Congress got better information about what happened in Iran from reporters like Seymour Hirsch than it got from, sadly, the President, Secretary Rumsfeld and Secretary Rice.

I do not pretend to imagine the horrific things that Iran would do with clearances that are all related to that. That is why we need a strong, smart, constructive diplomatic strategy. This bill does not provide it.

For over half a century, Madam Speaker, we have made a series of mistakes regarding Iran, starting in 1953 when the United States led the charge to overthrow the democratically elected Government of Iran and replace them with a dictator in the person of the Shah. Our support for that dictatorship and its repressive policies fueled the reaction that led to the Iranian revolution. It was part of what happened with the hostage crisis in Iran.

More recently there are very credible reports that diplomatic feelers extended by the Iranian Government were dismissed by this administration 2 and 3 years ago. I sincerely hope that we do not overwhelmingly and unthinkingly pass a resolution today that makes it clear because we all hate this regime, but instead sets in motion a process that actually is destabilizing and makes the peaceful future that we all seek harder.

Mr. PENCE. Madam Speaker, I ask unanimous consent that debate on this resolution be divided, and I yield 10 minutes of my time to the gentleman from New York (Mr. CROWLEY) which I ask he be permitted to control.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. Madam Speaker, I yield myself, which (Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, debates of this nature, I think, are wholly constructive in the life of the Nation. I rise today not just to support the Iran Freedom Support Act, but to engage in a thoughtful debate.

I commend my colleagues, 360 of whom have cosponsored this legislation brought to the attention of President Ahmadinejad, the representative ROS-LEHTINEN of Florida and supported strongly by the International Relations Committee. But I also speak with admiration on behalf of my colleagues who are here debating and opposing this measure. In fact, the gentleman from Oregon just made some eloquent comments in which, he called, and I paraphrase, with respect for strong, smart, diplomatic efforts.

And while we may disagree on the meaning of those words, I would borrow them, Madam Speaker, to say that I believe that is precisely what the Iran Freedom Support Act is. It is strong, it is smart, and it is a diplomatic measure expressed by the Congress, the will of the American people, into a circumstance that is real, that is meaningful, and for which the clarity of the position of the United States of America is essential at this moment.

Let me speak for just a second about the Iran Freedom Support Act, which does just a couple of things that are worth restating, and then I want to talk about the nature of this confrontation.

This legislation attempts to deny the Iranian regime critical technical and financial resources to pursue unconventional weapons, incite terror and oppress the Iranian people. It is important to note that H.R. 262 does not authorize the use of force against Iran, despite the tone and tenor of some of the debate today.

Specifically this bill requires that WMD-related U.S. sanctions controls and regulations on Iran remain in effect until Iran has verifiably dismantled its nuclear weapons program. It also authorizes the President to provide democracy assistance to foreign and domestic individuals and organizations promoting freedom within that country, and engages in a host of additional economic and military measures, including amending the Iran-Libyan Sanctions Act to recognize the historic gains that Ranking Member LANTOS referred to in relation to our relationship with Libya.

Now, not being said, I just want to talk as a Hoosier from the Midwest about the real stakes here, and about the nature of the present leadership in Iran, and the importance of us to speak as the one people and as one Nation forcefully into this diplomatic engagement.

Listen to some of the quotes of the leadership of Iran today. President Ahmadinejad said in September of last year, “Iran is ready to transfer nuclear know-how to the Islamic countries due to their need.”

We are not just dealing with nuclear proliferation within a country that has a long and profound history of association with terrorism, but one that desires to export nuclear technologies.

President Ahmadinejad said in October of last year, “God willing, with the force of God behind it, we shall soon experience a world without the United States and without Zionism.”

And it is deeply unfortunate to know, were for appearances only. Similarly, the Imam for Iran will view this bill in this way. First, the bill makes it official U.S. policy to impose international sanctions through the U.N. Security Council for Iran’s “repeated breaches” of its nuclear nonproliferation obligations.

And it is deeply unfortunate to know, were for appearances only. Similarly, the Imam for Iran will view this bill in this way. First, the bill makes it official U.S. policy to impose international sanctions through the U.N. Security Council for Iran’s “repeated breaches” of its nuclear nonproliferation obligations.

And now, you love the steps which took this country into a war in Iraq, then you are going to like this bill because it does the same thing, which is why I rise in opposition to it. This bill sounds a lot like the Iraq Liberation Act of 1999, which many Members voted for in good faith, not knowing later on it would be evoked as a cause for the prosecution of war against Iraq.

Overall this bill seriously inhibits the ability of the United States Government to use diplomacy, and diplomacy is the strongest and most rational tool we have to resolve the situation regarding Iran’s nuclear program.

Instead I submit that this bill sets our country on a path to war with Iran. You will be surprised that what Iran will view this bill in this way. First, the bill makes it official U.S. policy to impose international sanctions through the U.N. Security Council for Iran’s “repeated breaches” of its nuclear nonproliferation obligations.

And it is deeply unfortunate to know, were for appearances only. Similarly, the Imam for Iran will view this bill in this way. First, the bill makes it official U.S. policy to impose international sanctions through the U.N. Security Council for Iran’s “repeated breaches” of its nuclear nonproliferation obligations.

Now, this sounds worthy and serious to actions pursued in the lead-up to the invasion of Iraq, and which, as we know, were for appearances only. Similarly, advocating international sanctions against Iran through the Security Council is for appearances only. This administration has apparently made up its mind it wants to attack Iran. There is evidence that the U.S.
This article is about the situation in Iraq and Iran, and the debate over regime change and the use of force. It discusses the MEK, a group that has been labeled as terrorists by the U.S., and the potential for diplomacy and negotiations.

First, H.R. 282 promotes regime change in Iran as opposed to advocating for the use of force. This bill includes measures to prohibit terrorism and to support anti-regime forces in Iran.

Second, H.R. 282 also promotes negotiation and diplomacy as a means to resolve the issues in the region. This legislation is needed to demonstrate our commitment to finding peaceful solutions.

Third, H.R. 282 supports anti-government advocates in Iran who are promoting regime change. This bill will lead to a stepping stone to the use of diplomacy and negotiations.

Fourth, H.R. 282 supports the MEK, a group that is currently labeled as terrorists. This bill will not only undermine the efforts of the MEK but also provide a stepping stone to the use of diplomacy and negotiations.

Fifth, H.R. 282 also promotes economic sanctions against Iran as a means to induce them to abandon their nuclear ambitions. This bill will help to reawaken the democratic reform within Iran and to prevent the spread of nuclear technology.

Sixth, H.R. 282 supports the MEK as a group that is not a Jim Jones-like cult but a democratic force. This legislation is needed to demonstrate our commitment to finding peaceful solutions.

Seventh, H.R. 282 supports the MEK as a group that is not a Jim Jones-like cult but a democratic force. This legislation is needed to demonstrate our commitment to finding peaceful solutions.

In conclusion, H.R. 282 is a bipartisan piece of legislation that is needed to demonstrate our commitment to finding peaceful solutions. It is a stepping stone to the use of diplomacy and negotiations.
Madam Speaker, I reserve the balance of my time.

Mr. PENCE. Madam Speaker, it is my privilege to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. CANTOR. Madam Speaker, I rise today in support of H.R. 282, the Iran Freedom Support Act, and I particularly want to join in thanking Representative ILEANA ROS-LEHTINEN for her efforts on this bill. The United States National Security and Foreign Policy Community should hold the current regime in Iran accountable for its threatening behavior. We do need to encourage the Government of Iran to change.

We need to focus on the danger of allowing the President of Iran, a man who has repeatedly called for the destruction of Israel and is willing to support terrorist organizations such as Hamas and others, to be in control of the most dangerous weapons in the world. This is a serious test for the international community. Passing this bill alone will not prevent Iran from developing nuclear weapons. However, it will send a message that the United States considers any person or entity that helps Iran develop weapons of mass destruction to be an obstacle to peace and security.

This bill also encourages the forces of democracy in Iran. Among all nations of the world, Iran has one of the longest and strongest national heritages, and with Iran's help, Americans join in these efforts to strengthen the potential for an Iran that proudly embraces freedom and proudly embraces the idea of the rule of law.

I urge my colleagues to support this bill. It is essential to the well-being and safety of our country, and the entire international community that the Iranian regime does not possess nuclear weapons to hold the world hostage, and that the Iranian people are allowed to move proudly toward freedom.

Mr. PAUL. Madam Speaker, I yield 1 minute before I yield to the gentleman from Iowa.

I want to quote from Article IV of the Non-Proliferation Treaty of which Iran is a signatory: “Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production, and use of nuclear energy for peaceful purposes without discrimination.”

Our position is that they do not have the right to enrich. Those who deny the right to enrich are more in violation of the NPT Treaty than Iran itself.

What does this mean? It means that we are totally in defiance to international law in the NPT Treaty, like India and Pakistan? We reward them and subsidize them. At the same time, there is no proof that there has been any violation of this treaty by Iran, and yet the rewards go to those who are in total defiance.

Madam Speaker, I would yield 5 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Madam Speaker, I know of no circumstance in the world in which more options are all bad than this particular one. We all have to be clear-headed about the challenge of Iran. It is a more difficult society to deal with, a more difficult government than Iraq.

It is absolutely clear that Iran does seek nuclear capacity. It is absolutely clear that Iran has been the greatest State promotor of terrorist activity in the Middle East. Those are bases that we all have to understand.

Then we have to think through what is our response and what are the kinds of strategies that the United States should develop and are there lessons that exist today that might lend to this circumstance.

One of the lessons is that some things we do as a society can be counterproductive. All of us are concerned with the security and the fate of the State of Israel as well as the American security. It is not muscular. That is not the right word to use for this kind of legislation, for this kind of direction, which words like “regime change” imply. What does preemption mean? It is clear that if we

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move in a muscular direction and, for example, preemptively strike Iraq, that that will slow down the capacity of Iraq to develop a nuclear weapon. But will it stop it? Not necessarily, partly because of the capacities Iran has to develop WMD capacity in a more decentralized way than we would like, but there are other ways of getting nuclear weapons. One can get nuclear weapons through the “loose nuke” dilemma of purchase or theft. And if one gives Iran reason to attack, it will, and it will in many ways that are not now available in the world through decentralized terrorist activities, but also potentially through nuclear. And the potential of nuclear use increases if they are attacked.

Now we have the other option which is stressed in this bill—but the first, force being implied, but what is stressed is economic sanctions. So our two options are to shoot Iran or to shoot ourselves in the foot economically. But I think that we can’t think of anything that is more outrageous in logic. So I think we have to think through new types of approaches involving new ways of dialogue, new ways of international pressure of a very different nature than are proposed by this committee at this time.

While I have enormous respect for the proponents of this legislation, particularly the distinguished chair of the Subcommittee on the Middle East and Central Asia (Ms. Ros-Lehtinen) and our distinguished ranking member on the full committee (Mr. Lantos), I am convinced that in its present form the approach brought before this body complicates ongoing diplomatic efforts to peacefully resolve the building crisis with Iran.

Indeed, it is for this reason that the Department of State indicated that the Administration would be unable to support the legislation. As noted in a letter to Chairman Hyde, the bill would “narrow in important ways the President’s flexibility in the implementation of Iran sanctions—sanctions with countries whose help we need in dealing with Iran, and shift the focus away from Iran’s actions and spotlight differences between us and our allies. This could play into Iran’s hands, as it attenuates if not eliminates the possibility of a program that is clandestine can be eliminated. The third makes the U.S. accountable for Israeli actions, which themselves are likely to be more physically destructive but less effective than the 1981 strike against Osirak.

If military action is deemed necessary, the United States has only three tactical options: (a) full-scale invasion of Iran to destroy nuclear installations; (b) nuclear weapons: their potential use against the Middle East and Central Asia (Ms. Ros-Lehtinen) and (c) a surrogate strike by Israel, modeled along the lines of Osirak.

The first can be described as manifestly more difficult than our engagement in Iraq, particularly a post-conflict occupation. The second presents a number of difficulties, including the comprehensiveness of such a program that is clandestine can be eliminated. The third makes the U.S. accountable for Israeli actions, which themselves are likely to be more physically destructive but less effective than the 1981 strike against Osirak.

It is presumed that the major reasons that Iran currently seeks nuclear weapons revolves around a few key points: (1) Pride: a belief that a 5,000 year-old society has as much right to control the most modern weapons systems as a younger civilization like America or its neighbors to the west, Israel, and to the east, Pakistan; (2) Power: the implications of control of nuclear weapons: their potential use against the Middle East and Central Asia (Ms. Ros-Lehtinen) and (3) Politics: the concern that Israeli military dominance is based in part on the control of weapons that cannot be balanced in the world of terrorism and what might be described as lesser weapons of mass destruction.

The issue of the day from an American perspective is weapons of mass destruction, their development and potential proliferation to nation-states and non-national terrorist groups. The question that cannot be ducked is whether military action against Iran makes the list of reasons Iran may wish to control such weapons: their potential use against the United States. Perhaps as significantly, American policymakers must think through the new world of terrorism and what might be described as lesser weapons of mass destruction.

Any strike on Iran would be expected to immediately precipitate a violent reaction in the
Shi'a part of Iraq, where the U.S. has some support today. With ease, Iranian influence on the majority Shi'a of Iraq could make our ability to constructively influence the direction of change in Iraq near hopeless.

And there should be little doubt that in a world in which the Norway-style strike on Iran would increase the prospect of counter-strikes on American assets around the world and American territory itself. The asymmetrical nature of modern warfare is such that traditional armies will not be challenged in traditional ways. Nation-states which are attacked feel they have little option except to ally themselves with terrorist groups to advance national interests.

We view terrorism as an illegitimate tool of uncivilized agents of change. In other parts of the world, increasing numbers of people view terrorist acts as legitimate responses of societies and, in some cases, groups within societies who are oppressed, against those who have stronger military forces.

If Afghanistan, an impoverished country as distant from our shores as any in the world, could become a launching point for international terrorism, such danger would increase manifold with an increase in Iranian hostility, especially if based on an American attack.

If there exists today something like a one-in-three chance of another 9/11-type incident or set of incidents in the U.S. in the next few years, a preemptive strike against Iran must be assumed to double or triple such a prospect.

And Iran, far more than Osama bin-Laden, has what one might call a pass by ability not only to destabilize world politics, but to control economics as well. Oil is, after all, the grease of economic activity, and an Iranian-led cutback in supply precipitated by us or them cannot be ruled out.

Given the risk, if not the untenability, of military action, policymakers are obligated to view other than military options. One, which has characterized our post-hostage taking Iranian policy for a full generation, is isolation of Iran. This policy can be continued, but as tempting as it is, there is little prospect of ratcheting it up much more, except in ways, such as a naval embargo on Iranian oil, that would be difficult to garner international support for and would, in any regard, damage us more than Iran.

The only logical alternative is to consider increasing dialogue without abandoning the possibility of future sanctions with this very difficult government.

Iran—its government and people—has to be fully engaged, and I am pleased that U.S. Ambassador Khalilzad in Baghdad has been authorized to talk to the Iranians about the situation in Iran. The Iranians played a stabilizing role regarding Afghanistan just several years ago, and logically they have a stake in a stable Iraq. I would urge the leadership in Tehran to re-think its apparent decision to close the door on this potentially productive avenue for dialogue.

With respect to the Iranian nuclear program, however, it is difficult to see how confrontation can be avoided if we will not talk directly with Tehran in appropriate fora about this and other matters. The stakes could not be higher. If diplomacy fails, there is a credible prospect that Iran will follow the North Korean model of rapid crisis escalation, including the cessation of international inspections, with a wholly unsupervised nuclear program leading in time to the production of nuclear weapons and the dangerously unpredictable regional consequences that might flow from that, or a perilous move to an Iran-like preventive military strike, with even more far-reaching and alarming consequences both regionally and worldwide.

A proposal that might be suggested is negotiation of a Persian Gulf nuclear-free zone, which would reduce, although given the high possibility of cheating, not eliminate entirely one of the reasons Iran presumably seeks nuclear capability, except that Iran might be at a disadvantage in a conflict with an oil-rich neighbor. In this context, Iran, the EU and Russia, with U.S. support, might agree on a proposal under which Iran would indefinitely and verifiably suspend domestic enrichment activities in exchange for an internationally guaranteed fuel supply, U.S.-backed security assurances, and a gradual lifting of sanctions by the U.S., including expanded country-to-country cultural ties.

Here, it should be stressed, hundreds of thousands of Iranians have been educated in the United States. The people, although not the government of Iran, have democratic proclivities. While real power in Iran is controlled by the mullahs, few societies in the world can have less real potential to move quickly in a democratic direction than Iran. And just as it is hard to believe that outside military intervention would lead to anything except greater entrenchment of authoritarian mullah rule, a bettering of U.S. relations with Iran provide a greater prospect of progressive change in Iran.

There is nothing the new government of Iran, or for that matter Osama bin Laden and his al Qaeda movement, benefit more from than an aggressive, interventionist U.S. policy toward Iran.

Finally, a note about arms control. If the U.S. wishes to lead in multilateral restraint, we might want to consider joining rather than re-buking the international community in development of a comprehensive test ban (CTB). All American administrations in the recent past, including those of our friends in the European Union, have assented to the clause, and as the Senate passed the recent Lesar amendments in the International Atomic Energy Act, the Senate passed the recent Lesar amendments in the International Atomic Energy Act that would reduce, although give the high possibility of cheating, not eliminate entirely one of the reasons Iran presumably seeks nuclear capability. In a perfect world, we should be able to rely on the United Nations to curb Iranian nuclear proliferation. In a perfect world, the eight reports by the International Atomic Energy Agency regarding Iran's violation of the Nuclear Nonproliferation Treaty would be enough to motivate action. In a perfect world, all of the members of the Security Council would appreciate the seriousness and catastrophe of a nuclear war. Here, it is hard to believe that outside military intervention would lead to anything except greater entrenchment of authoritarian mullah rule, a bettering of U.S. relations with Iran provide a greater prospect of progressive change in Iran.

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United States must step up the pressure and do what is right.

This bill, in my opinion, accomplishes that goal. U.S. sanctions would dramatically increase the pressure on the Iranian regime to give up their nuclear program and allow for international inspections of their facilities. Since the President of Iran was elected last summer, Iran’s stock market has lost 40 percent of its value, there has been a capital flight of more than $300 billion, and Iran’s manufacturing sector has clearly been dependent on the support of the West. Iran is struggling financially. This legislation will further squeeze Iran and deny it the financial resources to continue its path towards nuclear arms.

There is no debate, not anywhere, not in this body, that Iran is a radical and fundamentalist country headed by a President who is willing to share nuclear technology with the most unstable countries in the world, and by a mullah who is willing to use his influence from a new art form. Every pronouncement this President makes further dramatizes how mentally unstable and unbalanced he is. The United States must act quickly and decisively to counter the continuing threat posed by the Iranian regime. We must deny Iran the technology and assistance and financial resources it needs to prevent a nuclear arms race.

I have no illusions. I can’t guarantee that the sanctions contained in this bill will have the desired effect, but I do know that it is a far better alternative to invading Iran or bombing Iran. And unlike the Iraq Freedom Act, which many people have cited today as a reason not to pass this legislation and move toward a diplomatic resolution, this bill has the potential to be destructive, allow them to make threats, allow them to kill people, or allow them to have another Holocaust. Mr. PAUL. Madam Speaker, there has been talk in the media and elsewhere about the necessity of bombing Iran, and we are talking today about regime change, which is an act of force, yet some of us believe we are acting too hastily. Others deny that; that something imminently is going to happen. But I want to read a little quote here from John Negroponte, Director of National Intelligence: “Our assessment of the current threat is that even though we believe that Iran is determined to acquire a nuclear weapon, we believe that it is still a number of years before they are likely to have enough fissile material to assemble into or put into a nuclear weapon; perhaps into the next decade. So I think it is important that this issue be kept in perspective.” This is John Negroponte. And I think those who are so eager to pass this legislation and move toward regime change are reading Negroponte in the wrong direction too hastily, and there are a lot of analogies to this and to Iraq, so we caution you about that.

Madam Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER). Mr. BLUMENAUER. Madam Speaker, I do think this is an important conversation for us to have on this floor. The bill before us was extended, and I hope our colleagues will take the time to scroll through the information that is available and think of the consequences.

For instance, I would enter into the record a letter from Under Secretary of State Nick Burns to Chairman HYDE. I will just quote a little and then insert the rest in the RECORD.

We have enormous concerns about this proposed legislation, particularly title II. These provisions would impair our ability to continue working closely and successfully with our allies to deal with the threat that Iran poses.

No one here, nobody here, apologizes for this regime. And my good friend from Indiana is correct, there is a lot of shared interest and deep concern. The notion that this despotic regime would have control of nuclear weapons is terrifying, absolutely terrifying.

Long for the day when the Iranian people are free, in no small measure because the United States’ history with the Iranian people over more than half a century is one where we have not always been on the side of democracy for the Iranian people, overthrowing their democratically elected regime in 1953. That was not a proud moment in our history when we helped install a dictator, but we called him the Shah. We are united in our commitment to deal meaningfully with this problem. This legislation, as the administration has made clear, falls short of the mark. It is not tightening our sanctions against Iran.

We have done that. There have been administrations, both Republican and Democrat, who have never been successful in implementing those sanctions; but that is on the books. We have done it.

What this talks about is extending sanctions against the very people whose cooperation we need to solve this problem. We are confusing our goals. Is it more important to threaten a regime change and thereby consolidate it? This Government of Iran by all indications is not monolithic. There are people who disagree with the sad and despicable face of the current leader. There are a vast number of young people in Iran who are not at this point violently anti-American. They are pro-Western. There is interest in the United States. If we mislead this, we can end up turning another generation against us in Iran.

We have had empty threats against North Korea that did not stop them from going full speed ahead developing nuclear weapons, in fact, we are probably less safe today because we have not been focused and effective. I do strongly identify with the words of my friend, the gentleman from Iowa.
I have been one who has been somewhat critical of this administration in its actions in the past. I would find it absolutely inappropriate to not reinforce when I think they are trying to reposition themselves vis-a-vis Iran. There are many people on our side of the aisle who were against the rush to war in Iraq and many more who have found that it was a mistake to do so. We have supported more diplomatic initiatives, and this is the opportunity to work with Congress in developing objectives, and we would welcome the opportunity to work with our Iran coalition to ensure that Iran does not acquire a nuclear weapons capability. In fact, it has been characterized repeatedly by several colleagues that the administration "strongly opposes" this legislation.

With great respect to my colleagues, they are referring specifically to an administration letter that expressed an opinion to the chairman of the Committee of the Judiciary and the Senate of Iran. Before the bill provided further flexibility to the President, and it is not a response to the text of the bill we are considering today. The administration has not taken a position on the legislation, as amended, that we are considering today.

In specific reference to the concerns that were addressed, I would like to address title II of the legislation before I recognize the gentleman from Pennsylvania.

Title II of the bill was the focus of the administration's letter, and it had to do in particular with that section concerning the ability of the President to waive the application of the sanctions in the event he certifies that Iran has taken substantial measures to prevent the acquisition and development of weapons of mass destruction.

What we in effect did here is we lowered the threshold significantly for the President's waiver in this case. It is significant that the administration has not expressed opposition to the legislation, as amended. For the sake of clarity of the record, I wanted to add that to our debate today.

Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the distinguished vice chairman of the Armed Services Committee. Mr. WELDON of Pennsylvania.

Madam Speaker, I thank the gentleman for yielding me this time and the leaders for bringing this bill forward.

I just want to refresh the memories of my colleagues who say we should not take any action. It was in 1997 when we had evidence that Iran was getting cooperation on a missile system that we brought a bill before this body called the Iran Missile Sanctions Act. For my colleagues who were not here, 398 Members voted yes, the administration letter that was from White House opposed the bill, and President Clinton vetoed the bill that year because he said we did not need it.

Last summer, Iran paraded the Shabab III missile system down the streets of Tehran. It is completed. It is the most capable offensive system in the Middle East. We could have stopped it and we didn't.

Madam Speaker, for the past 3 years I have been feeding the CIA information about Iran's efforts to undermine Iraq, the Middle East, and to foment terrorism around the world. It got so uncomfortable that I had to write a book. Everything that I have told the CIA for the past 3 years is now true: the support for Bani Sadr, the efforts for taking two teams up into North Korea to acquire nuclear technology, the attempts to assassinate U.S. citizens, and the political support now of those things are now verified, and all of them I told the CIA and they ignored.

We do need to be aggressive with Iran and we need an approach that does not call for war. I am not for war with Iran. The people of Iran are not our enemy. It is a young nation. The people there want to be back as friends with America and the West. We need to work with those Iranians in exile, and that is what this legislation calls for.

Madam Speaker, a year ago I was out in California where I spoke to the largest Iranian radio and television stations that beamed into Iran. For 2 hours I spoke directly to approximately 7 million households. I came back 8 hours later and took calls from people inside of Iran.

Madam Speaker, 400 Iranians called through the satellite and through cell phones. I tell them what we are doing in Iran and their questions and their oppositions and their questions to me live.

Madam Speaker, only 1 of 400 supported the regime of Ahmadinejad and Ayatollah Khomeini, who really runs the government there. Every other caller said we need your help, we need to do what you did with Ukraine, you need to help us take back our government. You need to do what they did in Georgia, to have an internal revolution, to bring about change so we truly can be friends with the West. That is what this legislation calls for.

But there is one other point this legislation does not focus on that I feel strongly about, and this was mentioned by the gentleman from Ohio (Mr. KUCINICH). The closest nation to Iran is Russia, and what we have to do is renew our efforts diplomatically to have Russia play a significant role to peacefully convince the people of Iran to get their government to back off of this nasty rhetoric and of this effort to build up this offensive capability using WMD, including nuclear weapons. This is of vital urgency for us. This is the number-one threat we face in this region.

While this legislation may not be perfect, it certainly sends a signal that we are not going to do what we did back in 1997. We are not going to allow the administration to back us off from stopping the development of technology like the missile system that Iran currently possesses.

Mr. CROWLEY. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, let me thank my friend for yielding me this time.
Madam Speaker, I agree with many of the comments that have been made on this floor about the dilemma we have now in Iran as a result of our policies in Iraq. I opposed the U.S. involvement in Iraq. I thought it was wrong. And as one of the consequences, it has caused us to lose focus on our war against terror and to make it more difficult for us to deal with Iran.

Having said that, I think this is an important bill that we need to move forward. It is an important effort to make sure that Iran cannot be permitted to become a nuclear weapons power.

Madam Speaker, let me point out some of the proudest moments in U.S. history have been the use of sanctions. I think back about U.S. leadership and imposing sanctions basically against the Soviet Union which allowed people to be able to leave that country.

I think back about the U.S. leadership in South Africa when it was an apartheid Government and how involved sanctions against South Africa and were accused of causing problems in doing that. But what we did was bring down the apartheid Government of South Africa without the necessary use of force.

So I think it is critically important that we stand united in our efforts to impose sanctions against Iran to make it clear that we cannot allow Iran to become a nuclear weapons power. Make no mistake, I have been a proponent of that. We do that. We know Iran is trying to do that. We know about the vote of the IAEA of 27–3 that referred Iran to the Security Council, that they are enriching uranium clearly to develop a nuclear weapon, that they have supported terrorist organizations, the Hezbollah and the Islamic Jihad. The Iranian President has made it clear that he wants a world without the United States and he wants to wipe Israel off the face of the map. These are the threats that we need to take seriously.

Therefore, we need effective sanctions against Iran so they change their way. This legislation is an effort to strengthen the sanctions against Iran by removing the sunset, by taking away some of the discretion and removing the sanctions unless Iran changes its way.

Madam Speaker, I look at this as a way to engage the international community and work with us. We did not do that in Iraq, and that was one of the fatal flaws of our policy in Iraq is that we did not engage the international community.

This legislation says, look, we have a chance with Iran to get them to change their ways through the imposition of sanctions and isolating the country, but we do need the help of our friends around the world. We do need them to work with us. It is in the interest of the civilized world to prevent Iran from becoming a nuclear arms power. We need their help. Working with them, we can add another proud history to America in its international leadership of saying yes, we are going to use our international power, our diplomatic skills, to change the direction of a country that otherwise would become even a more dangerous risk to the United States and the civilized world. I urge my colleagues to support the legislation.

Mr. PAUL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, there has been a lot of talk here about what this bill is doing and that it does not authorize the use of force. As a matter of fact, the language in the bill says this does not authorize the use of force. But my contention is it is a contradiction to the bill itself because the bill itself does authorize the use of force. No, not tanks and airplanes and bombs yet, but we know that all these options are still on the table.

But what it does authorize is something that is equivalent to force, and that is sanctions. Sanctions are used as an act of war.

Also, this bill has money in it, and it is open-ended, an authorization of appropriations that the leaders believe to be appropriated to the Department of State such sums as may be necessary to carry out this section. And what is this section talking about? Subsidies and funding of dissident groups to go in there and undermine the Iranian government.

Yes, we quote Ahmadinejad about his vitriolic statements, and they are horrible, but how do you think they interpret other statements when we say we are going to wipe their regime off the face of the Earth? We are going to have regime change. So from their viewpoint we are saying the same thing, and we should not be blinded to that and pretend, because our language is not quite as bad as saying the same thing, because look at the result of the violence in Iraq as a result of our efforts of regime change.

Now, one of the major authors of the Iraqi war, a leader of the neoconservative movement, came before the committee when this resolution was debated and when we had hearings on it. I want to read a quote from him because it clarifies this issue. The quote comes from Michael Ledeen, and he wants regime change. This is what he had to say. "There is much that is praiseworthy in the Iran Freedom Support Act. I think it can be improved by more openly embracing a policy of regime change in Iran and allocating an adequate budget to demonstrate our seriousness in this endeavor. I know some Members would prefer to dance around the explicit declaration of regime change as the policy of this country, but anyone looking closely at the language, and that is what I have done, and content of the Iran Freedom Support Act, clearly indicates that the Senate can clearly see that it is, in fact, the essence of the matter. You can’t have freedom in Iran, that is, we can’t have our way, without bringing down the mullahs."

That is an outright threat. That is the testimony of a neoconservative who led us and promoted and pushed the war in Iraq, and nothing would please him and others more than to be behind this type of resolution to bring about regime change. There is no denial of that.

The question is how do we do it? Are we going to do it pussyfooting around? Or are we going to use force and violence? We did not do that, we used diplomacy and sanctions to bring the Iraqi government down, and it took a few years to get the war going.

Both parties are involved in this. It is not just this administration that has promoted this type of foreign policy, which, quite frankly, I see is not in the best interest of our country. This is why I am a strong advocate of minding our own business. Don’t get involved in nation building. Don’t police the world. This is not the job of the United States. Don’t get involved in the affairs of the other nations. Otherwise, we have a big job ahead of us.

What about the fact that Kim Jong Il is still in power? We are talking to him. We talked to Qadaffi. Mao was in power and he had weapons. What did we do; did we attack him? No. What did we do with Stalin? Stalin and Khrushchev had 30,000 nuclear weapons. Were we ready to use force and intimidation and yelling and screaming? And Iran has none, but I read somewhere that if we were going to wipe off the face of the Earth also.

But I am asking you to reconsider the fact that moving in this direction is the same thing as we did against Iraq, and it won’t do us any good. It is going to cost us a lot of money, and it is going to cost a lot of lives, and it is un-American. It is not constitutional. It is not moral. We should not pursue this type of foreign policy. We should take care of ourselves, and we should avoid involvement in other nation’s affairs. We should be willing to trade. And if you are concerned about the world, why not get involved in some other nations. We should be willing to trade. And if you are concerned about the world, why not get involved in some other nations.

But attacking and intimidating other nations, the way we go at it now, literally backs the fires on us. What is it doing to the dissidents, those who would love to know how terrorists are in Iran right now? It unifies them. Did we become unified in this country when we were attacked on 9/11? Do you think Republicans and Democrats were divided on 9/11 and 9/12? No, it brings them together. So this policy does exactly the opposite of what you pretend that you want to do, and that is encourage those people who don’t like their government. But by doing it this way, you literally are doing the very opposite.

I just plead with you to be more cautious. Negroponte says there is no rush. Take some time. They are not about to have a nuclear weapon. And
whether or not that is their plan or not probably at this moment is irrelevant. I mean, if we stood down all these nations and all these nuclear weapons in the past, why can’t we practice more diplomacy to resolve our differences? I was talking to somebody the other day and they said that maybe in 10 years they might have a nuclear weapon, so we must act now. Get the bombs ready. They are talking about a nuclear attack on Iran in order to stop them from producing a nuclear bomb. It is time that we have a look at that, well, maybe in 10 years. The policy of nonintervention and peaceful relations with the world and peaceful trade is the American way to go, and it will lead to peace and prosperity.

I yield the balance of my time to the gentleman from Ohio.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Ohio is recognized for 5½ minutes.

Mr. KUCINICH. I want to thank the gentleman from Texas for his very calm and patient approach to this. I don’t think the American people want our Nation set on a path of war with Iran, and I believe the American people are very concerned about the steps which might be taken in an attempt to war against Iran. There are questions that have to be answered by this administration before Congress should rightfully even vote on this.

You know, it has been reported recently that U.S. troops are conducting military operations in Iran. In Iran. Now, if that is true, then apparently the administration has made a decision to commit U.S. military forces to a unilateral conflict with Iran, even before direct or indirect negotiations with the Government of Iran have been attempted, without U.N. support and without authorization from this Congress.

First things first here. Where are we right now? Are we already inside Iran? According to Seymour Hersh, in the New Yorker, there is evidence that suggests that we are. The presence of U.S. troops in Iran would constitute a hostile act against that country.

Now, put that in the context of this particular bill. At a time when diplomacy is urgently needed, this bill would escalate an international crisis that is already percolating by the probability or at least the possibility that this administration has already committed to Iran. What we are seeing here is an undermining of any attempt to negotiate with the Government of Iran, and we are seeing the undermining of any diplomatic efforts at the time.

I said this before and I will say it again. Any kind of saber rattling against Iran puts our troops in Iraq at jeopardy. The achievement of stability in transition to Iraqi security control will be compromised, reversing any progress that has been cited by the administration.

I am sure that many Americans are saying, you know, it is hard to believe that the United States could have already taken such an imprudent decision as committing troops to Iran, but we have had a number of variety of sources confirming this. Over a week ago Air Force Colonel Sam Gardner related on CNN that the Iranian Ambas- sador to New Delhi, Nizam Shah and Soltanley, reported to him that Iranians have captured dissident forces who have confessed to working with U.S. troops in Iran. Earlier that week, Seymour Hersh reported that a U.S. source said these were were the U.S. Marines and other military personnel. ILEANA ROS-LEHTINEN, who is in our thoughts and prayers today, ILEANA ROS-LEHTINEN, who authored the Iran Freedom Support Act, expresses gratitude.

Mr. CROWLEY. Mr. Speaker, I rise in the House today to recognize the wisdom of this legislation and signs it into law. That is seen as well in the Senate, and the President understands the wisdom of this legislation and signs it into law. I yield the balance of my time to my friend, Mr. PENCE. The SPEAKER pro tempore. The gentleman from Indiana is recognized for 1 minute.

Mr. PENCE. I thank the gentleman from New York for yielding and for his strong leadership on the international stage today and at other times in his career.

To the gentlewoman from Florida who is in our thoughts and prayers today, ILEANA ROS-LEHTINEN, who authored the Iran Freedom Support Act, I express gratitude.

Mr. CROWLEY of New York just said it best. The bill we will consider today codifies U.S. sanctions on Iran and requires that they remain in place until Iran has verifiably dismantled its illegal nuclear and chemical, biological, and nuclear weapons program. It does not, this legislation today does not authorize the use of force against Iran. It does a host of other things that represent economic sanctions. It supports independent human rights and peaceful prodemocracy forces within Iran.

But the Iran Freedom Support Act is the right bill at the right time. It is a strong diplomatic measure. The potential consequences of inaction could be catastrophic. Congress and this administration must act before it is too late, before our options are severely limited, and this diplomatic measure today, the Iran Freedom Support Act, is such a measure.

I ask my colleagues to render their overwhelming support of this legislation.

Ms. ROS-LEHTINEN. Madam Speaker, Iran is the full ticket—a defiant rogue state, defined by the Department of State as the most active—state sponsor of terrorism. Its ambition to develop weapons of mass destruction capabilities has been deliberate, deceptive, and long in the making.

U.N. policy has to date pursued a patient course of diplomacy including working with our allies, heeding the findings of the International Atomic Energy Agency, and accepting ineffectual incentives.

However, diplomacy does not mean surrender and of the "constructive engagement", the successful policies to date have been no more effective than Neville Chamberlain’s famous failed policies of appeasement during World War II.
It is time for the U.S. and our allies to undertake the sacrifices required to deny Iran the political legitimacy, technology, materials, and financial resources to pursue its destructive policies—policies that threaten U.S. and global security.

I fear that H.R. 282 will serve as leverage for cooperation from those allies who claim to be concerned about the growing Iranian threat but who continue to invest billions in Iran’s energy sector and continue to assist Iran’s nuclear and missile programs.

Ten years ago, the U.S. called on our European allies to take steps to deny Iran the financial resources to nuclear capabilities. The U.S. also called on Russia and China to cease their support for Iran’s nuclear and missile program.

These calls were ignored.

Then, four years ago, the Iran saga within the context of the IAEA begins.

According to multiple IAEA reports Iran’s decepions and breaches of its international obligations have dealt with the most sensitive aspects of the nuclear cycle.

By September 2004, as Iran resumed large-scale uranium conversion, then Secretary of State Colin Powell called for the Iran case to be referred to the United Nations Security Council for sanctions to be imposed.

That was not to be. The response from the international community was to offer Iran yet more incentives and to increase its investments in Iran’s energy sector.

Every step along the way, Iran has demonstrated contempt for the IAEA and has modified the international community’s response.

In fact, Iran’s former nuclear negotiator recently boasted: “When we were negotiating with the Europeans in Tehran we were still instating some of the equipment at the Isfahan site . . . In reality, by creating a same situation, we could finish Isfahan.”

That is but a microcosm of how concessions and inaction—inaction including the failure to implement U.S. laws such as the Iran-Libya Sanctions Act—have only served to embolden the Iranian regime and increase the threat Iran poses to U.S. national security interests and globally.

Just in the last few months, Iran: Resumed its nuclear efforts, removing the IAEA seals on uranium conversion plants; announced it could produce enriched uranium; and inaction including the failure to implement U.S. laws such as the Iran-Libya Sanctions Act—have only served to embolden the Iranian regime and increase the threat Iran poses to U.S. national security interests and globally.

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In December 2001, Matthew Levitt, a former FBI counter-terrorism official, detailed the beginning of al-Qaeda’s ascent toward America. He added: “In fact, phone records obtained by U.S. officials investigating the 1998 U.S. embassy bombings in Kenya and Tanzania revealed that 10 percent of the calls from the Compact-M satellite phone used by bin Laden and his key lieutenants were directed against America.”

Testimony from defendants in the Kenya and Tanzania U.S. embassy bombings, indicate that Al-Qaeda and Hezbollah, with Iranian assistance, have had strategic meetings throughout the years in Sudan and elsewhere. This is just the beginning.

There is still time to contain the threat posed by Iran and adopt short and long-term policies that will compel Iran to change its unacceptable behavior.

H.R. 282 seeks to do just such a response.

Briefly, this bill: Codifies U.S. sanctions on Iran and requires that they remain in place until Iran has verifiably dismantled its chemical, biological, and nuclear weapons programs; amends the Iran-Libya Sanctions Act, ILSA, including by enlisting the number of entities that would be subject to sanctions, limiting its application on Iran, and eliminating the expiration date of the law; requires that the names of all individuals, governments and companies that have invested a total of at least $20 million in Iran’s energy sector be published in the Federal Register; denies U.S. assistance to countries that are invested in Iran’s energy sector; authorizes the President to provide U.S. assistance to peaceful pro-democracy and human rights groups in Iran and for independent Iranian civil society; authorizes the President to provide U.S. assistance to peaceful pro-democracy and human rights groups in Iran and for independent Iranian civil society; authorizes the President to provide U.S. assistance to peaceful pro-democracy and human rights groups in Iran and for independent Iranian civil society; and authorizes the President to provide U.S. assistance to peaceful pro-democracy and human rights groups in Iran and for independent Iranian civil society.

We must act now before it is too late and our options are severely limited.

I ask my colleagues to render their overwhelming support to this legislation.

Mr. McDERMOTT. Madam Speaker, the U.S. Chamber of Commerce, National Foreign Trade Council, Coalition for Employment Through Exports and USAEngage yesterday distributed to members a very cogent description of some of the reasons to oppose H.R. 282. I recommend that Members review it.

Hon. Jim McDermott, House of Representatives, Washington, DC.
Re H.R. 282, Iran Sanctions Act.

Mr. McDermott. Madam Speaker, the U.S. Chamber of Commerce, National Foreign Trade Council, Coalition for Employment Through Exports and USAEngage yesterday distributed to members a very cogent description of some of the reasons to oppose H.R. 282. I recommend that Members review it.

Hon. Jim McDermott, House of Representatives, Washington, DC.
Re H.R. 282, Iran Sanctions Act.
on such entities within 360 days. This provision would also apply retroactively, requiring sanctions determinations on pending investigations of prior investments within ninety days of enactment. If the President chose to waive the sanctions, which is possible under an inadequately narrow provision in this bill, he would be required to renew that waiver every six months. This provision requires investigations and sanctions determinations on each and every past and future investment in Iran by a person described in the Act, which would severely restrict the Administration’s flexibility to conduct foreign policy in ways that can adapt to complex, changing circumstances.

Finally, we encourage Congress and the House International Relations Committee to rethink the sanctions regime in light of their serious unintended impact on the people of Iran and our own ability to forge vital international alliances. When we hear of reports like those raised in the March 15 hearing of the Committee on International Relations about the difficulties that humanitarian organizations have had operating to relieve suffering by earthquake victims—it seems appropriate to take a closer look at whether there are ways to be more effective for the United States to address the serious concerns raised by the policies of the Iranian government. At the same time, we hope that there will be an opportunity to hold a fuller debate over the proposed radical changes to the Iran Libya Sanctions Act, and therefore respectfully urge that you vote against H.R. 282. Respectfully submitted.

DEAR MR. CHAIRMAN: I am writing to congratulate the President and the Congress on the recent sanctions against Iran and the adoption of a covert nuclear program in Iran. This move will help to starve the Iranian regime of hard currency necessary to pursue nuclear weapons and support terrorism.

In the months after ILSA was signed into law, there were strong indications that it was having the intended deterrent effect. But then, in an effort to avoid offending our allies, the Clinton Administration made a decision not to enforce the law—a shortsighted policy continued by President Bush.

H.R. 282 would close a legal loophole that has allowed the State Department to sit on investigations for years without making a determination, one way or the other, if a foreign firm has in fact made an investment in Iran. Madam Speaker, this legislation won’t make Iran’s nuclear program go away, but it is an important step toward the right direction—--with 360 cosponsors—sends a clear signal that Congress is extremely concerned about this critical matter.

Mr. GENE GREEN of Texas. Madam Speaker, I urge my colleagues to join me today in supporting H.R. 282, the Iran Freedom Support Act.

I want to thank Ms. ROS-LEHTINEN and Mr. LANTOS for drafting this bill that has gathered great support from our colleagues to address the urgent and problematic situation in Iran.

This bill will strengthen existing sanctions designed to cut off funds Iran could use for its illicit atomic programs.

Inspections by the International Atomic Energy Agency (IAEA) over the past three years have turned up evidence that Iran has been pursuing nuclear technology for nearly two decades. Despite recent rulings by the IAEA Board of Governors that found Iran to be in noncompliance with its Nuclear Nonproliferation Treaty safeguards agreement, and a presidential directive by United States National Security Council that called upon Iran to reinstate its voluntary suspension of enrichment and reprocessing, Iran has stated that it will continue development of its nuclear program.

The U.S. and our allies cannot stand by and watch Iran develop nuclear capabilities, and this legislation is just a first step in what must be done to address this problem.

A state that has vowed to continue supporting terrorist activity against the West and the State of Israel is a U.S. national security threat that must be wiped off the map, and has threatened to retaliate to international pressure and sanctions by giving nuclear technology to other states, must be dealt with before it has a robust nuclear program.

Iran’s conduct for weapons of mass destruction—and nuclear technology in particular—along with its outright support for international terrorism require a strong response from our government.

Passing H.R. 282 is a first step in addressing this urgent situation, and I ask my colleagues to join me in supporting this bill.

Ms. HARRIS. Madam Speaker, I rise in support of H.R. 282, the Iran Freedom Support Act. For more than two decades the Iranian regime has displayed its contempt for the rule of law by willingly and aggressively breaching its international obligations, in pursuit of nuclear weapons.

The incendiary remark made by Iranian President Mahmoud Ahmadinejad, and the continued threat of a “fake regime that can not logically continue to live,” underscores the importance of this measure.

H.R. 282 denies technical assistance and financial resources to the regime of President Ahmadinejad, and strengthens sanctions against those who would facilitate the development of a covert nuclear program. This bill sends a clear and unambiguous message to Iran that their behavior is unacceptable.

The overwhelming 37-3 vote by which this measure passed the International Relations Committee exemplifies the bipartisan nature of the issue.

Madam Speaker, with the proliferation of nuclear weaponry at issue, there is neither room for error, nor for mixed signals. The price to be paid for inaction or indecision is beyond consideration. This legislation is a measured, responsible demonstration of our commitment to ensuring the freedom of Iranians and Americans alike.

Mr. SMITH of New Jersey. Madam Speaker, I am attaching an exchange of letters between Chairman Hyde and Chairmen Davis, Thomas, and Oxley concerning the bill H.R. 282 “The Iran Freedom Support Act” for printing in the RECORD.


Hon. HENRY J. HYDE, Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to consideration of H.R. 282, the Iran Freedom Support Act, which the Committee on International Relations ordered reported on April 13, 2006. In the bill as ordered reported by your Committee, section 206, specifically those provisions providing for the establishment of a U.S. government pension plan and thrift savings plans to manage the financial resources to the regime of President Ahmadinejad, and strengthening sanctions against those who would facilitate the development of a covert nuclear program. In addition, the bill prohibits the removal of section 206(e) from the bill or any other similar legislation and will not consider the addition of language respecting the fiduciary duties of U.S. government pension plan managers, as you work to move this important legislation forward. Given the importance and timeliness of this bill, I urge the House to pass the Iran Freedom Support Act, and your willingness to work with us regarding pension issues, I will not support any similar legislation and will not consider these or similar provisions.

I thank you for your agreement to support the removal of section 206(e) from the bill and to modify sections 206(c) and (d) with the addition of language recognizing the fiduciary duties of U.S. government pension plan managers, as you work to move this important legislation forward. Given the importance and timeliness of this bill, I urge the House to pass the Iran Freedom Support Act, and your willingness to work with us regarding pension issues, I will not support any similar legislation and will not consider these or similar provisions.

I understand the importance and urgency of this issue, and will work with you to ensure its timely enactment.
Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. I concur with your assessment that Section 206 of the bill, as ordered reported by the Committee on International Relations, falls within the Rule X jurisdiction of the Committee on Government Reform—specifically Section 206(c), which requires certain disclosures by managers of U.S. government pension plans. In addition, the Senses of Congress contained in Sections 206 (c) of the bill, government pension plan managers to take certain actions, are also within the jurisdiction of your Committee.

I thank you for your agreement to support moving this important legislation forward. Based on our discussions, this Committee will remove Section 206(e) from the bill, modify Sections 206(c) and (d), and add language recognizing the fiduciary duties of pension plan managers. I appreciate your willingness to forego seeking a sequential referral of this legislation. I understand your willingness to do so does not in any way prejudice the Committee on Government Reform’s concern that your Committee’s issuance of Section 206(e) may remain in the amended version of the bill. I appreciate your willingness to forego seeking a sequential referral of this legislation. I understand your willingness to do so does not in any way prejudice the Committee on Government Reform’s concern that your Committee’s issuance of Section 206(e) may remain in the amended version of the bill. I appreciate your willingness to forego seeking a sequential referral of this legislation. I understand your willingness to do so does not in any way prejudice the Committee on Government Reform’s concern that your Committee’s issuance of Section 206(e) may remain in the amended version of the bill.

As you requested, I will be pleased to include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. Sincerely,

Henry J. Hyde
Chairman

HOUSE OF REPRESENTATIVES
COMMITTEE ON WAYS AND MEANS
Washington, DC, April 6, 2006
Hon. Henry J. Hyde,
Chairman, Committee on International Relations,
Washington, DC.

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 282, the “Iran Freedom Support Act,” which the Committee on International Relations marked up on March 15, 2006.

As per the agreement between our Committees, to be included in a manager’s amendment to H.R. 282, the amended bill would modify the language in Section 101(a) so that the import sanctions contained in Executive Order 12959 may remain in effect under the terms of the Executive Order but would not be codified by this bill. In addition, Sections 202(a) and 202(b) of the reported bill would remain in the amended version. These sections would change current law by striking the statutory option the President currently has to ban imports against both Iran and Libya.

I concur that these provisions have the effect of modifying and altering the application of an import ban and, therefore, they fall within the jurisdiction of the Committee on Ways and Means. I appreciate your willingness to assist in expediting this legislation by foregoing action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee on Ways and Means with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

As you requested, I will be pleased to include a copy of this exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

Henry J. Hyde
Chairman

HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNATIONAL RELATIONS
Washington, DC, April 7, 2006
Hon. Henry J. Hyde,
Chairman, Committee on International Relations,
Washington, DC.

DEAR CHAIRMAN HYDE: I am writing to confirm our mutual understanding with respect to the Committee Report on H.R. 282, the “Iran Freedom Support Act.” This bill was ordered reported by the Committee on International Relations on March 15, 2006. Section 206, “United States pension plans,” and section 207, “Report by Office of Global Security Risks,” of the bill as ordered reported by your committee are within the jurisdiction of the Committee on Financial Services (under clause (g) of rule X of the Rules of the House of Representatives, Ordinarily, the Committee on Financial Services would be entitled to receive a sequential referral of the bill. However, I thank you for your agreement to support in principle a sequential referral of this important legislation. However, I support the removal of section 206(e) and section 207 from the bill and to modify section 206(b) by inserting the Secretary of State in lieu of the President as the person responsible for implementing the timeliness of the Iran Freedom Support Act, and your willingness to work with us regarding these issues, I will not seek a sequential referral of this legislation. However, I do so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future.

Moreover, should these or similar provisions be included in a conference with the Senate, I would expect members of the Committee on Financial Services to be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

Michael G. Oxley
Chairman

HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNATIONAL RELATIONS
Washington, DC, April 7, 2006
Hon. Michael G. Oxley,
Chairman, Committee on Financial Services,
Washington, DC.

DEAR CHAIRMAN HYDE: I am writing to confirm your letter concerning H.R. 282, the “Iran Freedom Support Act.” I concur that the bill, as ordered reported by the Committee on International Relations on March 15, 2006, contains language which falls within the Rule X jurisdiction of the Committee on Financial Services. Specifically, Section 206, “United States Pension Plans,” contains language which, by itself, “Report by Office of Global Security Risks,” of the bill are within your Committee’s jurisdiction.

Our two committees have reached agreement that, in the interest of moving this important legislation forward, the text of the bill which we will place in the manager’s amendment will remain in the amended version of the bill, and Section 206(b) by inserting the “Secretary of State” in lieu of the “President.” Given the importance and timeliness of the Iran Freedom Support Act, I appreciate your willingness to work with us regarding these issues and to forego sequential referral of this legislation.

I understand that you desire to have this legislation on the floor before the conclusion of this session of Congress. I appreciate your understanding that the bill, as ordered reported by this Committee, contains language which remains within the jurisdiction of the Committee on Financial Services.

As you requested, I will be pleased to include a copy of this exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

Henry J. Hyde
Chairman

HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNATIONAL RELATIONS
Washington, DC, April 7, 2006
Hon. Henry J. Hyde,
Chairman, Committee on International Relations,
Washington, DC.

DEAR CHAIRMAN HYDE: I am writing to confirm our mutual understanding with respect to the Committee Report on H.R. 282, the “Iran Freedom Support Act.” This bill was ordered reported by the Committee on International Relations on March 15, 2006. Section 206, “United States pension plans,” and section 207, “Report by Office of Global Security Risks,” of the bill as ordered reported by your committee are within the jurisdiction of the Committee on Financial Services (under clause (g) of rule X of the Rules of the House of Representatives,
to call me. I thank you for your consideration.

Sincerely,

Henry J. Hyde,
Chairman.

House of Representatives, Committee on International Relations, Washington, DC.

April 6, 2006.

Hon. Howard P. ‘Buck’ McKeon,
Chairman, Committee on the Workforce, House of Representatives, Washington, DC.

Dear Mr. Chairman: Thank you for your letter concerning H.R. 282, the Iran Freedom Support Act. I concur with your assessment that Section 206 of the bill, as ordered reported by the Committee on International Relations, which deals with United States Pension Plans, falls within the Rule X jurisdiction of the Committee on Education and the Workforce—specifically, Section 206(e), which requires certain disclosures by managers of private pension plans. In addition, the Sense of Congress contained in Sections 206(c) and (d) urges private pension plan managers to take certain actions and are also within the jurisdiction of the Committee on Education and the Workforce. I thank you for your agreement to support the removal of Section 206(e) from the bill and to modify Sections 206(c) and (d) with the addition of language recognizing the fiduciary duties of pension plan managers, as you would have the important legislation considered forward. Given the importance and timeliness of the Iran Freedom Support Act, and your work with us regarding pension issues, I will not seek a sequential referral of this legislation. However, I do so only with the understanding that this procedural role should not be construed to prejudice the Committee on Education and the Workforce’s jurisdictional interest and prerogatives on these provisions or any other similar legislation. The bill as reported by your committee is within the jurisdiction of the Committee on Education and the Workforce—specifically, section 206(e), which requires certain disclosures by managers of private pension plans. In addition, the Sense of Congress contained in Sections 206(c) and (d) urges private pension plan managers to take certain actions and are also within the jurisdiction of the Committee.

Sincerely,

Howard P. ‘Buck’ McKeon,
Chairman.

House of Representatives, Committee on International Relations, Washington, DC.

April 6, 2006.

Hon. Henry J. Hyde,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

Dear Mr. Chairman: I am writing to confirm our mutual understanding with respect to the referral of this legislation. However, I do so only with the understanding that this provision is within the jurisdiction of the Committee on Education and the Workforce. The Iran Freedom Support Act, Section 206, United States Pension Plans, of the bill as ordered reported by your committee is within the jurisdiction of the Committee on Education and the Workforce. Specifically, section 206(e), which requires certain disclosures by managers of private pension plans. In addition, the Sense of Congress contained in Sections 206(c) and (d) urges private pension plan managers to take certain actions and are also within the jurisdiction of the Committee.

Sincerely,

Henry J. Hyde,
Chairman.


Mr. CARDIN. Madam Speaker, I rise in strong support of H.R. 282, the Iran Freedom Support Act. This bill strengthens U.S. sanctions on Iran, and requires that they remain in place until Iran has dismantled its chemical, biological, and nuclear weapons programs. Iran is actively seeking weapons of mass destruction, which poses a threat to the national security of the United States and to the world. Iran has repeatedly violated its obligations to the international community, specifically the 1973 Safeguards Agreement with the International Atomic Energy Agency (IAEA). In 2002 the world learned that Iran was illegally continuing to develop a secret nuclear program, which has led to years of negotiations with the international community. Last August, after the IAEA confirmed that Iran resumed its conversion of uranium. In February the IAEA voted 27 to 3 to report Iran to the United Nations Security Council for further action. In March the U.N. Security Council directed Iran to its nuclear activities. In United Nations, and made an announcement that it had enriched uranium to reactor-grade levels, which is a precursor to the development of a nuclear bomb. This week the U.N. Security Council is meeting to evaluate Iran’s behavior, and I urge the Security Council to use all the tools at its disposal to pressure Iran to meet its commitments to the IAEA.

I am pleased that the legislation today establishes mandatory sanctions for contributions to Iran’s nuclear weapons programs. It includes my provision clarifying that none of the funds authorized for democracy promotion should be used to fund destabilizing activities against Iran. Moreover, in the report accompanying this legislation, I was able to include language aimed at ensuring that none of the funds authorized in this legislation are channeled to democracy promotion organizations that may in turn bankroll covert action against Iran.

My vote today in no way detracts from my vigilance regarding this administration and its reported interest in another preemptive strike—this time against Iran. I have and will continue to strongly oppose the so-called doctrine of preemption and believe we must engage Iran in smart and tough diplomacy regarding its nuclear programs.

Mr. Farr. Madam Speaker, I am very concerned about Iran’s nuclear power program. I am extremely opposed to any attempts by the Administration to unilaterally strike Iran. We must work multilaterally to bring Iran back to the negotiation table and into compliance with the Nonproliferation Treaty.

While the government of Iran continues to defy international pressure to conform to the NPT, unilateral military action against Iran is not the solution. The repercussions and unintended consequences of a U.S. military attack are terrifying to contemplate. I personally do not believe that a military strike on Iran would advance U.S. or regional security. I am afraid it could create a backlash against the U.S. that would be a more serious threat than a nuclear Iran. Congress has the constitutional responsibility to declare the commitment of troops or military action, and the obligation to the American people to have an up or down vote before the Administration takes any steps towards military engagement.

The solution to the Iranian problem lies in diplomacy. The Administration needs to work with other members of the U.N. Security Council and gain a strong coalition of support for a diplomatic solution. I urge my colleagues to join me in calling on the Administration to find peaceful means of ensuring Iran’s compliance with the NPT.

Mr. Holt. Madam Speaker, I rise today in strong support of Iran Freedom Support Act, H.R. 282. I am a cosponsor of this important legislation because I remain deeply troubled by the current regime and situation in Iran.

It is long past time for the House to address the security challenge posed to the world community and our allies in the Middle East by the repressive and tyrannical government of the Islamic Republic of Iran. Iran’s support for terrorism is evident. Iran is also responsible for a number of actions that threaten American national security interests. The Administration has stated clearly that it will work to ensure that the Iranian regime changes its behavior and that it does not pose a nuclear threat to the region and the world.

Many of these terrorist groups are seeking weapons of mass destruction (WMD) so that they can kill or injure thousands or even millions of people. The Iranian President has publicly expressed his hope for a world without America, his desire to wipe Israel off the map, and has denied the existence of the Holocaust.

Ms. Lee. Madam Speaker, although not a perfect bill, I plan to support H.R. 282 based on several important decisions I authored and that were included in the committee-passed bill. First, and most importantly, this bill includes my language explicitly stating that this legislation does not constitute authorization to use military force against Iran. Additionally, it includes my provision clarifying that none of the funds authorized for democracy promotion should be used to fund destabilizing activities against Iran. Moreover, in the report accompanying this legislation, I was able to include language aimed at ensuring that none of the funds authorized in this legislation are channeled to democracy promotion organizations that may in turn bankroll covert action against Iran.

My vote today in no way detracts from my vigilance regarding this administration and its reported interest in another preemptive strike—this time against Iran. I have and will continue to strongly oppose the so-called doctrine of preemption and believe we must engage Iran in smart and tough diplomacy regarding its nuclear programs.
further their nuclear weapons program must be stopped. A nuclear Iran would destabilize the region and threaten the United States and our allies. We must use every tool at our disposal today to end Iran’s nuclear ambitions. Iran must change its way.

This important legislation would codify bilateral U.S. sanctions against Iran and strengthens third-party sanctions through amendments to the Iran-Libya Sanctions Act. H.R. 282 would make the removal of these sanctions contingent upon a Presidential certification that Iran no longer poses a threat to the national security of the United States, its interests, or its allies. It would also require the Administration to report to Congress on countries cooperating (or not) with U.S. efforts to forge a multilateral Iran sanctions regime. The bill would also provide U.S. assistance to pro-democracy groups in Iran and to independent broadcasts into Iran from abroad.

I was troubled when I read the recent reports about the Administration seriously considering a nuclear attack on Iran. While I strongly oppose Iran’s efforts to create a nuclear weapon, I would consider it unacceptable to use nuclear weapons in an attempt to eliminate their program. The President must reassure the world that America remains a responsible world power. He must state unambiguously that the United States will never use nuclear weapons in a first strike against Iran or any other sovereign nation.

H.R. 282 is in keeping with United States priorities to address the multiple threats posed by the Iranian regime, as well as with our goal to bring peace and stability to the people of the Middle East. I support this important legislation.

Mr. BLUMENAUER. Madam Speaker, I would like to include the following article, which I referenced on the floor, in the Record of the debate on H.R. 282, the “Iran Freedom Support Act.”

[From the Asia Times, March 30, 2006]

NEO-CON CABAL BLOCKED 2003 NUCLEAR TALKS

(By Gareth Porter)

WASHINGTON—The George W. Bush administration failed to enter into negotiations with Iran on its nuclear program in May 2003 because neo-conservatives who advocated destabilization and regime change were able to block any serious diplomatic engagement with Tehran, according to former administration officials.

The same neo-conservative veto power also prevented the administration from adopting any official policy statement on Iran, those same officials said.

Lawrence Wilkerson, then chief of staff to Secretary of State Colin Powell, said the failure to adopt a formal Iran policy in 2002-03 was the “result of the obstruction by a cabal” of neo-conservatives in the administration, led by Vice President Dick Cheney.

“The secret cabal got what it wanted: no negotiations with Tehran,” Wilkerson wrote in an e-mail to Inter Press Service (IPS). The Iranian negotiating offer, transmitted to the State Department in early May 2003 by the Swiss ambassador in Tehran, acknowledged that Iran would have to address U.S. concerns about its nuclear program, although it made no specific concession in advance of a meeting with U.S. negotiators. Wilkerson, then the National Security Council’s senior director for Middle East Affairs, added: “The real cabal was that led by Vice President Dick Cheney. Wilkerson wrote in an e-mail to Inter Press Service (IPS). The Iranian negotiating offer, transmitted to the State Department in early May 2003 by the Swiss ambassador in Tehran, acknowledged that Iran would have to address U.S. concerns about its nuclear program, although it made no specific concession in advance of a meeting with U.S. negotiators. Wilkerson, then the National Security Council’s senior director for Middle East Affairs.

Iran’s offer also raised the possibility of cutting support for Bahrain and Islamic Jihad and converting Hezbollah into a purely socio-political organization, according to Leverett. That was an explicit response to Powell’s demand in late March that Iran “end its support for terrorism.”

In return, Leverett recalls, the Iranians wanted to talk about non-proliferation, the lifting of economic sanctions and normalization of relations, including support for Iran’s integration into the global economic order. But at the last minute, according to Leverett, Iran offered a compromise on the issue, according to Leverett: if the U.S. gave Iran the names of the cadres of the Mujahideen-e Khalq (MEK) who were being held by U.S. forces in Iraq, Iran would give the U.S. the names of the al-Qaeda operatives they had detained.

The MEK had carried out armed attacks against Iran from Iraqi territory during the Hussein regime and had been named a terrorist organization by the U.S. But it had commissioned to U.S. forces after the invasion, and the neo-conservatives now saw the MEK as a potential asset in an effort to destabilize the Iranian regime.

The MEK had already become a key element in the alternative draft NSPD drawn up by neo-conservatives in the administration.

The indictment of Iran analyst Larry Franklin on Feith’s staff last year revealed that, by February 2003, Franklin had begun sharing a draft NSPD that he knew would be to the liking of the Israeli Embassy.

But the damage had already been done. With no diplomatic contact between Iran and the U.S., the neo-conservatives had a clear path to raising tensions and building political support for regime change as the primary enemy of the United States.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise in strong support of the Iran Freedom Support Act.

Iran’s continued pursuit of nuclear weapons, support for international terrorist organizations, and abhorrent human rights practices pose one of the greatest threats to global security.

Further, the Iranian government has made clear its intentions toward the United States. Senior Iranian officials and President Ahmadinejad stated that a world without the United States is a “possible goal and slogan.” This is not a veiled threat and we must take him seriously.

Our greatest responsibility is the safety and security of the American people. As such, we must employ every option at our disposal to ensure that Mr. Ahmadinejad’s stated goals remain unattainable.

The Iran Freedom Support Act takes a responsible and sensible approach—lightening and codifying economic sanctions against the Iranian regime. It will hinder Iran’s ability to acquire nuclear weapons and fund terrorist groups and it will send a clear signal to the
Iranian regime that it will be held accountable for its threatening behavior.

The United States must also continue to push the United Nations Security Council for strong action to thwart Iran’s nuclear ambitions. In the meantime, it is our job to take meaningful steps to eliminate the threats posed by Iran. And that is why I urge my colleagues to support this bill.

Miss. MCROMMIS. Madam Speaker, I rise today in support of H.R. 282, the Iran Freedom Support Act. I applaud this bi-partisan effort by Congress. Iran stands at an increasing threat posed to our country and world by Iran.

Many defense experts have predicted that we face no greater threat from a single country than from Iran. Iran’s leaders, including Iranian President Mahmoud Ahmadinejad, have continuously called for the destruction of Israel, rejected overtures from the world community, including the United Nations, supported international terrorism, and continued to advance their nuclear program with the announcement on April 11 that Iran had successfully enriched fuel-grade uranium.

All of these actions are unacceptable. We would be remiss to ignore a country that perilously threatens our allies and the security of the world while simultaneously seeking to advance its unsupervised nuclear capabilities. We must not allow Iran to bully the world or our allies by Iran that will dispel their irresponsible and careless behavior seriously.

H.R. 282 will help support democracy while taking a firm stance against the radical and reckless leaders of Iran and those that would support it. Support for supporting democracy in Iran is an important ingredient to resolving this situation peacefully. One of my top priorities in Congress is to ensure our national security, and I support H.R. 282 as an important step in combating the rising risk of Iran.

Mr. DEFAZIO. Madam Speaker, I rise today in reluctant opposition to H.R. 282, the Iran sanction bill. If this bill was only about imposing targeted sanctions against the Iranian regime, or companies and countries who invest in Iran, I could support it. In fact, I voted in favor of the original sanctions bill in 1996, and I voted to extend the bill when it came up for renewal in 2001.

Unfortunately, the bill on the floor today does not just extend or expand sanctions against Iran and those doing business with that country; it also establishes a U.S. policy in favor of regime change in Iran. Therefore, I am extremely concerned that H.R. 282 is the first step in taking our country down the same misguided path that was taken with Iraq.

The Iranian exilie groups that would likely benefit from this bill will be in order to support exilie groups seeking regime change in Iran eerily echo Ahmad Chalabi’s Iraqi National Congress. You may recall that Chalabi’s INC worked with the Bush administration to mislead Congress and the American people about Iraq’s supposed weapons of mass destruction in order to gain support for toppling Saddam Hussein using U.S. forces.

It is my hope that as this bill continues through the legislative process, it will be amended to focus on sanctions and diplomacy rather than U.S. sponsored regime change. I believe that sanctions should be targeted at foreign investment in Iran, which would force Iranian leaders to choose between a growing economy and their desire for nuclear weapons. Sanctions could also be targeted at Iran’s leaders by freezing their assets and imposing travel bans. Targeted sanctions can ratchet up the pressure on Iran’s leaders without harming or alienating the Iranian people.

Mr. SHAYS. Madam Speaker, when Iran will have a nuclear weapon is not the right question. Rather, we need to focus on when Iran will have the indigenous capability to produce nuclear fissile materials. This is the point of no return and should be our benchmark regarding the urgency of addressing Iran’s behavior.

It is the threat posed by Iran’s increasing nuclear capabilities. It is a fact Iran is the world’s most egregious exporter of terrorism. And we all heard for ourselves when Iran’s president threatened to “wipe Israel off the map” and when Ayatollah Khamenei, just yesterday, told another one of the world’s worst human rights abusers, Sudan, that Iran would gladly transfer nuclear technology. When one considers these points together, it becomes clear how important it is we act today.

Some residents of Connecticut’s Fourth Congressional district have already expressed concern regarding the Iran sanctions bill. The United States’ consideration of the use of force against Iran to eliminate its nuclear weapons program and end its state support of terrorism. Such action, while not off the table, must be an absolute last resort. That is why it is so critical our government does not act precipitously and include economic and diplomatic sanctions and the appropriate distribution of foreign aid as suggested in this bill, to deter the threat Iran poses to global security. It is also appropriate for us impose pressure on the other nations of the world who prop up the Iranian government and the extremists at its helm by investing heavily in that nation.

While I understand the concern the Administration has expressed that by passing this bill we are tying its hands to conduct foreign policy, I would be more sympathetic if it were doing more to enforce the laws Congress has already passed.

The International Relations Committee states in the report accompanying this legislation that, “The laws which have been enacted, as evidenced by the current and past Administrations, have proven inadequate.” Specifically with respect to ILSA, the committee is deeply dismayed that the current Administration, like the prior Administration, has not acted to sanction a single enterprise for investing in Iran, but has delayed its decisions on ‘targeted’ investments well past the point of failing the ‘laugh test’.”

Given the extreme rhetoric of Iranian President Ahmadinejad, I do not expect this legislation will bring an immediate change to Iran’s aggressive and ill-advised march to acquire nuclear weapons. But I urge the Administration to take the necessary message, however, that the United States will not stand by as Iran pursues its nuclear ambitions and threatens international security.

The bottom line is, in defiance of its assurances to the contrary, Iran remains committed to a nuclear weapons program. The United States must be unequivocal in its rejection of these ambitions.

I urge support of this legislation and appreciate the leadership of Chairman Hyde and Ranking Member LANTOS to bring it to the floor today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PENCE) that the House suspend the rules and pass the bill, H.R. 282, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XVIII, the Chair’s prior announcement, further proceedings on this question will be postponed.

□ 1245

PROVIDING FOR CONSIDERATION OF H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. PUTNAM. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 774 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 774

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 bill (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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Committee on Intelligence. Given the general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order for the Committee on Intelligence to delay the bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence. The amendment in the nature of a substitute shall be considered as read. All points of order against consideration of the amendment require a two-thirds vote of the Members of the Committee on Intelligence. All points of order against consideration of the amendment are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report. The time during which a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Any order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the
Mr. PUTNAM. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. McGovern), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Madam Speaker, House Resolution 774 is a structured rule that provides for consideration of H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007. Madam Speaker, I am pleased to bring this resolution to the floor for its consideration. This is the fifth intelligence authorization bill that this House has considered in the last 11 months of the calendar year.

To more formally increase oversight, the bill specifically provides that reporting requirements contained in the classified annex will be considered as required by the underlying law. Additionally, it requires a comprehensive inventory of special access programs conducted within the National Intelligence Program to be provided to the committee in classified format. This provision was included in the House-passed version of the legislation as well.

The underlying bill also contains language offered by the ranking member, Ms. HARMAN, that expresses the sense of the Congress that the DNI should promptly examine the need for establishing the bipartisan intelligence Community Point of Contact Office as part of the Intelligence Community.

I am pleased with the efforts of the House Permanent Select Committee on Intelligence. Chairman HOEKSTRA and his ranking member, Ms. HARMAN, have done yeoman’s work, with the assistance of their committee, on a bipartisan basis to produce this bill. It is a perfect example of how Congress can achieve a bipartisan product that meets the needs of our Nation. I commend them for their hard work.

I urge the Members to support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself 7 minutes.

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

Mr. MCGOVERN. Madam Speaker, H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007, deals with one of the most important aspects of our national security: our ability to gather and analyze intelligence effectively so that our policies are based on fact, not fantasy or obsessive desire, so that our Federal law enforcement agencies can defend us from the threat of attack, and so that our allies can rely on our resources for timely, coordinated operations in defense of freedom abroad.

I want to commend Chairman HOEKSTRA and Ranking Member HARMAN and members of the Intelligence Committee for authorizing 100 percent of the funding required for our counterterrorism operations. Regrettably, President Bush only included 78 percent of this funding in his budget request; so I thank the committee for considering the amendment to this bill.

The Intelligence Authorization Act traditionally receives strong bipartisan support and will likely receive that same support this year. But despite its many attributes, this bill has had bipartisan support, and it should have been better. This bill could have and should have required a dedicated funding line for the Privacy and Civil Liberties Oversight Board. When Congress passed the Intelligence Reform and Terrorism Prevention Act in December 2004 in response to the findings and recommendations of the 9/11 Commission, it created this board to serve as a civil liberties watchdog on the potential erosion of the basic constitutional rights of the American people in a post-9/11 world.

Now, 15 months later, we find our concerns about basic civil rights to have been well founded, but the oversight board is barely up and running. The President did not nominate the board’s members until 9 months after the Senate took 5 months to confirm the chair and vice chair. And, once again, the President’s budget failed to include a single penny for the board’s operation in fiscal year 2007.

And this could have Briefing the American people on the potential erosion of the basic constitutional rights of the American people in a post-9/11 world. The President chose to reject this funding and abandon their promise to the American people to safeguard their most basic freedoms and rights. And last night in the Rules Committee, the Republican leadership compounded this mistake by denying Congressman REYES the right to offer this same amendment for debate on the House floor.

And then we have the issue of the National Security Agency’s spying on U.S. citizens. In committee, Representative ESTOOP offered a carefully crafted amendment to withhold 20 percent of the NSA’s budget until the executive branch provided the Intelligence Committee with the total cost of its surveillance program. The House, in an 85-1 vote, rejected this proposal.

I urge the Members to support this amendment, to support the board, and to demand that the President fund it, with bipartisan support. Madam Speaker, I reserve the balance of my time.
Yesterday in the Rules Committee, the Republican leadership went even further. The Republican Rules Committee denied Representatives SCHIFF, FLAKE, HARMAN, and INGLIS the right to offer their bipartisan amendment for debate. This amendment would have required the Administration to disclose how the Intelligence and Judiciary Committees, the two committees with jurisdiction and oversight responsibilities over the NSA and the FISA process, on which U.S. citizens have been the subject of NSA electronic surveillance, are granted authority to carry out surveillance and what criteria was used to target them. Such a classified report would allow Congress to understand the program and whether any current laws need to be amended to grant the President the authority he needs to carry out this program more effectively or make any changes to safeguard against abuse. In short, these two committees need this information in order to do their jobs, in order to carry out their oversight responsibilities.

This bipartisan amendment should have received bipartisan support from the Rules Committee, but it did not; not from the Republican majority on this Rules Committee and certainly not from the Republican leadership of this House. It is outrageous, Madam Speaker. Many of us believe that when the President authorized the NSA surveillance of Americans, he broke the law, plain and simple. And when the Attorney General says that Congress somehow granted the authority for this program after September 11, he is just wrong.

We are talking about the most basic fundamental civil liberties that protect the American people, and the Republican leadership will not even let us debate it. What are they afraid of?

I would ask my Republican friends to re-read their Constitution. Congress was not designed to be a rubber stamp for the President. Congress was not designed to protect Members from difficult votes on controversial issues. Congress was not designed to protect the President's political rear end. But under this leadership that is exactly what Congress has become.

If my friends on the other side of the aisle believe that this President should have the ability to spy on Americans without a warrant and without going to the FISA court, then they should write the bill and bring it to the floor. They should at least show that level of respect for this House and for this Constitution.

I am willing to bet that the majority of my colleagues on both sides of the aisle believe that what the President is doing is wrong. But either way, the very least we could do is have a debate and a vote.

Madam Speaker, 25 amendments were brought to the Rules Committee last night. They dealt with issues ranging from how the NSA carries out surveillance of American citizens to how the Intelligence Committee and other relevant committees are briefed about weapons of mass destruction or the situations in Iran, North Korea, Iraq, and other hot spots. They dealt with how information is classified or reclassified, how national security whistle-blowers are protected or punished, and whether any sensitive information was disclosed and how and appropriated for various intelligence-related activities are reported to Congress.

These are not trivial matters, Madam Speaker. Yet only five amendments, five amendments, Madam Speaker, plus the manager's amendment, were made in order under this highly restrictive rule.

Why is the Republican leadership so afraid to debate these issues? Why is it so afraid to debate, period? After nearly 4 months of a lackluster Congress, are we suddenly on some tight time clock so there is no time to debate the things that matter? Is there no time to debate issues affecting national security? Do we need to get out of town by Thursday afternoon? I am happy to stay in town on Friday if it means we can get a full debate on the Intelligence Authorization Act.

I am tired of restrictive rules. I am tired of stifling debate. I am tired of ignoring or running away from the big issues. I urge my colleagues to vote "no" on this restrictive rule and to support an important debate on important issues facing our national security and intelligence agencies.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am glad that the gentleman acknowledged in the beginning of his remarks that this is a bipartisan bill that enjoyed unanimous support coming out of committee. As we move forward on the other issues of contention, we certainly look forward to that debate.

Madam Speaker, I am pleased to yield 5 minutes to one of this institution's experts on national security, a member of the Intelligence Committee, the distinguished gentlewoman from New Mexico (Mrs. WILSON), a graduate of one of America's fine service academies.

Mrs. WILSON of New Mexico. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, we have had the good fortune in this country for the last 4½ years to have not had another terrorist attack on our soil, and it is not because they haven't tried. The reason for that success boils down to two things: the courage of our soldiers and the quality of our intelligence. Exceptional intelligence is the first line of defense for America in the long war on terror that is underway.

I intend to support this rule today, and I intend to support this bill. I think it is a good bill. It is one that moves us forward to restore our Nation's intelligence capabilities across the board. HUMINT, intelligence, technical and tactical intelligence, and strengthens our global understanding and awareness and analysis of what is going on in the world. I intend to support it. I also think this rule is a pretty good rule. It is a rule that is made by and made for my colleagues from Massachusetts.

My colleague from Massachusetts has said we should debate here an amendment that was debated in our committee, that was adopted by 11 Republicans that I was a Republican Member who supported. It asked for the cost of the program that the President has acknowledged exists, the terrorist surveillance program.

I believe that whenever a member of an oversight committee asks for the cost of a program, we should get that answer. That answer has now been provided to the committee in a classified letter that is available in the Intelligence Committee spaces.

The reason that we didn't need to debate Ms. ESHOO's amendment on the floor today is because we have already gotten the answer to her question, and it doesn't make sense to me to continue to have this debate here on the floor, even though I supported that amendment in committee. So I think we have gone beyond that, and I don't think we have to have that debate and discussion here today on the floor.

The second thing that we talk about is having a debate here on the floor on the Flake proposal with some of his colleagues from the Democratic side of the aisle on the Foreign Intelligence Surveillance Act. The question here for this body is how do we move forward with effective oversight of the National Security Agency program that the President has acknowledged exists.

Now, I believe that the President and the Congress share the same goal: we want to keep America safe and free. We have different responsibilities under our Constitution. The President has the responsibility for conducting our foreign affairs. He is the Commander in Chief. He makes sure that agencies follow the law and execute the programs which we have authorized.

The Congress appropriates funds. We establish agencies. We authorize programs, and we oversee implementation of those programs. We spy on our enemies, and we want to make sure that the tools that we use are designed to do what we need them to do. We want to make sure that those very powerful tools are used within the constraints of our Constitution and the Bill of Rights.

I think it is a responsibility of this Congress to make sure that the President is not able to go beyond the constraints of our Constitution and the Bill of Rights. I think that is why I stood up and demanded that this Congress and our committees and our intelligence conduct an open debate on this program. That oversight is now under way. I think as a responsible body we have to start out by getting the facts. That means hard work that is done largely in the Intelligence Committees of the House and Senate, and that oversight is under way, and, for the most part, the National Security Agency has been very forthcoming.
We have to understand this program in its details before we make recommendations to this body about any changes in statute or continuing mechanisms for oversight. It would be premature to legislate today on changing the Foreign Intelligence Surveillance Act.

The reality is that technology is changing. The Foreign Intelligence Surveillance Act was put in place in 1978, the same year that I graduated from high school. I was one of the last classes at the Air Force Academy to get issued a slide rule. In 1978, the words “cell phone” and “Internet” were not even in the dictionary.

We may need to make some changes to the laws to continue to keep this country both safe and free, but we are not ready today to make those changes effectively. That debate on the floor today would be uninformed and premature.

I would ask this House to support this rule today and to also support the work, the continuing work, of the Permanent Select Committee on Intelligence as we do our duty under the Constitution to oversee these vital programs.

Mr. MCGOVERN. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I want to respond to the gentlewoman from New Mexico, whom I have a lot of respect for.

First of all, the cost of the program that we were debating was only given to members of the committee that the President chose, not all members of the committee.

Secondly, I find it scandalous, quite frankly, that this Congress is abdicating its responsibility to put in place checks and balances on the President’s domestic spying program. When you talk about enforcing and abiding by the Constitution of the United States, that is one of our responsibilities. I think that the President is doing is illegal. We should have a debate on this. The White House should be more forthcoming. Quite frankly, it is an outrage.

Madam Speaker, I yield 4 minutes to the ranking Democrat on the House Intelligence Committee, the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, Americans awoke today to deadly terrorist bombings in Egypt and a threatening new tape from al-Zarqawi, and today is our chance to debate a bill that authorizes funds and sets new directions in the fight to protect America. But this rule stifles debate about critical issues and I strongly oppose it.

Members of our committee offered responsible amendments to strengthen this bill, and we were shut out of the Rules Committee. As a result, Madam Speaker, there will be no amendments today about the unlawful eavesdropping on American citizens, the overhyping of Iran intelligence without adequate basis, and the double standard this administration applies to leaks.

Two amendments were filed that dealt with the President’s NSA program. Congressman EVANESSEN amendment, which is different from her request in committee that the budget for the program be disclosed to our committee, would have expressed the sense of Congress that all electronic surveillance, all eavesdropping of U.S. persons inside the U.S., must comply with the Foreign Intelligence Surveillance Act and the fourth amendment.

A bipartisan amendment offered by Representatives FLAKE, SCHIFF, ENGLISH and me states that FISA is the exclusive way to conduct surveillance of Americans on U.S. soil. FISA has been our policy since 1978, until this NSA program was implemented by the White House.

The American people want our government to track the communications of al Qaeda. Surely I do. But they also want our President to follow the law and the Constitution.

I have been briefed on the President’s NSA program several times, and no one has come forward to uncover the entire program. The two amendments, the Eshoo amendment and the Flake-Schiff amendment, should have been made in order.

I am particularly outraged that Congress would be forced to reauthorize this program that has convinced me why FISA cannot be our exclusive way to conduct surveillance of Iran’s nuclear program was rejected. What do we want to do in Iran? Do we want to repeat the mistakes of Iraq? Do we want to have intelligence that is totally wrong and base our national policy on totally wrong intelligence? I don’t think so.

Chairman HOEKSTRA, chairman of our committee, said just this weekend, “As decisions are being made on Iran, we don’t have the information that we would like to have.” So why is it a bad idea to require our Intelligence community to update Congress every three months with accurate information so that at least Congress has information on which to base responsible decisions? The Rules Committee apparently thinks that is not a good idea.

Congressman REYES submitted an amendment to provide dedicated fund for the Privacy and Civil Liberties Board of Congress, which was a key part of the intelligence reform bill that we passed almost two years ago.

Sure we want enhanced security, but we also want respect for American values and our Constitution. The whole idea was we would have this Board helping craft a policy that enhances security and also protected civil liberties. Well, that Board now has two confirmed members and no money, and in this bill we unfortunately do nothing about providing any money.

Finally, Congressman HOLT submitted an amendment to ensure that we don’t have a double standard on leaks. None of us condones leaks of classified information. That is wrong. But why is it that people are prosecuted for leaks, unless you work in the White House, in which case the President or the Vice President can authorize you to leak classified information to discredit political enemies? A double standard is wrong.

This rule is inadequate. Sadly, this bill is inadequate. I ask for a no vote on the rule.

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

Madam Speaker, I would like to address three of the points that the distinguished ranking member made, and I would point out that we appreciate her bipartisan efforts in crafting this bill, the underlying bill that the rule addresses, that came out of the committee on a voice vote.

First, the program that she categorized, that has been categorized, I apologize, Madam Speaker, the program that has been categorized as an “illegal eavesdropping program” had in a previous press release been characterized in this way: ‘‘As the ranking Democrat on the House Intelligence Committee, I have been briefed since 2003 on a highly classified NSA foreign collection program that targeted al Qaeda. I believe the program is essential to U.S. national security and that intelligence has helped us understand critical intelligence capabilities.”

That was the statement of the ranking member of the House Intelligence Committee as it relates to what has now been characterized by saying it is illegal eavesdropping.

Secondly, this question of Iran reports, the Iran crisis scares the dickens out of me. It is a very serious issue for this entire Chamber, for this entire Nation. It is a country that is not only engaged in what could be a speculative threat against its neighbors and the United States and the world as a whole, but are bringing in cameras to show that they are breaking IAEA seals, along with their red-hot rhetoric coming out of their President calling for the destruction of our ally, bragging about the uranium enrichment capabilities, talking about the difference between P-1 and P-2 centrifuges.

It is a very serious issue, one that all Members of Congress need to make themselves aware of. As chairman of the policy committee, I was joined by my Energy Subcommittee in going to New York on Monday to receive such a briefing, the kind of briefing that every Member of Congress is entitled to. As members of the House Intelligence Committee, they are entitled to even higher-level briefings on the Iranian situation at their request.

So, the requirement, the responsibility, for us to engage the administration, to engage the Intelligence Community, to engage the appropriate persons who are tracking this crisis is on us. And it is not a mere every-90-day
exercise. It should be an ongoing exercise as developments come in through the media and through other open sources that call on us to further update our awareness of what is a very dangerous situation.

This came in the form of zero funding for the Civil Liberties Protection Board, that is an issue within the White House budget. It is not germane to the intelligence authorization bill, it is not an issue that we can fund, and it was ruled out of order for that reason. It is a matter of the appropriators who are dealing with the White House budget line, not for the Intelligence Community’s overall budget.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOSWELL) who is a member of the committee.

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

Mr. BOSWELL. Madam Speaker, today we will authorize the largest intelligence bill in our history. I am pleased to be part of this authorization, because I believe we have no higher purpose than to support the brave soldiers, sailors, airmen, marines, and the civilian intelligence officers of the front lines of our national security.

I am sad to say this. There is a lingering threat, spoken to by Ms. HARMAN, that we have not addressed, that we have not addressed, which we should have. Last night the Rules Committee dealt a blow to our ability to gather intelligence on Iran’s nuclear and missile capability by denying an amendment that I had offered.

Now, if somebody else would like to offer that amendment, it is okay with me. We have got to do what is right. I would ask you, Mr. Chairman, if you are listening, that you might even think about doing that. But it would require the Director of National Intelligence to provide us quarterly written reports.

You know, people do best what we check. And if we were checking this, and they were coming to us in our committee, and it is a classified environment, it is safe, they could come there and we would have a chance to see if they are actually doing the job. We should do that.

So it appears to me, and I am very disappointed to say this, that it appears to me that it was pure politics that my amendment was denied. And I am disappointed. When I joined this committee 15 years ago, I was under the impression that politics would not interfere with our intelligence work. But, apparently, not so.

If I might quote from the President’s bipartisan, if you will, WMC Commission, cochaired by Judge Laurence Silberman and Senator Charles Robb: “Across the board, the Intelligence Community knows disturbingly little about the nuclear programs of many of the world’s most dangerous actors. In some cases it knows less now than it did 5 or 10 years ago.”

I just came across this thing from the Washington Times that our chairman was quoted as: “We really do not know. We really do not know the status of [its] programs.” We are getting lots of different messages from their leadership.

Well, maybe I should just rest my case here, but we may have lost the chance to offer this amendment. But I cannot overstate the seriousness of this threat to global security, which could come from a nuclear armed Iran. I wish we would have been able to address this issue in the bill, and I hope my colleagues will support my efforts to do so in the future.

Maybe somebody over there would like to offer the amendment. I do not care. It needs to be done. It should. We in Congress must be a better consumer of intelligence. It is a lesson we learned the hard way with regard to Iraq. It is a shame that this amendment was denied. It is a good bill, but it could have been better.

Madam Speaker, I urge my colleagues to vote “no” on the previous question, to amendment (Mr. KUCINICH).

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

Madam Speaker, I appreciate the gentleman’s comments on the concern about Iran. As I said earlier, it is a huge issue and a major international crisis for all of us to be tracking on a very routine basis, especially those members of the Intelligence Committee who have access to a higher level of information than the rest of us.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I want to thank all of those who served in gathering intelligence to protect the American people. It is regrettable that intelligence is often reshaped to fit doctrine instead of doctrine being reshaped in the face of the facts of intelligence.

This rule blocks several important amendments that the House should have had the opportunity to debate. I sponsored one of those amendments that we all talked about, all the concerns of media leaks by intelligence community agents.

Several high-profile classified leaks to the media have emerged in the last few years. These leaks have led to considerable release of information about secret Iran. As I said earlier, it is a concern about Iran.

We became aware of the efforts to manipulate intelligence, to falsify a cause of war against Iraq.

We became aware of the illegal NSA domestic wiretapping program without a court order. We became aware of the rumored CIA detention centers in Eastern Europe, and the CIA’s extraordinary rendition program, used to transport suspects to other nations with less restrictive torture policies.

The House Intelligence Committee report for this bill states that leaks to the media damage our national security. In response, the CIA fired an agent who leaked information to reporters last week. I understand the concerns raised when intelligence leaks are reported in the media.

However, if this House had conducted effective oversight, we would not have been there in the first place. Our democracy was bolstered by these leaks, and the world is a safer place as a result. Absent these leaks, the current administration would see no limit to its dangerous policies and continue to inflict its failed war on terrorism without limitation.

To resolve this conflict I proposed an amendment that would remove barriers to intelligence agency employees communicating with certain committees of Congress. The purpose is to prevent intelligence employees a more appropriate outlet than the media and give Congress better oversight capability.

This amendment provided an obstacle-free path for intelligence employees to report to key Congressmen on their concerns. By providing this outlet, the employees would not feel any need to leak information to the media. So we need to do everything we can to protect these who serve in intelligence to get information out to the American people.

They should do it through the Congress, but there is no provision for that in this bill. We need to protect this Nation, but we need to protect it with the truth, not with manipulated intelligence.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I want to address this issue of leaks briefly. Before presenting this rule to the House, I took it upon myself to read the bill. And because of the nature of the bill, it is only available in Intelligence Committee space. And all Members have the opportunity to review the material that we are going to be voting on later today.

In the context of this discussion about leaks, I was reminded that at the beginning of every Congress, upon our oath, we take, this House, have to sign something saying that we recognize that House rules prevent us from disclosing classified information.

In addition, when you go to read the bill that we have today, to consider your signature on that form reaffirming that you have taken this oath, this obligation to not disclose classified information. That is what Members of Congress have to do.

When you sign the CIA, you sign a standard secrecy agreement that says that you are going to keep the things that you are working on secret to protect the interests of our Nation. You
Mr. PUTNAM. Madam Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Ohio.

Mr. KUCINICH. Madam Speaker, I would ask my good friend from Florida a simple question, that is, what happened regarding the unauthorized release of compartmented information in these briefings, having a simple question, that is, what happened regarding the unauthorized release of compartmented information? The gentleman from Florida.

Mr. FRANK of Massachusetts.

Mr. FRANK of Massachusetts. Mr. FRANK of Massachusetts, that last discussion actually interested me. The question I want to ask the gentleman is this: When it comes to disclosing classified information, as I said earlier in my opening remarks, Mr. Kucinich, it is not true, who is going to be hurt? You know, in libel, truth is a defense. You give the good guys power, but you give it to them in a series of balances and counterbalances that do not give them untrammeled power. The President would authorize the wiretapping, or the wiretapping, the wiretapping, the wiretapping, the wiretapping, the wiretapping, the wiretapping.

Now the gentleman from California (Mr. SCHIFF) presented to the Rules Committee a very thoughtful amendment that would reaffirm that we want to go by the law of 1978, that would reauthorize the warrantless wiretapping, and I am going to use the technical term here, “cockamamie” arguments I have ever heard; namely, that when all of us voted to justify, to authorize the force against the Taliban in Afghanistan, we were somehow authorizing warrantless wiretapping.

You know, I want to say to the people who say that, follow one of my arguments I used that phrase, I was referring specifically only to one argument: the argument that the Afghanistan force resolution authorizes. That is all I said.

Mr. FRANK of Massachusetts. First, I guess I didn’t know we would get in great detail about what was “cockamamie” or not. When I used that phrase, I was referring specifically only to one argument: the argument that the Afghanistan force resolution authorizes. That is all I said.

I repeat, anybody who makes that argument, let’s use the word expression, had too much moonshine. Beyond that, I understand the gentleman thinks it is okay for warrantless wiretapping. The question is not wiretapping, but warrantless wiretapping.

Mr. FRANK of Massachusetts. First, I guess I didn’t know we would get in great detail about what was “cockamamie” or not. When I used that phrase, I was referring specifically only to one argument: the argument that the Afghanistan force resolution authorizes. That is all I said.

I repeat, anybody who makes that argument, let’s use the word expression, had too much moonshine. Beyond that, I understand the gentleman thinks it is okay for warrantless wiretapping. The question is not wiretapping, but warrantless wiretapping.
extinguish debate? I expect that there will be differences.

Mr. PUTNAM. Reclaiming my time, I recognize that the gentleman’s use of “cockamamie” was directed at another aspect of this debate. But I stand by my comment that the President of the United States did not conspire to engage in any illegal, inappropriate activity by, first, calling a team of lawyers and, second, calling the leadership of the opposite party.

Mr. Speaker, I was pleased to yield 4 minutes to the gentleman from Texas (Mr. THORNBERRY), another member of the House Intelligence Committee, another leader on national security issues for us.

Mr. THORNBERRY. Mr. Speaker, I appreciate the gentleman from Florida for yielding his time and his handling of this rule.

Actually, there were a number of statements made by my colleague from Massachusetts, whom I greatly agree. As a matter of fact, one of the challenges, I think, of bringing this bill to the floor is that we are all, in an age of terrorism, attempting to find the right place where we are effective against the terrorists who are trying to kill us many of us as possible, but also not lose sight of our Constitution and our freedoms and the fundamental nature of this society.

One of the key elements in trying to get that right is a whole area of government activity which we cannot talk about, and which the Intelligence Committee is charged with overseeing and helping shape. And so every year, our challenge is to bring a bill that over-sees and helps shape those activities to this floor in a very public forum.

A number of the issues that we talk about have been reported extensively in various newspaper articles. And we know that some of it is right and some of it is wrong, and yet you can’t come here and tell the right facts and right the correct the factual mis-statements and the improper impressions which people have.

I think it is important to affirm two things. Number one is that there is much in this bill which is largely agreed upon. Now, the nature of coming to the floor with this kind of bill is that we are going to spend most of our time talking about differences, or at least making up differences to talk about, when they didn’t exist maybe a week before.

One amendment which I agree with, which I would invite the gentleman to really consider, is that we need to give the committee to be able to correct the false statements and the improper impressions which people have.

The first thing I want to emphasize is that the members of the Intelligence Committee take their responsibilities very seriously. If you have any doubt about that, just listen again to the comments, for example, of the gentlewoman from New Mexico who was, one, standing up and answering those who questioned the rationale for the war.

The American people deserve to have the full facts. This amendment that I offered but we were denied the opportunity to debate on the floor would have ensured that any future classification efforts would have been disclosed. It would have exposed what the ranking member of our committee called the double standard of leaks.

Another amendment that I would have offered would have required any inquiries about intelligence employees or contractors made by nonintelligence community government officials, such as the President, the Vice President, the White House staff, would be reported to the congressional Intelligence Committees together, so that the propriety of such an inquiry could be considered. Had my amendment passed, it would not have been the White House staff which would have the opportunity to say clearly whether outing a career intelligence officer for gratuitous reasons would be tolerated.

Now, the gentleman from Florida said with regard to this bill before us, all Members will have the opportunity to review the material before us. No, not so. Even the cost of the unwarranted surveillance program will be provided only to a few Members.

The gentleman from New Mexico said that she has been informed, but I can tell you 425 other Members of this body have not been informed even about the cost of this program. And they cannot and they will not be informed, yet they are asked to vote on one of these significant changes in intelligence collection in American history.

The checks and balances spelled out in this document, which I refer to my friend from Florida, the Constitution of these United States, this hallowed document, those checks and balances, are eroded. The debate here, allowed by the Rules Committee, or the lack of it, makes a mockery of this hallowed document.

Amendments by Representatives BOSWELL, REYES, ESCH, HARMAN, FLAKE, FRANK, KUCINICH, MALONEY, SCHIFF, SHAYS and others have been denied. We have been denied the opportunity to debate significant issues on the floor.

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

The gentleman from New Jersey is a very capable member of the Intelligence Committee, and surely he is not suggesting that covert actions of the United States Government should be made available to every single Member of Congress. Surely the gentleman is not suggesting that classified program that this United States is engaged in should be available to every single Member.

I would invite the gentleman to respond. Would the Manhattan Project have been available to every single Member who was asked about its cost, the number of employees, where the activity was going on, how many people were involved? Would the gentleman have suggested that every Member of Congress would have been clued in on that, even when the Vice President wasn’t?

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

Mr. PUTNAM. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Speaker, I think it certainly would not be asking too much that every member of the Intelligence Committee had access to this fact. If I may, I’ll simply ask the question, just as the President has decided he can pick and choose which laws apply to him.
These are significant issues that need to be debated here on the floor.

Mr. PUTNAM. Reclaiming my time, I think the gentleman, by his answer, has answered the question that clearly we have an Intelligence Committee specifically for the purpose for being our eyes and ears, because we do not empower every single Senator and every single House Member with every single detail of every activity going on in the intelligence community, and there are so many more.

So, clearly, that would not be the proper course of action.

Under longstanding committee tradition, the chair and the ranking member of both Houses were brought to a different level of awareness on certain activities that were going on. Under Democratic and Republican control, that was the case.

As a result of the terrorist surveillance program, the Senate created an entire new subcommittee to deal with the issue, and the House expanded access to that information to 11 Members, an unprecedented number of Members going beyond the historical, under the Democratic model, four Members who had been given access to those types of programs and activities.

Mr. HOLT. Mr. Speaker, if the gentleman will further yield, the gentleman says unprecedented number.

Yes, an unprecedentedly small number.

We on the Intelligence Committee have a responsibility to review these issues on behalf of all 435 Members of the House of Representatives. I am not for a moment suggesting that all Members going beyond the historical, under the Democratic model, four Members who had been given access to those types of programs and activities.

Mr. HOLT. Mr. Speaker, if the gentleman will further yield, the gentleman says unprecedented number.

Yes, an unprecedentedly small number.

It is this House that has refused amendments by members of the Intelligence Committee to require a budget line for this board and the authorization we are voting on today backing up the President’s action to defund the board in his budget. And it is this House that denies our repeated attempt to even debate an amendment that would give the board the power and authority that it needs to do the job. I hope the American people are watching, because this House refuses to do anything about civil liberties of the American people.

And I would like to quote from the 9/11 Commission report where they said, “If our liberties are curtailed, we lose the values that we are struggling so hard to defend.”

Again, they have spoken out many times in support of this Civil Liberties and Privacy Board that would provide balance and restraint to the National Intelligence Reform Act, and I urge my colleagues to reject the so-called FISA procedures, which allow the President to put anybody under surveillance here in the United States providing that he gets a warrant. And he can even get a warrant after he puts somebody under surveillance. The question is why can’t the Congress have an up-or-down vote on this issue? If the majority thinks that it is this issue? If the majority thinks that it is this issue? If the majority thinks that it is this issue?

Mr. PUTNAM. Mr. Speaker, reiterating my time, the gentleman had suggested that the other 420 Members of the House had not had access to the information, and that is precisely how it is set up, that they would not have access to the information. That is why we have talented Members like yourself on the committee, and that is why we have expanded access to information about that program to more Members of the committee than ever before.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Ms. MALONEY), who also was out of order being able to offer an amendment.

Ms. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for his leadership on the Rules Committee.

Mr. Speaker, setting aside the fact that the amendment the gentleman refers to is not germane to this bill, I point out to the gentleman that the amendment that she refers to creates a commission that, A, already exists; and, B, the chair and vice chair have already been confirmed by the Senate, and the members have been appointed.

Mr. Speaker, I am pleased to yield 2½ minutes to another member of the House Intelligence Committee, the gentleman from Arizona (Mr. RENZI).
Mr. CONYERS. I thank my friend on the other side, ranking member, for allowing me to interject in this discussion at this point, because I am stunned to hear now that there are people still defending the President’s right to have illegal spying on Americans when he didn’t know about it until the leaks occurred. He was telling everybody regularly about it. What we are dealing with now is some spurious claims. And I am interested that the authorization for the use of military force was supposed to allow domestic wiretapping on Americans.

Ladies and gentlemen, we already have a couple of systems dealing with terrorism surveillance. One is called the Foreign Intelligence Surveillance Act. There is plenty of room here for us to surveil if we want to take care of spying, let us do that, but we are talking about spying on Americans where there is no connection for foreign intelligence. No question about it.

Mr. Speaker, this should be a controversial issue. Chairman Hoekstra and Ranking Member Harman have worked in a bipartisan way. This should have been worked out in a bipartisan way. I cannot imagine why anybody would be opposed to this amendment.

Mr. Speaker, I ask unanimous consent to include an assessment of Iran accountability and some accountability and some transparency. The committee has conducted reviews of the Intelligence Community’s capabilities to understand and evaluate these programs. In particular, the committee is interested in receiving, on an ongoing basis current assessments of Iran and North Korea’s nuclear, chemical, biological, and missile programs; information on new intelligence developed, including intelligence collected from both open and clandestine sources; and full discussion of any gaps in knowledge, dis- sent, caveats, and other information that would tend to reduce confidence in the overall assessments. The committee believes these reports will provide timely information to help better inform Congress as it is asked to make decisions regarding U.S. policy towards Iran and North Korea.

The reporting requirement is in the bill. Mr. Speaker, this is a very important issue. I urge the gentleman, I urge the Congress to support the rule, support the underlying bill, and support the hardworking men and women. The material prescribed to be added by Mr. McGovern is as follows:

PREVIOUS QUESTION FOR H. RES. 774—RULE ON H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provi- sion of this resolution the amendment speci- fied in section 3 shall be in order as though pending after the amendment numbered 6 in the report of the Committee on Rules if offered by Representative Boswell of Iowa or a designee. That amendment shall be debat- able for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in sec- tion 2 is as follows:

AMENDMENT TO H.R. 5020, AS REPORTED
OFFERED BY MR. BOSWELL OF IOWA

At the end of title III (page 16, after line 10), insert the following new section:

SEC. 308. IRAN INTELLIGENCE OVERSIGHT.

(a) SHORT TITLE.—This section may be called the “Iran Intelligence Oversight Act”.

(b) FINDINGS.—Congress finds the fol- lowing:

(1) The development of nuclear weapons and the long-range missiles capable of delivering them by the Islamic Republic of Iran threatens the national security of the United States and its allies.

(2) Denying these capabilities to Iran is among the most important national security interests of the United States.

(3) Iran’s avowed hostility towards the United States and Israel, Iran’s stated commitment to develop all elements of the nu- clear fuel cycle, Iran’s continued defiance of international efforts to account for its nu- clear program, Iran’s development of long- range ballistic missile technology, and Iran’s
three decades of support for international terrorist organizations raise grave suspicions about the purpose of its nuclear and missile programs.

(4) United States Government’s current intelligence on Iran may not be sufficient to assess the capabilities and intentions of the Islamic Republic of Iran with high degree of certainty.

(5) The bipartisan Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, co-chaired by Judge Lawrence Silberman and former Senator Charles S. Robb, reported in 2005 that “across the board, the Intelligence Community is currently totally ignorant of the nuclear programs of many of the world’s most dangerous actors. In some cases, it knows less now than it did five or ten years ago.” This applies doubly to the challenge faced by policy-makers in the United States with regard to Iran’s weapons ambitions.

(6) If the President and Congress are to develop an effective policy to counter the weapons programs of Iran, such a policy must be based on accurate and timely intelligence to the extent that it is possible to collect such intelligence.

(7) Under section 502(a)(2) of the National Security Act of 1947, the intelligence community must “furnish the congressional intelligence committees any information concerning material concerning intelligence activities . . . which is within their custody or control”.

(8) Regular reports to Congress on the intentions and capabilities of Iran with regard to Iran’s nuclear program, in addition to the continuing requirement to ensure that the congressional intelligence committees are kept fully and accurately informed of all intelligence activities, will assist Congress in the development of effective policy to counter the development of the nuclear weapons programs of Iran.

(c) QUARTERLY INTELLIGENCE BRIEFINGS TO CONGRESS ON IRAN—

(1) REPORT. Not later than 30 days after the date of the enactment of this Act, and at least every 90 days thereafter, the Director of National Intelligence shall submit to the relevant committees a report, in classified form, on the current intentions and capabilities of the Islamic Republic of Iran with regard to the nuclear program of Iran, including—

(A) an assessment of nuclear weapons programs;

(B) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence is based, including the number of sources and the reliability of each source;

(C) a summary of any new intelligence gathered or developed since the previous report, including intelligence collected from both open and clandestine sources;

(D) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the overall assessment.

(2) ACCESS TO REPORT.—Each report submitted under paragraph (1) shall be made available to the appropriate members of the relevant committees and to all staff of the relevant committees with appropriate security clearances. Other members of the Senate or the House of Representatives may review the reports by following security procedures established by each of the relevant committees.

(3) RELEVANT COMMITTEES.—In this section, the term “relevant committees” means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

THE SPEAKER PRO TEMPORE. The gentleman shall state his parliamentary inquiry.

Mr. MCGOVERN. My parliamentary inquiry, Mr. Speaker, is: Is it not the province of the Chair to interpret the substance of the bill?

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

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

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

The Sergeant at Arms will notify absent members.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 774 will be followed by 5-minute votes on adopting House Resolution 774, if ordered; suspending the rules and adopting House Concurrent Resolution 365; and suspending the rules and passing H.R. 282.

The vote was taken by electronic device, and there were—yeas 228, nays 194, not voting 18, as follows: [Roll No. 162]

yeas 228, nays 194, not voting 18, as follows:

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Alexa...
Mr. COOPER and Mr. RANGEL changed their vote from "yea" to "nay." So the previous question was ordered. The result of the vote was announced as voted.

Mr. Hoyer, Mr. Roybal-Allard, and Ms. Jackson (IL) changed their vote from "yea" to "nay." Ms. ESHOO, Mr. Speaker, on rollcall No. 102, inadvertently cast a "yea" vote when I intended to cast a "nay" vote. The SPEAKER pro tempore (Mr. REHBERG). The question is on the resolution.

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

Mr. MCDOUGAL, Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered taken by electronic device, and there were—yeas 227, nays 31, as follows:

**NAYS—194**

Abercrombie Ackerman Aderholt Akin Alexander Bach Bacchus Barbour Barbee Bartlett Beck Becker Benefield Benefield Berman Bernier Bernier Bioden Boren Boucher Boyd Brady (PA) Brown (OH) Butterfield Capuano Carolee Carper Causseul Catlett Clyburn Conyers Cooper (NY) Costa Costello Courtney Craven Cummings DAVIS (AL) Davis (GA) Davis (FL) Davis (IL) DeGette Delahunt DeLauro Dicks Dingell Doyle Edwards Emancipation Emanuel Engel Etheridge Farr Filner Frank (MA) Furman (SC) Garfield Gillibrand Gillum Grijalva Green, Gene Green, Al Green, Jackie Green, Al Gutierrez Gussler Hall Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn 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Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedorn Hagedor
April 26, 2006

So the resolution was agreed to.
The result of the vote was announced
as above recorded.
A motion to reconsider was laid on
the table.
f

URGING THE GOVERNMENT OF
CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND
HIS LAW FIRM AND REVISE LAW
AND PRACTICE IN CHINA SO IT
CONFORMS TO INTERNATIONAL
STANDARDS
The SPEAKER pro tempore (Mr.
REHBERG). The pending business is the
question of suspending the rules and
agreeing to the concurrent resolution,
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. 365, on which the
yeas and nays are ordered.
This will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 421, nays 0,
answered ‘‘present’’ 1, not voting 10, as
follows:

cprice-sewell on PROD1PC62 with HOUSE

[Roll No. 104]
YEAS—421
Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield

VerDate Aug 31 2005

Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.

02:18 Apr 27, 2006

H1785

CONGRESSIONAL RECORD — HOUSE

Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman

Jkt 049060

Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)

McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)

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

ANSWERED ‘‘PRESENT’’—1
Paul

NOT VOTING—10
Evans
Gallegly
Hall
Hart

PO 00000

Frm 00041

Hastings (FL)
MillenderMcDonald
Moore (WI)

Fmt 4634

Sfmt 0634

Osborne
Ros-Lehtinen
Sullivan

b 1440
So (two-thirds of those voting having
responded in the affirmative) the rules
were suspended and the concurrent resolution was agreed to.
The result of the vote was announced
as above recorded.
A motion to reconsider was laid on
the table.
f

IRAN FREEDOM SUPPORT ACT
The SPEAKER pro tempore. The
pending business is the question of suspending the rules and passing the bill,
H.R. 282, as amended.
The Clerk read the title of the bill.
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 pass the bill, H.R. 282, as
amended, on which the yeas and nays
are ordered.
This will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 397, nays 21,
not voting 14, as follows:
[Roll No. 105]
YEAS—397
Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan

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H26APPT1

Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney

Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa


The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. CLYBURN, Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 778) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 778
Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives: (1) Committee on Standards of Official Conduct.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore (Mr. HAYES) is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to review and extend their remarks and include extraneous material on H.R. 5020.

The SPEAKER pro tempore (Mr. HAYES). The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent that the amendment be and is hereby adopted to the following amendment to House Resolution 774 and rule No. 77 by unanimous consent.

IN THE COMMITTEE OF THE WHOLE

So (two-thirds of those voting having voted in the affirmative) the rules were suspended and the bill, as amended, was passed.
dedication, the discipline, the expertise and the extraordinary respect for the civil liberties of all Americans that the honorable men and women of our intelligence community exhibit is real. To them we owe a great debt. To them we must make our second collaborative efforts to provide the resources and authorities that R.R. 5020 authorizes.

Finally, because of them, we have the responsibility to rise above any partisan politics in order to come together and pass this national security bill.

The Intelligence Community's budget request that was fully determined by the new Director of National Intelligence, or the DNI. Although the Office of the DNI is still in its formative stages, I am pleased that the promise of the Intelligence Reform and Terrorism Prevention Act of 2004, the legislation that created the DNI, is beginning to bear fruit, and that incremental but real improvements have been made since the standup.

It was our intent to better unify the disparate pieces of the intelligence community; to create a more cohesive whole that is greater than the sum of the parts. That goal is a work in progress, and we will continue to support our efforts to create a more effective intelligence community.

We will support that effort, but we also provide the necessary oversight, and this bill provides some mechanisms to make sure that we get the intelligence community that the ranking member and I envisioned when we worked so hard at passing that legislation.

Mr. Chairman, as you also know, much of this legislation is classified and can't be discussed here on the floor. We must be very careful to ensure that today's debate does not involve classified information. That said, I do want to discuss, at an unclassified level, some specific items contained in the bill before us.

The first is our continuing support for an effective Director of National Intelligence that can, as I mentioned earlier, bring together all of the agencies of the intelligence community. We need an effective and efficient DNI that fully coordinates and sets the direction for the high-fidelity capabilities of the intelligence community.

In this legislation we are sending a strong signal that the vision of the 2004 intelligence reform is being put into practice. The bill authorizes the DNI to work with the intelligence community toward building a qualitatively better intelligence establishment and not building a bureaucracy.

This bill continues to pursue improvements to our core intelligence for human intelligence, intelligence analysis, infrastructure and counterintelligence capabilities. Improvements in these areas are absolutely critical to gaining the upper hand in the war against worldwide terrorism. We have, for example, made recommendations for improved HUMINT training and associated support. We have recommended additional funding for analytical tools. And we have put a great deal of emphasis on increasing counterintelligence programs and personnel, because, in case you have not been looking, there are many nations and nonstate actors actively trying to steal America's secrets.

This bill also puts a renewed and continuing emphasis on overhead imagery architecture. As many know, last year there were some decisions that were made that included terminating a part of the Future Imagery Architecture program. This was a tough decision. It had some benefits, but it also had its negative downside. We are now in a late-to-need race to ensure we do not have future capabilities gaps. I am concerned that the current approach has not adequately addressed this problem. So this legislation vigorously pursues one of a very limited number of options.

Finally, I would like to also address a provision that was mentioned in one of the amendments that was proposed yesterday by the ranking member. I want to re-inforce to my colleagues on the intelligence committee that we remain very, very committed to active oversight and reporting by the intelligence community on the progress that they are making in Iran. We have provisions in the bill for Iraq. We have got some of that language for Iran and other hot spots around the world. But as the ranking member and I have discussed, as the rule was being debated, the spirit of the amendment is one that we embrace. We may have some technical or drafting differences, but the intent of that amendment is one that we will stay focused on. We believe it is inherently important for us to focus on those kinds of issues and to do this in a bipartisan basis.

The issues and the threats that we are facing, al Qaeda, radical Islam, Iran, North Korea, all future threats that are on the horizon that we are only beginning to think about, require us to continue to work in a bipartisan basis.

I recognize that we had some disagreements on the bill. We have made disagreements between Republicans and Democrats. We have got disagreements within each side of the aisle. But the important thing is that we continue to focus on working in a bipartisan fashion on this. That is the request that our colleagues on both sides of the aisle have placed to us, and I hope that we will continue in working in that direction.

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

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

Mr. Chairman, in my 12 years in Congress, in my 8 on the Intelligence Committee, I have always supported intelligence authorization bills, but never in its positive aspects. Its negative aspects. Its negative aspects. Its negative aspects. Its negative aspects. Its negative aspects. Its negative aspects.

Iran is making noisy threats, but we do not know if Ahmadinejad poses a real danger, or if he is just kidding, because our intelligence on Iran is weak. And again we are hearing the drumbeat for war, without a clear idea of where the targets are, whether we can hit them effectively, or what would happen the day after.

We have taken our eye off over-the-horizon threats, the networks of Muslim extremists growing in Europe, Africa and Latin America, the threat of loose nukes from the former Soviet Union and the rising power of China.

Here at home our intelligence reorganization is a slow start-up, and the CIA is in free fall. The Director of National Intelligence, a position that Congress created to integrate the activities of the entire Intelligence Community after 9/11, has not taken command yet of that community. Meanwhile at CIA, our premier intelligence organization, 300 years of experience have either been pushed out or left in frustration, and morale is dangerously low.

The DNI is giving authority to the Pentagon, which is happy to receive it, as it expands its own role in intelligence-gathering here at home. The efforts to integrate homeland intelligence between the FBI and DHS is still uneven.

And our borders, airports, seaports remain vulnerable. As we speak, the House Homeland Security Committee on which I serve is trying to report a strong port security bill. I hope that effort succeeds. We surely need it.

Given all this, what does this bill do, as important, what does it do? It funds an NSA program that in my view violates a clear statute passed by Congress. It fails to require that the program be fully briefed to Members of the Intelligence Committee.

And our support, we have said this over and over again, the capability to monitor al Qaeda. I want to know what their plans are so we can disrupt them before they harm us. But I do not support violating the law. The Constitution. Enhanced security without respect for law gives away the very values we are fighting to defend, and I believe that the program I am talking...
about can and must fully comply with the Foreign Intelligence Surveillance Act and with our Constitution.

The bill also fails to give clarity to the issue of leaks. Leaks of classified information are wrong, but it is also wrong to have a double standard. When career professionals blow the whistle on controversial activities, it is illegal, a firing offense, but when the President and Vice President authorize the selective leaking of classified information to discredit criticism, it is defended as a prerogative of the Presidency, part of the President’s inherent authority.

This bill includes a provision that gives arrest powers to the protective officers at CIA and NSA in order to help them protect agency officials. This provision, in my view, has been somewhat misconstrued in the press as granting new warrantless surveillance powers to these agencies. It does not. It simply gives these protective details the same authority that the Capitol Police, Secret Service and other Federal authorities have. But, like all new powers, they are susceptible to abuse without strong oversight, and so it would be my hope that we will include more safeguards before this provision is enacted.

I do want to say to the chairman of the committee that I appreciate the bipartisanship which the majority has shown in accepting some initiatives raised over many years by committee Democrats. In recent years committee Republicans and Democrats have registered strong opposition to the practice of funding counterterrorism through supplemental budgets. We fought this reckless practice in committee and on the floor.

This year, again, the President’s budget provided 22 percent less than what is needed for counterterrorism operations. On a bipartisan basis we are now authorizing 100 percent of the Intelligence Community’s counterterrorism funding needs for 2007 in this base bill, and that is something the majority agreed to, and I applaud them for that.

Second, for years our Intelligence Community has been denied the service of many patriotic Americans from versus ethnic backgrounds, Iraqi Americans, Iranian Americans, who want to serve, but who cannot get security clearances. Committee Democrats offered in this year’s bill a requirement to require a multiterm system of clearances so that these Americans, despite the fact that they may have relatives in these countries, can get clearances up to a certain level to help us with language and cultural issues. That language is in this bill, and I commend the majority for including it.

On a personal level, Chairman HOEKSTRA and I have made a major effort to work together to put America first. I am grateful for that and for him. I appreciate your kind words. Peter, and I thank you. We will continue to try to do our best to get the best possible legislation enacted.

Mr. Chairman, this bill, in my view, misses an enormous opportunity to send a message to the White House, and that message is that surveillance of Americans must comply with our law and our Constitution; that intelligence efforts must be enough; that protection of privacy and civil liberties must be part of our effort to improve intelligence gathering, not afterthought; and that we will not tolerate a double standard on leaks of classified information.

I hope that this year, Mr. Chairman, will assure me that this bill is adequate. The dedicated women and men of the Intelligence Community not only deserve our full support, but our best effort to enact funding legislation that truly upholds America’s values and America’s principles.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. THORNBERY), who is the chairman of the oversight subcommittee assigned with the responsibility of making sure that the reshaping and the rebuilding of the intelligence community under the Office of the Director of Intelligence is a successful launch and does rebuild the community into what we need after what we inherited in the 1990s.

Mr. HOEKSTRA. Mr. Chairman, I thank Chairman HOEKSTRA for all of his work in this area.

Mr. Chairman, there is no perfect bill that comes across this floor. And particularly in the area of intelligence, there is no perfect amount of information that tells us everything that we want to know. But rather than use this bill to send a message to the White House, I think that the committee generally has come together to try to fashion a bill that makes our country safer.

It is not perfect, it does not do everything that we want it to do, but the members of this committee on both sides of the aisle take their job very seriously, and realize how much is at stake, and have generally avoided the kinds of partisan rhetoric that we sometimes see.

The chairman and ranking member have assigned the oversight subcommittee with strategic oversight. That means we are not to follow the headlines of the day, but the distinguishing characteristic of my colleague from Alabama (Mr. CHAMER) and I have worked very well together, I think, to try to find those strategic issues, focusing on them. That really make a difference in the long run.

As the chairman mentioned, one of our areas of focus is to make sure that this new DNI office gets started on the right foot; is not just another bureaucracy, but truly brings the intelligence community together so there is not the duplication, not the stovepipes, not the gaps that we have seen in the past.

And it is important for folks to know that we did not just pass a bill, the intelligence reform bill, and walk away from it. We are engaged day after day in trying to work with the administration and with the agencies to make sure that it is a success.

This bill includes a requirement for a strategic planning process that is a part of that effort to make it a success. In addition to that, the oversight subcommittee has focused on reducing unnecessary paperwork burdens, reports and studies that often require many manhours, many dollars to prepare, but then come to nothing, where no one up here reads them.

Rather, we are trying to focus on information exchanges that matter, and particularly in the area of metrics, so that, for example, when we talk about Iran, we can quantify the quality differences, the quantity differences that come from sustained efforts in human and technical intelligence.

I think this bill does help make the country safer, and I suggest that Members support it.

Ms. HARMAN. Mr. Chairman, I appreciate that sending messages to the White House is not all we should do here, but there are very few ways to send those messages.

I yield 2 minutes to a senior member of our committee, also a member of the Armed Services Committee, the gentleman from Texas (Mr. BOSWELL).

Mr. REYES. Mr. Chairman, I thank the ranking member for yielding me time on this important issue.

I agree with my colleague from Texas that very few pieces of legislation are perfect. It is not that we are looking for perfection, we are looking for an effort that gives us the cooperation, an effort that gives us the ability to hold people accountable for doing their jobs.

Earlier today we heard that one of the amendments, the amendment that has been proposed by my colleague, the gentleman from Iowa (Mr. BOSWELL), had been ruled out of order, and that amendment required the quarterly report to Congress on the nuclear program of Iran. The report would be submitted every 90 days and would include an assessment of nuclear weapons programs; an evaluation on the sources upon which the intelligence is based; a summary of any new intelligence that had been gathered since the previous report; and a discussion of any dissenting, caveats, gaps in knowledge, or other information that would reduce the confidence in the overall assessment.

People may wonder why would we want to include an amendment like that. Well, the reason goes back to why we are in Iraq today. The reason goes back to our lack of oversight and the information that we do have about the issues of WMD, weapons of mass destruction.

The reason is because we have not done our job as a Congress in holding the administration accountable in WMD, in the issue of Abu Ghraib, and the issue of the leaking of the Valerie Plame outing, and many other different issues.

Our Founding Fathers had the idea that the best democracy, the best form...
Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my distinguished colleague from New York (Mr. McHugh) who in the past year has spent through seven briefings on Iran in the Intelligence Committee.

Mr. McHugh. Mr. Chairman, I thank the distinguished chairman of the Intelligence Committee for his work, his effort, and all Members, to bring this product to the floor here today.

I certainly associate myself with the comments of previous speakers about perfection. I am one of the newer members of the committee, I have to be very frank. As a long-term member of the Armed Services Committee, I was shocked at the condition, or lack of positive condition of our intelligence resources coming out of the 1990s. Let us be honest about it. Congress, particularly since post-9/11, to try to rebuild those communities. It has not been an easy job, and it has been a bipartisan one, and I can hope that will continue.

With respect to this bill, I would say that it does, indeed, help meet the President himself, represents for the first time ever the completely new agencies, the Intelligence Community, an unheard of breach of our rights guaranteed under the Constitution.

We have learned from news reports that the Counter-Intelligence Field Activity, CIA, part of the Department of Defense, has illegally collected and retained information on Americans, including several in my district in California.

When I learned of this, I was able to investigate and learn that the reports had been improperly entered into and retained in a Department of Defense database. I objected, and the DOD has promised in writing to correct the situation and issue guidance to employees to prevent future abuses.

This has not been the case with the President's NSA wiretapping program. Not only does the program fall outside the statutory guidelines of the Foreign Intelligence Surveillance Act, but the President continues, in my view, to violate the law by failing to brief the full Intelligence Committee about the program.

Our Nation was founded on the premise of three coequal branches of government. I am concerned about any imbalance and balances on the abuse of power by any one body. Yet this administration continues to act without regard for congressional or judicial guidelines. This is not only un-American, it is dangerous, and we have a responsibility to put an end to this.

I offered an amendment to this bill in committee which sought only to determine the cost of the President's program. It was a reasonable and measured attempt at meaningful oversight. It didn't seek operational details or names of targets, but just the most basic oversight questions, what is in the budget. It was defeated. When the vote is cast on this, Members are voting in the dark.

I offered another amendment last night which was rejected by the Rules Committee. That was even more benign. It simply expressed the sense of Congress that all electronic surveillance must comply with the Constitution and FISA.

This bill has shortcomings, Mr. Chairman, and I regret that it does because I think that it is not good for our country.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to our distinguished colleague from New Mexico (Mrs. Wilson) who has responsibility as chairwoman of the Tactical and Technical Subcommittee.

Mrs. Wilson of New Mexico. Mr. Chairman, I rise in support of the bill we hope to pass this afternoon, because it continues to rebuild America's global intelligence capability and implemented intelligence reform.

We have to be honest with ourselves and the American people that the intelligence challenge that we face today is much more difficult than the challenge that we faced during the Cold War. The Soviet Union was powerful but understandable. Al Qaeda is deadly but amorphous, adaptive, parasitic, and suicidal.

The intelligence challenge, the bar, is much higher than it used to be. This bill will move forward to meet that challenge.

In the area of technical and tactical intelligence, this bill raises the standards for program planning. In the area of technical collection, we require agencies to work together to come up with a comprehensive plan to gather the information needed and not duplicate programs.

We require agencies to plan not only for the technical program, but for the life cycle of that program: the tasking, the processing, the exploitation and dissemination, the training of personnel, and those kinds of efforts that have to be put in place.

Thirdly, we know we have serious deficiencies in some technical programs in our technical architecture. There is one essential program that has not been successful, and the way forward is fraught with risk. We put the resources and authorize them in this bill to develop long-term comprehensive solutions to the technical architectures we need to keep this country safe.

I ask my colleagues to support this legislation.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Ruppersberger).

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of the 2007 Intelligence Authorization Act. I believe that good Intelligence is the best defense against terrorism. We continue to fight this war on terror. I believe we must give the intelligence community the resources it needs to
As a member of the House Permanent Select Committee on Intelligence, I support this legislation because I believe that it provides intelligence officials with the key resources as they work to protect our country.

The bill improves the U.S. human intelligence activities, boosts U.S. counterintelligence programs and personnel, and funding for counterterrorism programs by 22 percent to achieve full funding, something the President's budget did not do.

But I do have some reservations about this bill as well. This legislation, supported by the Bush administration, moves a large number of intelligence agents and analysts from the FBI's new national security branch, currently under the authority of the Director of National Intelligence, to the Department of Justice. I do not believe this move is good for our country's security.

The agents in this new FBI branch specialize in collecting and analyzing domestic intelligence. They penetrate terror cells currently operating in the United States to thwart another attack on our soil.

After the horrific attacks of 9/11, Congress created the Director of National Intelligence, known as the DNI, to ensure better coordination and communication between the 15 intelligence agencies. The DNI was created to connect the dots, something that did not happen before 9/11.

If the Department of Justice's job to investigate and indict criminals for breaking our laws.

I fear that shifting a large number of agents and analysts from the DNI to the Department of Justice will keep the status quo. If we want to change the culture, change the system that failed us before 9/11, and effectively break up terrorist cells in our country, the FBI's new security branch must stay under the DNI, the Director of National Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), our national intelligence.

Mr. CRAMER. Mr. Chairman, I thank the gentlewoman from California, and I want to congratulate you on your leadership in this committee, along with the chairman as well. I have been on this committee for several terms now, and as the chairman stated and the ranking member stated, we have moved backwards to work in a bipartisan way. This hasn't been easy, and this hasn't been an easy year. And I say to both of you, congratulations for trying to help us work through this very difficult year.

This is not a perfect bill, and I am disappointed that several of the amendments were not allowed in order. I think the chairman is, too. I think there are some of the issues that were ruled out, particularly Mr. Boswell's issue, that we can work through together, and so I look forward to the chairman and ranking member's leadership.

I do stand in support of H.R. 5020. This bill does address many of the issues surrounding the way in which the intelligence community is being restructured. I say to my friend, the gentleman from Texas (Mr. THORNBERRY), thank you for the help that we have enjoyed with me and with this full committee over the Oversight Subcommittee. We haven't always had an Oversight Subcommittee, and this makes sense that we now have the opportunity, particularly as we have stood up the DNI, to engage the new people at the DNI, the new leaders at the DNI that we are looking to lead this country into a new era of intelligence management that we haven't had. This is our opportunity to hold their feet to the fire.

The stand-up of the DNI has been slow, and it has been frustrating, but we have been working together; Mr. THORNBERRY and I, to bring information back to the committee from the DNI and the relevant agencies. We have taken on the tough issues, interrogation, detention operations, information sharing, overall management structure of the DNI, and we have done this in ways that the committee hasn't worked before. We have done it by having briefings; we have done it by going to their turf, their sites, sitting with their personnel, leaving the country, talking to our people in sensitive parts of the world that are doing brave and noble things for this country, and then we have brought that information back into the committee and into the full committee as well. This is the way I enjoy working.

Also in this bill there is an investment in an analytical initiative that draws on the expertise resident at three centers, the Missile and Space Intelligence Center, which just happens to be in Huntsville, Alabama, my home district; the National Air and Space Intelligence Center, which just happens to be in Dayton, Ohio; and at the National Ground Intelligence Center in Charlottesville, Virginia. These centers collaborate and they...
work to analyze weapons that we bring back that could be threats to this country and to our aircraft and to our personnel as well. So those people in those locations get a reinvestment in their work through this bill.

All in all, I think this is a good bill, and I urge my colleagues to support it.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to my colleague from the great State of Michigan (Mr. Rogers), who chairs our policy committee on the Intelligence Committee, to make the case for funding the intelligence agencies.

The challenges that we face came from the 1990s, and many of the problems the ranking member even pointed out were a different direction set, a different policy set from where they wanted our intelligence services to go. They went so far as to say back then that we don’t even want you to talk to somebody who is a bad character or may be an embarrassment to the United States. So, they did the honorable thing. They shut down human operations. They followed the law and the policies of the United States. If you would have asked an intelligence official back then, they would have told you it was a bad idea. We should not do it.

Today, through the leadership of this committee and this chairman, and the folks who are out in the field today trying to rebuild our human intelligence, it is nothing short of miraculous. These people are incredibly talented, and I think we miss that sometimes. We miss it in the halls here and in the debates in committee. And by the way, we have debated ad nauseam many of the issues brought up today on these things, we should be in the debate. But these are great people who could do a myriad of other things: make more money. A lot of them came to the CIA, and they took pay cuts because they believe in what they are doing. And they are risking their lives today for this country and for our safety.

I had the great privilege to reenlist a young soldier in a very remote part of the world in a small, dinky little room with a white pipe, it is a room where a small American flag hanging behind us because that is all we could find, because he believed. He said, yeah, this is hardship, but I believe in my country more than I believe in anything.

So when we talk about the problems of intelligence and the policies of the past, let us not forget one thing: when you bump into somebody whose morale is low, it isn’t because of the work that they are doing. They are off the charts excited about making a difference for their country. It is because policy-makers back here use words like “illegal wiretap,” even though they have never been briefed into the program at all and have no concept of what it is; because they say “Abu Ghraib” like it paints everybody who has ever been involved in an interrogation as doing something wrong and breaking the law.

Shame on us if we allow this to continue to happen to people, the most innocent people, risking their lives on work that is so precious to our safety, security and liberty. We ought to applaud them today, and this bill, I think, does that.

Mr. HOLT. Mr. Chairman, again I want to applaud you and thank you for your work. And I want to caution all the Members of this Chamber: we shouldn’t be more worried about winning in November than we should be about winning the war on terror. We should stand with these people, tell them we are proud of them, tell them we are proud of the work they are doing, and thank you for signing up to defend the greatest Nation on the face of the Earth.

Let this squabbling go by. We know that the folks who have come down on this floor, and it has shocked me today, Mr. Chairman, that some would even come out here after getting the full brief and describe a program in terms that didn’t describe it in the privacy and the security and with the confidence of previous briefings. This is the wrong time to do that.

Let us continue to work together. We have done it so well in those committees. I am working with you, Mr. Chairman, and I look forward to standing up for the very people who risk their lives today defending this great country and going after probably the toughest enemy we have ever seen.

Ms. HARRMAN. Mr. Chairman, I would just say to my friend Mr. Rogers that all of us on this committee put America first, though we may disagree about precisely what this bill should include.

It is now my pleasure to yield to the gentleman from New Jersey (Mr. Holt), the ranking member on our policy committee, 3½ minutes.

Mr. HOLT. Mr. Chairman, I thank my colleague, the ranking member, the gentlewoman from California, for affording me a few minutes to comment on this bill.

I agree with many of my colleagues that there are some very important and positive features of this bill. The dedicated and often brave members of the intelligence community have earned and deserve our support, but this bill weakens our freedoms.

There are a number of points, and I hardly know where to begin, but the basic point is that the bill fails to address what I believe are some of the core oversight challenges facing our committee and this body. There are under way some of the greatest changes in intelligence collection in American history, and it deserves our careful oversight.

The bill turns a blind eye, really, to misuses of executive power that threaten our liberties and the constitutional balance of powers which we are sworn to protect. And I say this advisedly. I don’t mean to overstate the matter.

The bill does not provide funding for privacy and civil liberties oversight. There has been some mention of that. The bill also does not address this real and significant problem of domestic spying.

Make no mistake, all of us in Congress support intercepting communications of terrorists set on doing us harm, doing Americans harm anywhere in the world, but there are multiple examples of how innocent people are still being surveilled.

The Muslim American lawyer Brandon Mayfield, we have spoken about him on the floor; Christian peace activists; others who have been falsely labeled as terrorist co-conspirators and domestic security threats based on their political beliefs or simple mistaken erroneous information. This is what happens when there are no checks and balances.

President Bush has been no independent audit of the NSA program, the domestic spying surveillance program, to determine whether similar abuses have occurred. That is our role, but we have been stonewalled in our efforts. Every bump on the road must comply with FISA, that is what I maintain. If the other side disagrees, let us have it out here on the floor. At least let us have it out in committee.

President Bush says FISA, the Foreign Intelligence Surveillance Act, doesn’t apply to him. However, the President doesn’t get to pick and choose which laws he will follow and which ones he won’t.

The administration still refuses to brief all members of the Intelligence Committee on this program. The National Security Act requires him to do that. The failure to brief the full committee compromises our oversight responsibilities, violates the law, I think, and makes a mockery of the checks and balances that we are sworn to protect.

In another case, the Iraq NIE, the National Intelligence Estimate, the information that was leaked now know for purely political purposes to try to discredit a public servant. We are talking about the protection of intelligence for its proper use. Classified information should never be misused as a political weapon through selective declassification and leaking to attack opponents a particular point of view. No, I am not flogging a dead horse. I am talking about the principles that we as supposed to protect.

Mr. Chairman, the bill also provides no meaningful protections for national security whistleblowers. Members of the national intelligence community can sometimes be discouraged or even intimidated by the fear of raising concerns within their agencies.

Mr. Chairman, I recommend that we vote against this bill.

Mr. HOEKSTRA. I yield 2 minutes to a great member of this committee, someone who understands that the Civil Liberties and Privacy Board is funded out of the budget of the Executive Office of the President and does
not come out of the Intelligence Committee authorization bill, the gentleman from Alabama (Mr. EVERETT).

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

Mr. EVERETT. Mr. Chairman, I thank the gentleman from Michigan, and I do rise in support of the intelligence authorization bill for fiscal year 2007. Chairman HOEKSTRA is to be congratulated and commended for his efforts in drafting this important legislation to meet the intelligence needs of the country.

There are many great things in this bill for the warfighter and for the intelligence community; however, I would like to focus on a very important re-identification and surveillance program, the U-2. Recently, a program budget decision was released by the Air Force to retire the U-2 by 2011. This transition flight plan would replace the U-2 with the Global Hawk UAV that is not yet capable of taking on this mission. This plan is premature, and after further review I am convinced that the Air Force now shares my concerns. The bill to the floor.

Mr. Chairman, intelligence is the first line of defense and necessary for the security of this Nation, and for our war fighters to be successful on the battlefield. I urge my colleagues to vote in favor of this legislation.

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. HARMAN).

Mr. HOEKSTRA. Mr. Chairman, the intelligence authorization bill before us today is a bit of a mixed bag. It does, on the positive side, direct the Director of National Intelligence to better conform to the committee’s intent that the Director of National Intelligence be a coordinator of intelligence, that it strengthen the community’s capability to penetrate hard targets.

It does, at the Democrats’ insistence, provide full funding for counterterrorism programs going along with the President’s 22 percent cut. It does contain report language requiring that the Department of Defense inspector general audit the controversial activities of the Department of Defense Counterintelligence Field Activities, or CIFA.

But there are concerns that remain unanswered, and among these concerns are the continued insistence of this administration to limit access to information about the President’s domestic surveillance program. After weeks of debate, the program remains limited to only a select group of the already selected Intelligence Committee. We should not expect members charged with the oversight to write a blank check to the President to conduct intelligence activities under a shroud of secrecy from the very group that was established on the 9/11 Commission to do oversight. Members of this full House look to the Select Committee on Intelligence for advice, and in this case the President has limited that committee in full from being able to get the information necessary to be able to advise and lead on these issues.

The Intelligence Reform and Terrorism Prevention Act of 2004 established the Director of National Intelligence with strong statutory budget authorities to enable that office to respond to the intelligence community and to reallocate resources and personnel to respond to emerging threats. The administration appears to be on a path to dismantle this critical budgetary authority, piece by piece.

The 2007 budget request of the President moves significant resources and personnel assets now used for the management and control of the Director of National Intelligence. Most of those transfers move intelligence assets to the control of the Secretary of Defense and the Attorney General.

We should keep in mind over the last 2 years the military intelligence program has grown 25 percent, while the national intelligence program has actually shrunk by almost 1 percent. Both press reports and the Quadrennial Defense Review evidence the Pentagon’s intention to expand special operations activities worldwide, in operations traditionally reserved for the Central Intelligence Agency and the State Department.

In the committee I proposed an amendment that would protect the authorities of the Director of National Intelligence, at least pending a Federal Administrative Review, with some assurance that the administration with respect to its intentions in this regard. That failed, but I understand that the Senate is believed to have this issue in its sights, under consideration, and I should hope it is for the purposes of being in line with management.

Allowing the Department of Defense to creep into the intelligence areas, especially when the result would be to avoid oversight, is problematical in the least. I have strong reservations about this bill, and I ask Members to consider these before they vote on this measure.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a distinguished member of the committee.

Mr. RENZI. Mr. Chairman, I appreciate your work and the ranking member’s work on this bill.

I want to also go back to some things that were said earlier concerning civil liberties and the Republican Party, in its effort to try to balance civil liberties post-September 11. It is unfair and unwise to enter into the CONGRESSIONAL RECORD the misleading information that this is the first time in history that terrorist surveillance was conducted outside of FISA. Every one of you over there knows that President Clinton conducted terrorist surveillance outside of FISA, and he was justified in doing so by Jamie Gorelich at
I have not felt and experienced, at least with respect to the Intelligence Committee. Members on our side offered responsible amendments. All of them were shown to the majority; and in one case, the Boswell amendment, the majority collaborated with us on adjusting the language to make it mutually acceptable. Then at the last minute, for no good reason other than pure parsimony, the Boswell amendment was made out of order.

That experience has prompted me to revisit some of the things that still bother me. The NSA program bothers me. It is not that I do not support the capability; surely I do. I have made that clear. But I do not support any part of that program being outside of FISA, because I believe, based on information that I have, that it can fully comply with FISA. There is no reason to exempt that program.

Mr. RENZI was just talking about the actions of President Clinton that he believed were outside of FISA. My understanding is that at the time, physical searches were not covered by FISA, and later FISA was amended to cover it. That is the right way to go, and that is what I would hope our committee would do.

Mr. Chairman, it is a tough call whether to support the bill at this stage. I hope and expect that I will support the conference report. I think the conference report is better than the language in the House, because I think that the other body and the conference will consider and make decisions about some of these issues we have not addressed adequately here.

In closing, it is always on my mind that dedicated men and women are serving overseas taking tough risks for our freedom. I love them and I have been there to tell them that. This bill has to honor them, which means this has to be the best bill we can field. I do not support the bill, but we can pass. I will make a decision about my vote later in this debate. I know that some members on our committee will support it and some will oppose it and I respect their views, as I do the views of the majority.

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

Mr. HOOKSTRA. Mr. Chairman, I ask unanimous consent that this conference report be adopted, that the conferees act in accordance with the provisions of the conference report, and that the report to the Committee on the Judiciary be included for the RECORD an exchange of views respecting the provisions of the conference report. I ask unanimous consent at this point to include for the RECORD an exchange of views respecting the provisions of the conference report. I think the conference report is a good report, and I urge consideration of that report.

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mutual agreement that the authorization of the Drug Enforcement Agency’s (DEA) Office of National Security Intelligence within the National Intelligence Program in no way impairs or affects the Committee on the Judiciary’s jurisdiction over law enforcement and information sharing activities of all components of the DEA, including those carried out by the Drug Enforcement Administration (DEA). The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 5020 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. James Sensenbrenner, Jr.
Chairman

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 26, 2006.

Hon. F. James Sensenbrenner,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

Dear Mr. Chairman:

Thank you for your letter of April 26, 2006, regarding H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007. As you noted, elements of the bill as reported fall within the jurisdiction of the Committee on the Judiciary. I will support the request of the Committee on the Judiciary for these provisions.

In addition, the bill reflects action on the part of the Administration to include specified elements of the Drug Enforcement Administration within the Intelligence Community. As you know, I intend to offer a manager’s amendment to the bill to clarify that the Office of National Security Intelligence Community is specifically limited to the DEA’s Office of National Security Intelligence, the authorization for which has been requested within the National Intelligence Program, the program for which we have jurisdiction. I will be glad to work with you on a continuing basis to ensure that this designation is not construed in any way to limit the conduct of oversight by the Committee on the Judiciary with respect to law enforcement and information sharing activities of all components of the DEA, which I fully recognize are within the jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to forego considerations on the interest of expediting this legislation for floor consideration. I acknowledge that by agreeing to waive consideration of the bill, the Committee on the Judiciary does not waive any jurisdiction it may have over provisions of the bill or any matters under your jurisdiction.

Finally, I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance in this matter.

Sincerely,

Peter Hoekstra
Chairman

DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION, OFFICE OF CONGRESSIONAL AFFAIRS,

Hon. Peter Hoekstra,
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

Dear Mr. Hoekstra:

Thank you for supporting a portion of Drug Enforcement Administration (DEA) joining the Intelligence Community. This is in accordance to your staff inquiry regarding the organizational relationship between the Office of National Security Intelligence and the Central Tasking Management System (CTMS).

As you know, DBA has created the Office of National Security Intelligence at DBA headquarters to oversee and coordinate the three major functions necessary for the Office of National Security Intelligence integration into the analysis, Central Tasking Management System, and liaison with IC members. All-source analysis of drug trafficking investigative and other information will enhance the intelligence available to policy makers in the law enforcement and intelligence communities. The CTMS will allow DBA to notify IC partners of potentially drug information related to national security.

We appreciate your interest in the organizational structure of the Office of National Security Intelligence. Please contact us again if you have additional questions, or need additional information.

Sincerely,

Eric J. Akers
Chief, Office of Congressional Affairs.

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

In closing, I appreciate again the work of the ranking member, my colleagues on both sides of the aisle, and the staff on both sides of the aisle, to pull together a bill which I think addresses the priorities that we established in the really beginning a year and a half ago: that we were going to stay focused on rebuilding an intelligence capability to match the threats that America faces today.

This legislation puts in the necessary framework that this committee has the oversight over the standup of the Office of the Director of National Intelligence. We all want this process to work. We would all like it to go faster because of the significant threats that we face as a Nation. But standing up the Office of the DNI will be the responsibility of monitoring, and that will be the responsibility of our oversight subcommittee.

Our policy committee is going to continue to evaluate the threats that we face as a Nation. Whether it is al Qaeda, radical Islam, the affiliated groups to al Qaeda, Iran, Iraq, North Korea, China, we want to make sure that as a committee we have a good grasp of making sure that the intelligence community is structured to go after these threats and provide us as policymakers with the information that we need to be successful.

The third thing that we are going to do is to make sure that we thoroughly take a look at what we can accomplish to stop leaks, the devastating leaks from within the community and outside of the community that damage our capabilities and give those who want to attack us insight as to what our plans, intentions and capabilities are.

And then for my colleagues who have talked about the TSA program and other activities, it is the responsibility of this committee, it is the responsibility of the members of this committee, we do effective oversight, to make sure that the executive branch operates within the parameters that we have established, the legal parameters that we have established for it to operate within.

Mr. Chairman, I yield the balance of my time to the gentleman from Kansas (Mr. Tiahrt) to close the general debate on our side.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Michigan (Mr. Hoekstra) for yielding me this time, and I apologize for being late.

Mr. Chairman, this legislation before us provides funding resources and authorization to support our intelligence community, and I think it is coming at the very important time when we can protect our Nation from attack.

Following September 11, 2001, our economy suffered a $2 trillion loss. That does not really address the nearly 3,000 lives lost as a by-product of the terrorist attacks. Certainly that carries greater weight.

We have held hearings, appointed commissions and watched documents about this tragedy. It is clear during the 1990s, our government reduced the human intelligence capabilities, let our infrastructure fall into disrepair. This bill, which is so important, continues to rebuild our intelligence community.

First, it provides full funding for the global war on terror instead of piecemealing in increments through supplemental and emergency bills.

Second, the legislation provides much-needed new buildings and facilitates other capital investments that deteriorated during the 1990s under the last administration.

And finally, it begins a long process of training agents, recruiting courses, and hiring the support personnel needed to achieve the human intelligence capability that we need to protect ourselves, our families, and our economy.

Mr. Chairman, I strongly urge my fellow colleagues to support this bill. I would like to say this is an important step in the right direction to allow our new Director of National Intelligence to have the voice that he needs to coordinate our activities, to break down the stovepipes and to continue the process of doing an excellent job of protecting this Nation, as they have done since September 11, 2001.

Mr. MORAN of Virginia. Mr. Chairman, almost 2 years ago, the 9/11 Commission reported that our intelligence community failed our Nation because of its aversion to share information, lack of oversight and limited imagination in how to deal with emerging sources of information. Since that final report was issued, Congress has authorized an overhaul of intelligence agencies, but progress has not met with our expectations. We all experienced what can happen with inadequate intelligence on 9/11, so the path that is being taken should serve as a brilliant warning sign that much more needs to be done.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. Hoekstra) for the purposes of this vote.
it is disingenuous for this body to act as if the intelligence community is not the source of great concern. The resistance to change, the absence of leadership and partisan politics have tempered positive evolution and hurt our Nation. Indeed, in the place of real progress, the intelligence community has been a source of a number of uncoordinated and classified programs that the public has since learned about. Last year, we were made aware that:

The President initiated an illegal program to secretly intercept international phone calls, including intercepting calls of American citizens, without fully briefing the House and Senate Intelligence Committees. This new spy program—without intercepting calls of American citizens, secretly intercept international phone calls, inifying the Administration

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The White House selectively declassified information and decried reporters to discredit political adversaries;

intelligence officials sat on a report contradicting the Administration’s claim that mobile laboratories in Iraq were developing weapons, while the President announced to the Nation that “we had found the weapons of mass destruction”;

last week the CIA fired lifelong federal employee Mary McCarthy for disclosing, offering the misperception she was fired for a leak she never knew anything about.

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HE196
CONGRESSIONAL RECORD—HOUSE
April 26, 2006

Title I—Intelligence Activities

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

1. The Office of the Director of National Intelligence.
2. The Central Intelligence Agency.
3. The Department of Defense.
4. The Defense Intelligence Agency.
5. The National Security Agency.
7. The Department of the Navy.
8. The Department of Energy.
9. The Department of Justice.
11. The National Reconnaissance Office.
12. The National Geospatial-Intelligence Agency.
16. The Drug Enforcement Administration.

Section 102. Classified Schedule of Authorizations.

(a) Specifications of Amounts and Personnel Ceilings.
The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 5920 of the One Hundred Ninth Congress.

(b) Availability of Classified Schedule of Authorizations.
The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

Section 103. Personnel Ceiling Adjustments.

(a) Authority for Adjustments.
The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) Notice to Intelligence Committees.
The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

Section 104. Intelligence Community Management Account.

(a) Authorization of Appropriations.
There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $590,000,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2008.

(b) Authorized Personnel Levels.
The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,539 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the Government.

(c) Classified Authorizations.

(1) Authorization of Appropriations.
In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2007.

(2) Authorization of Personnel.
In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) Reimbursement.
As provided in section 113 of the National Security Act of 1947 (50 U.S.C. 442 et seq.) and subsection (a) of section 116(b) of the National Security Act of 1947 (50 U.S.C. 442h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis if approved by the Director of National Intelligence.

Section 105. Incorporation of Reporting Requirements.

(a) In General.
Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 5920 of the One Hundred Ninth Congress, or in the classified amended version of this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) Congressional Intelligence Committees Defined.
In this section, the term “congressional intelligence committees” means:

(1) the Select Committee on Intelligence of the Senate; and
(2) the Permanent Select Committee on Intelligence of the House of Representatives.

Title II—Central Intelligence Agency Retirement and Disability System

Section 201. Authorization of Appropriations.
There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

Title III—Intelligence and General Intelligence Community Matters

Section 301. Increase in Retirement Compensation and Benefits Authorized by Law.
Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

Section 302. Restriction on Conduct of Intelligence Activities.
The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

Section 303. Clarification of Definition of Intelligence Community Under the National Security Act of 1947.
Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)) is amended by striking “other” the second place it appears and inserting in lieu thereof “the intelligence community.”.

Section 304. Delegation of Authority for Travel on Common Carriers for Intelligence Collection Personnel.

(a) Delegation of Authority.
Section 116(b) of the National Security Act of 1947 (50 U.S.C. 442h(b)) is amended—

(1) by inserting “(d)” before “The Director”;

(2) in paragraph (1), by striking “may only delegate” and all that follows and inserting “may delegate the authority in subsection (a) to the head of any other element of the intelligence community.”; and

(3) by adding at the end the following new paragraph:

“(c) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.”.

(b) Delegation of Benefits.
Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) Congressional Intelligence Committees Defined.
In this section, the term “congressional intelligence committees” means—

(1) the Select Committee on Intelligence of the Senate; and
(2) the Permanent Select Committee on Intelligence of the House of Representatives.

Section 305. Retention and Use of Amounts Paid as Debts to Elements of the Intelligence Community.

(a) In General.
Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

“RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) In General.
Title X of the National Security Act of 1947 (50 U.S.C. 442) is amended by—

(1) by striking “$500,000” and inserting “$250,000”;
(2) by striking “$10,000,000” and inserting “$25,000,000”; and
(3) by adding at the end the following new subsection:

“RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) In General.
Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by—

(1) by striking “$500,000” and inserting “$250,000”; and
(2) by striking “$10,000,000” and inserting “$25,000,000.”

(b) Establishment of Trust Fund.
There is hereby established in the Treasury a trust fund to be known as the Central Intelligence Agency Retirement and Disability Fund.

(c) Authorization of Appropriations.
There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

(d) Authority.
The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007, for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

1. The Office of the Director of National Intelligence.
2. The Central Intelligence Agency.
3. The Department of Defense.
4. The Defense Intelligence Agency.
5. The National Security Agency.
7. The Department of the Navy.
8. The Department of Energy.
9. The Department of Justice.
11. The National Reconnaissance Office.
12. The National Geospatial-Intelligence Agency.
16. The Drug Enforcement Administration.

(e) Classification Requirements.
All intelligence community matters referred to in this section are deemed to be classified information and are hereby incorporated into this Act, and are hereby made a requirement in law.

(f) Congressional Intelligence Committees Defined.
In this section, the term “congressional intelligence committees” means:—

(1) the Select Committee on Intelligence of the Senate; and
(2) the Permanent Select Committee on Intelligence of the House of Representatives.”.

Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditures formed the basis for the underlying activity from which the debt concerned arose.

(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with other amounts appropriated or accounted for, and shall be available in accordance with subsection (c).

(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same function as such property;

(2) The funding of any other activities authorized to be funded by such appropriation or account;

(d) DEBT OWE TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ‘debt owed to an element of the intelligence community’ means any of the following:

(1) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for personal funds, or personal funds of the employee or former employee, retained under section 404 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 81) under

(b)(1) by striking ‘‘by the Central Intelligence Agency’’ and inserting ‘‘by an element of the intelligence community (as defined in section 3(a) of the National Security Act of 1947 (50 U.S.C. 401a(4)))’’; and

(b)(2) by striking ‘‘the Director of the Central Intelligence Agency determines that the product or service is the head of that element determines that the product or service (including a surveying or mapping service)’’.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF DELEGATION OF TRANSFER OR REPROGRAMMING AUTHORITY.

Section 102A(d)(5)(B) of the National Security Act of 1947 (50 U.S.C. 403–d(5)(B)), as added by section 1011(a) of the National Security Intelligence Reform Act of 2004 (Public Law 108–458; 118 Stat. 3643), is amended in the second sentence by striking ‘‘or agency involved’’ and inserting ‘‘or involved in the Central Intelligence Agency’’.

SEC. 402. CLARIFICATION OF LIMITATION ON LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(b)(1) in the heading, by striking ‘‘WITH’’ and inserting ‘‘OF HEADQUARTERS WITH HEADQUARTERS OF’’;

(b)(2) by inserting ‘‘the headquarters of’’ before ‘‘the Office’’;

(b)(3) by striking ‘‘any other element’’ and inserting ‘‘the headquarters of any other element’’.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ‘‘and prioritize’’ after ‘‘coordinate’’; and

(2) by adding at the end the following new paragraph:

(4) In carrying out paragraphs (3)(A) and (3)(B), the Committee shall identify basic, advanced, and applied research programs and activities to be carried out by elements of the intelligence community.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—Such section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ‘‘and’’ at the end;

(B) by redesignating paragraph (5) as paragraph (4); and

(C) by inserting after paragraph (4) the following new paragraph:

(5) the director shall establish goals in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community; and

(2) by adding at the end the following new subsection:

(G) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

(1) systematically identify and assess the most significant intelligence challenges that require the technology to be developed;

(2) examine options to enhance the responsiveness of research and design programs of elements of the intelligence community to meet the requirements of the intelligence community for timely support.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) a plan for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and proposed research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into the National Intelligence Program acquisition programs.

The report may be submitted in classified form.

SEC. 404. APPOINTMENT AND TITLE OF CHIEF INFORMATON OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—(1) In general.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking ‘‘the President, by and with the advice and consent of the Senate’’ and inserting ‘‘the Director of National Intelligence’’.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any nomination of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting ‘‘of the Intelligence Community’’ after ‘‘Chief Information Officer’’;

(2) in subsection (b), by inserting ‘‘of Intelligence Community’’ after ‘‘Chief Information Officer’’;

(3) in subsection (c), by inserting ‘‘of the Intelligence Community’’ after ‘‘Chief Information Officer’’;

SEC. 405. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 4040–a(1)) is amended—

(1) by redesigning paragraph ‘‘ESTABLISHMENT.—Not later than 18 months after the date of enactment of the National Security Intelligence Reform Act of 2004, the’’ and inserting ‘‘(1) ESTABLISHMENT.—The’’;

(2) by adding at the end the following new paragraphs:

(1) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

(2) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3c) is amended—

(1) by redesigning paragraph (9) as paragraph (13); and

(2) by adding at the end the following new paragraphs:

(D) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

(1) systematically identify and assess the most significant intelligence challenges that require the technology to be developed;

(2) examine options to enhance the responsiveness of research and design programs of elements of the intelligence community to meet the requirements of the intelligence community for timely support.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) a plan for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and proposed research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into the National Intelligence Program acquisition programs.

The report may be submitted in classified form.
(2) by inserting after paragraph (8) the following new paragraphs:

“(9) The Chief Information Officer of the intelligence community.

“(10) The Inspector General of the intelligence community.

“(11) The Director of National Counterterrorism Center.

“(12) The Director of the National Counterproliferation Center.”.

SEC. 406. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

“(a) AUTHORITY FOR PAYMENT OF AWARDS.—

(1) The Director of National Intelligence may exercise the authority granted in section 4903 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.”.

(b) REPEAL OF OBSOLETE AUTHORITY.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesigning subsection (d) as subsection (c).

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking “to the Central Intelligence Agency or to the Intelligence Community Staff” and inserting “to the Office of the Director of National Intelligence or to the Central Intelligence Agency”; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking “Director of Central Intelligence” and inserting “Director of National Intelligence or Director of the Central Intelligence Agency.”.

(d) TECHNICAL AND STYLISTIC AmENDMENTS.—That section is further amended—

(1) in subsection (b), by inserting “PERSONNEL ELIGIBLE FOR AWARDS—after ‘award’.”;

(B) by striking “subsection (a) of this section” and inserting “subsection (a)”;

(C) by striking “a date five years before the date of enactment of this section” and inserting “December 9, 1978”; and

(2) in subsection (c), as so redesignated, by inserting “PAYMENT AND ACCEPTANCE OF AWARDS—after ‘(c)’.”.

SEC. 407. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–106; 30 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesigning subsections (e), (f), (k), (l), and (m) as subsections (e), (f), (g), (h), and (i), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (c)”;

and

(2) by redesigning subsections (e)–(j) as subsections (e)–(d), respectively.

SEC. 408. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT SUBCOMMITTEE.

Subparagraph (F) of section 151(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director’s designee.”.

SEC. 409. TEMPORARY INAPPLICABILITY TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE OF CERTAIN FINANCIAL REPORTING REQUIREMENTS.

The Director of National Intelligence shall not be required to submit an audited financial statement for the fiscal year under section 401a(4) of the National Security Act of 1947 (50 U.S.C. 401a(7)) before the date of enactment of this Act to the House of Representatives or the Senate.

SEC. 410. COMPREHENSIVE INVENTORY OF SPECIAL ACCESS PROGRAMS.

Not later than January 15, 2007, the Director of National Intelligence shall submit to the appropriate committees of Congress a report providing a comprehensive inventory of all special access programs (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 403a(6))).

SEC. 411. SENSE OF CONGRESS ON MULTI-LEVEL SECURITY CLEARANCES.

It is the sense of Congress that the Director of National Intelligence should promptly establish and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages critical to national security.

SEC. 412. ACCESS TO INFORMATION BY STAFF AND MEMBERS OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members and staff of the Permanent Select Committee on Intelligence of the Senate a report on the implementation of a classified report providing information on multi-level security clearance for persons in the intelligence community.

SEC. 413. STUDY ON REVOVING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel in the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 403a(4))) who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Senate Select Committee on Intelligence of the Senate a report containing the results of the study conducted under subsection (a).

Subtitle B—Central Intelligence Agency

SEC. 421. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (d) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesigning paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and”.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by adding “section 102A(4)” and all that follows through “unauthorized disclosure” and inserting “sections 102A(4) and 104A(d)(4) of the National Security Act of 1947 (50 U.S.C. 403–4a)”.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(d)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403–4a) is amended—

(1) in the subsection heading, by striking “OF D C I”;

(2) by striking “section 102A(4)” and inserting “sections 102A(4) and 104A(d)(4)”;

(3) by striking ‘‘of National Intelligence’’; and

(4) by inserting “of the Central Intelligence Agency” after “method”.

SEC. 422. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Section (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) in paragraph (2), by striking “position or category of positions” and inserting “individual, individuals, position, or category of positions”;

and

(3) by adding at the end the following new paragraph:

“(2) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.”.

(b) PROTECTION OF CERTAIN PERSONS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) in the first sentence, by inserting “individuals or” before “positions”;

and

(2) in the second sentence, by striking “position or category of positions” and inserting “individual, individuals, position, or category of positions”.

SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITY TO PROVIDE PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) PROTECTION OF CERTAIN PERSONS.—Section 3(5)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a(4)) is amended—

(1) by striking “and the protection of the Director;” and

(2) by inserting “and the protection of the Director” after “of National Intelligence and such personnel of the Office of
the Director of National Intelligence as the Director of National Intelligence may designate.

(b) AUTHORITY TO ARREST.—

(1) Chapter 203 of title 18, United States Code, as amended by section 7(a) of this Act, is amended by striking at the end the following:

"§3065. Powers of authorized personnel in the Central Intelligence Agency

"(a) The Director of the Central Intelligence Agency may issue regulations to allow personnel designated to carry out protective functions for the Central Intelligence Agency under section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 405(a)) to, while engaged in such protective functions, make arrests without a warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.

(b) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.

2. Amendment of section 5(a)(4) of the Central Intelligence Agency Act of 1949 to provide such personnel and an assessment of the personnel and a strategic review of the intelligence community, based on the results of the study. The Secretary shall include in the report a section (c) a report containing the results of the study. The Secretary shall in the report a section (c) a report containing the results of the study.

SEC. 424. PROTECTIVE SERVICES IN THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 409a et seq.) is amended by inserting after section 303 the following new section:

"§304. Protective services for former officials of the intelligence community.

"(a) In general.—The Director of the National Security Agency shall, in consultation with the Director of Central Intelligence and the Director of National Intelligence, begin providing personnel for the protection of a former official of an element of the intelligence community, as determined by the intelligence community, not later than 30 days after the date on which the head of an element of the intelligence community determines that there is no longer a threat to such former official.

"(b) Authorization of appropriations.—The Director of the National Security Agency may issue regulations to allow personnel designated to carry out protective functions for the Agency to—

"(1) carry firearms; and

"(2) make arrests without warrant for any offenses against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.

"(c) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

(a) Authorization of appropriations.—The Director of the National Security Agency may issue regulations to allow personnel designated to carry out protective functions for the Agency to—

"(1) carry firearms; and

"(2) make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.

"(b) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.

SEC. 441. CLARIFICATION OF INCLUSION OF DEFENSE INTELLIGENCE COMPONENTS IN THE INTELLIGENCE COMMUNITY.

(a) In general.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding at the end the following:


Subtitle D—Other Elements

SEC. 442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005


(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence” and;

(2) by inserting “or in section 313 of such title,” after “subsection (a).”

TITLE V—OTHER MATTERS

SEC. 501. AERIAL RECONNAISSANCE PLATFORMS.

(a) Limitation on termination of U–2 aircraft program.—The Secretary of Defense may not terminate the U–2 aircraft program until the Secretary certifies in accordance with subsection (b) that there would be no loss of national or Department of Defense intelligence, surveillance, and reconnaissance (ISR) capabilities in transitioning from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.

(b) Report and certification.—

(1) STUDY.—The Secretary of Defense shall conduct a study of aerial reconnaissance platforms to determine whether the Global Hawk RQ–4 unmanned aerial vehicle has reached mission capability and has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(2) REPORT.—The Secretary shall submit to the congressional committees specified in subsection (a) a report on the results of the study. The Secretary shall include in the report the Secretary’s determination as to whether the Global Hawk RQ–4 unmanned aerial vehicle—

(A) has reached mission capability; and

(B) has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(c) Classification of report.—The report required under this section shall be fully classified to include with the report the Secretary’s certification, based on the results of the study, as to whether or not there would be a loss of national and Department of Defense intelligence, surveillance, and reconnaissance capabilities with a transition from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.
Military Intelligence Program

SEC. 504. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MIlitary INTEllIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by striking section 114A; and
(2) in the table of contents in the first section, by striking the item relating to section 114A.

(c) FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) in subsection (c)(3)(A), by striking "the National Intelligence Program or any successor program or programs";
(2) in subsection (e)(2), by striking "the National Intelligence Program or any successor program or programs";
(3) in section 1071(c), by striking "(1)";
(4) in section 1072(b), by inserting "AGENCY" after "INTELLIGENCE";

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is amended as follows:

(1) in section 2001 (28 U.S.C. 532 note) —
(A) in subsection (c)(1), by inserting "of" before "an institutional culture";
(B) in subsection (e)(2), by striking "the National Intelligence Program or any successor program or programs";

(2) in section 2006 (28 U.S.C. 509 note) —
(A) in paragraph (2), by striking "the Federal" and inserting "Federal";
(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 506. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1947.

Section 506 of the Central Intelligence Agency Act of 1947 (50 U.S.C. 403(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a)" and inserting "authorized under paragraphs (1) and (2) of section 102(a)".

(b) TITLES 44, UNITED STATES CODE.

(1) in subsection (a) of section 401 of Title 44 (50 U.S.C. 401), by striking the following new item:

"403. National Geospatial-Intelligence Agency: special publications".

(c) HOMELAND SECURITY ACT OF 2002.—Section 2302(d) of the Homeland Security Act of 2002 (6 U.S.C. 2302(d)) is amended by striking "National Geospatial-Intelligence Agency" and inserting "National Geospatial-Intelligence Agency and the Director of the National Geospatial-Intelligence Agency".

SEC. 1336. NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY: SPECIAL PUBLICATIONS.

The heading of such section is amended to read as follows:

"1336. National Geospatial-Intelligence Agency: special publications."

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications."

SEC. 507. TECHNICAL AMENDMENTS RELATING TO THE NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection heading, by striking "FOREIGN"; and
(2) by striking "foreign" each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and
(2) in subsection (b), by inserting of "National Intelligence" after "surveillance" and inserting "National Intelligence" after "surveillance".

SEC. 1403. MULTICYBER NATIONAL INTELLIGENCE PROGRAM.

SEC. 508. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

§509. Technical amendments relating to re-designation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(III),
(B) Section 3112(a)(1)(B),
(C) Section 401(1) in clause (iii),
(D) Section 4701(a)(1)(F),
(E) Section 5102(a)(1) in clause (z),
(F) Section 5342(a)(1) in clause (K).

(b) Section 6339(a) (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency", Title 44, UNITED STATES CODE

(1) in section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) The heading of such section is amended to read as follows:

"1336. National Geospatial-Intelligence Agency: special publications."
Amend paragraph (1) of section 411 (page 39, line 8) to read as follows:

(1) in subparagraph (H), by inserting “the Coast Guard” after “the Marine Corps”;

Page 39, after line 15, insert the following new paragraphs:

(3) by redesignating subparagraph (L) as subparagraph (M); and

(4) by inserting after subparagraph (K) the following new subparagraph:

“(L) The Office of National Security Intelligence of the Drug Enforcement Administration.”

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this is the manager’s amendment to the bill. It contains two provisions. The first strikes the provision of the committee’s amendment relating to the Freedom of Information Act at the request of the Committee on Government Reform. The second specifically clarifies that the new membership of the Drug Enforcement Administration in the intelligence community is limited to the DEA’s Office of National Security Intelligence. This clarification was requested by the Department of Justice and the DEA. I do not believe that either of these changes are controversial. I urge Members to support the amendment.

I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I will support this amendment, but I rise to note that the chairman has agreed to modify a provision, and I appreciate the modification that he has made, and that relates to the CIA Director’s responsibility under the Freedom of Information Act. The minority felt that the provisions were restricting FOIA requests, and the majority agreed to accommodate and struck the language, and I would like our colleagues to know that that accommodation has been made. It makes the manager’s amendment a better amendment, and I support the manager’s amendment.

Mr. HOEKSTRA. If the gentleman has no additional speakers, I will yield back the balance of my time.

The CHAIRMAN. All time for debate having expired, the question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FOSSELLA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-438 offered by Mr. FOSSELLA.

At 3:07 a.m., the following (and conform the table of contents accordingly):

TITLE VI—COMMUNICATION OF INFORMATION CONCERNING TERRORIST THREATS

SEC. 601. IDENTIFICATION OF BEST PRACTICES.

(a) STUDY.—The Secretary of Homeland Security and the National Intelligence shall conduct jointly, or contract with an entity to conduct, a study of the operations of Federal, State, and local government entities to identify best practices for the communication of information concerning a terrorist threat.

(b) CONTENTS.—

(1) IDENTIFICATION OF BEST PRACTICES.—The study conducted under this section shall be focused on an analysis and identification of the best practices of the information sharing processes of the following government entities:

(A) Joint Terrorism Task Forces, which are operated by the Federal Bureau of Investigation with the participation of local law enforcement agencies.

(B) State Homeland Security Fusion Centers, which are established by a State and share information with Federal departments.

(C) The Homeland Security Operations Center, which is operated by the Department of Homeland Security for the purposes of coordinating intelligence activities.

(D) State and local law enforcement agencies that collect, utilize, and disseminate information on potential terrorist attacks.

(E) The approaches of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a), involved in the sharing of counter-terrorism information.

(2) COORDINATION OF GOVERNMENT ENTITIES.—The study conducted under this section shall include an examination of methods for coordinating the activities of Federal, State, and local entities in responding to a terrorist threat, and specifically the communication to the general public of information concerning the threat. The study shall not include an examination of the sources and methods used in the collection of the information.

(c) OBTAINING OFFICIAL DATA.—In conducting the study, the Secretary, in conjunction with the Director, with due regard for the protection of classified information, may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out this section. The Director may request the head of any department or agency of the United States to provide access to classified information that is necessary for the purposes of this section.

(d) TEMPORARY DUTY OF FEDERAL PERSONNEL.—In conducting the study, in consultation with the Director, may request the head of any department or agency of the United States to detail to temporary duty personnel within the administrative jurisdiction of the head of the department or agency that the Secretary may need to carry out this section, each detail to be without loss of seniority, pay, or other employee status.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in conjunction with the Director, shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions, including identification of the best practices for the processing, analysis, and dissemination of information between the government entities referred to in subsection (b) and

(B) recommendations for a formalized process of consultation, communication, and confidentiality between Federal, State, and local government entities; and

(2) LISTS OF BEST PRACTICES.—The report required by paragraph (1) shall include a list of the best practices of the various entities studied, to accommodate us and struck the language.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I yield myself as much time as I may consume.

First, let me thank the chairman and the ranking member for allowing me to bring this amendment forward in the Rules Committee.

One of the essential elements of government responsibility is to communicate effectively to the American people, especially in time of a potential terrorist attack or a natural disaster.
On October 6 of 2005, New York City was made aware of several reports that terrorists were planning a large-scale attack on the subway systems. That evening, as New Yorkers watched the news, they had to struggle with two conflicting messages about the day’s events. City officials, led by the mayor and the police commissioner, announced that a credible threat was aimed at New York City subway system, and stated that the threat was specific enough to warrant an immediate and overwhelming response.

However, the news also reported that officials in Washington were down playing the severity of the threat. A spokesman for the Department of Homeland Security described it as “specific, yet uncredible.” Other anti-terrorism officials stated that the information gathered about the plot was not verifiable.

New York officials first learned of the threat earlier in the week. The information came from a reliable informant indicated that the people in Iraq were plotting with people in the United States to hide bombs in baby strollers, briefcases and packages and set them off in the city’s subways. But the Department of Homeland Security had a different take. They released to law enforcement agencies an unclassified bulletin on the threat to the subway system, indicating that the FBI and Department of Homeland Security had not heard about the credibility of that threat. Yet the document also stated that a team of operatives, “some of whom may travel to or who may be in the New York City area,” might attempt an attack on or about October 9. 3 days after this warning. It also said that the terrorists might use remote-controlled or timed explosives hidden inside or underneath baby carriages and briefcases or suitcases.

Vetting and verifying information is one of our government’s responsibilities. Sending out conflicting messages to the American people when conflict can be avoided is another.

I have always and will continue to be supportive of all efforts by antiterrorism forces at the Federal, State and local levels, but it pained me, and I am sure many others, to watch the confusion that unfolded that October. The trend continued weeks later in Maryland. Officials responded to a bomb threat on I-95 tunnel under Baltimore Harbor, which the closing of resulted in stopping of thousands of cars for hours along a major transportation corridor. However, Baltimore’s mayor and police commissioner said they learned of the tunnel closure and the bomb threat from the news media. This is not the way the system should work.

Bear in mind, since 9/11, law enforcement at all levels has responded to a variety of threats every day such as a misplaced bag, a suspicious package or unknown substance. In general, these agencies and the men and women who work for these agencies are dedicated, responsible, diligent, and respond very well to these potentially dangerous situations.

But what clearly needs to be done and to be improved is how different levels of government interact with each other when these threats are elevated. We need to be able to communicate the same threat on the same page and, when a credible threat occurs, inform the public in a coordinated way. In short, what is needed is a 911 call center for first responders. To achieve that, my amendment works in the following way.

It authorizes a study to be conducted by the Secretary of Homeland Security and the Director of National Intelligence to identify the problems and the success of terrorist threat information sharing between the Federal, State and local levels of government.

Number 2, in addition to identifying the best practices, it will recommend a formalized process between the Federal, State and local levels of government for communicating threats to the public in a coordinated way.

Once complete, the study will be made available to all Federal, State and local government entities involved in terrorist intelligence gathering.

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Once complete, the study will be made available to all Federal, State and local government entities involved in terrorist intelligence gathering.
So today I offer this amendment to support and protect our efforts toward promoting democracy and to help ensure that our actions are consistent with our values. Toward that end this amendment will help Members of this body stay well informed about our Nation's activities related to those types of overt or covert intelligence activities which is especially critical at this moment. This amendment will help increase transparency in the process by requiring a report that is organized and classified in the past 10 years to engage in intelligence activities related to the overthrow of a democratically elected government.

The CHAIRMAN. Pursuant to House Resolution 774, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

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

Mr. Chairman, this amendment is very simple and noncontroversial. It merely requires the President to submit a report to the House and Senate Intelligence Committees describing any authorization granted over the last 10 years to engage in intelligence activities related to the overthrow of a democratically elected government.

Mr. Chairman, we all know that democracy promotion is at the top of this administration's agenda, and I believe that there is no question that supporting democracy should be a non-partisan issue that we all agree on because it is at the core of our Nation's values. It is, quite simply, fundamental to who we are as a people and what we stand for as a Nation. That is why we must support democratic movements as they take place across the world. Nothing less than our values are on the line if we don't. That is why we must be vigilant and safeguard against any actions that would undermine or threaten our ability to support democratic efforts.

It is clear that actions that undermine democracies also undermine our credibility in the world and, therefore, our ability to be viewed as a serious and legitimate agent of democracy. So if promoting democracy is to remain a critical pillar of our foreign policy, we must ensure that our ability to be this voice for people's movements throughout the world is not damaged by contrary actions. I believe us if our actions are inconsistent with our words? How successful will we be in achieving our goals?

She and I have had conversations on the floor in past years about this issue. This year she is offering her concerns in the form of legislation, and I think this legislation is really very good. I think the goals of democratization and transparency are both good goals. Our President says he supports democratization. It surely is one of our major foreign policy goals.

I am for, and I mince no words about this, the robust use of intelligence to find out the plans and intentions of people who are plotting to do us harm. I do not think this amendment in any way compromises that, and I think the fact that the report is to be prepared and will be delivered to our committee in a classified form makes absolutely certain that we are not advertising to our enemies how we deploy our resources.

So, again, I want to commend the gentlewoman for offering this amendment and offer my strong support for it.

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

I want to thank the gentlewoman for her leadership and for her support. And, yes, we have talked over the years about this and wanted to come to some bipartisan agreement and solution. So I think this is a very modest yet very important amendment, and I want to thank again our chairman and ranking member for their support.

Let me also thank our staffs on both sides of the aisle. Especially I want to thank my chief of staff, Julie Nixon, for her support and leadership, and both the minority and majority staff for, again, helping us to figure out the appropriate language to accomplish the goals that we want to accomplish. I thank them for their support.

Ms. WATERS. Mr. Chairman, I want to support the Lee amendment. He should know, and the gentlewoman for her support, and I want to thank again our chairman and ranking member for their support.

In February of 2004, our government was a party to a coup d’etat that overthrew President Jean-Bertrand Aristide, the democratically-elected President of Haiti. Former soldiers and other heavily-armed thugs took over several Haitian cities and then marched into Haiti's capital, while opposition groups representing Haiti's wealthy elites staged confrontational demonstrations throughout the country. Early in the morning on February 29, U.S. Marines and Embassy officials entered President Aristide's home and told him to leave immediately or he and thousands of other Haitians would be killed. President Aristide was flown aboard a U.S. plane to the Central African Republic and left there.

The Bush administration had been working with the wealthy Haitian elites who hated President Aristide to force him to step down. The International Republican Institute, which is affiliated with the Republican Party, funneled $27 million of U.S. taxpayer dollars to the Aristide-haters; and Roger Noriega, President Bush's former Assistant Secretary of State for Western
Hemisphere Affairs, conspired with sweatshop-owner Andre Apaid to organize, train and finance the opposition. Congress has a right to know why the Bush administration allowed a small minority of wealthy elites and a group of heavily armed thugs to overthrow a democratically-elected government. More importantly, Congress has a right to know whether U.S. intelligence agencies and operatives were directly involved in this coup d'état.

I urge my colleagues to support the Lee amendment and carefully consider the consequences if Congress un-cover the truth about the coup d'état in Haiti.

The CHAIRMAN. The question is on the amendment offered by the gentle-woman from California (Ms. Lee).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will des-ignate the amendment.

The text of the amendment is as fol-lows:

Amendment No. 4 printed in House Report 109-438 offered by Mr. Price of North Caro-olina:

At the end of title III, add the following new section:

SEC. 308. ACCOUNTABILITY IN INTELLIGENCE CONTRACTING.

(a) REPORT ON REGULATIONS GOVERNING IN-TTELLIGENCE COMMUNITY CONTRACTING.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intel-ligence shall submit to the Permanent Se-lect Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on reg-u-lations governing covered contracts under the National Intelligence Program and, at the discretion of the Director of National Intel-ligence, the Military Intelligence Pro-gram.

(2) MATTERS COVERED.—

(A) The report required by paragraph (1) shall include a description of any relevant regulations prescribed by the Director of Na-tional Intelligence or by the heads of aenga-encies in the intelligence community, includ-ing the following to the following matters:

(i) Types of functions or activities that may be appropriately carried out by contrac-tors.
(ii) Minimum standards regarding the hir-ing, training, security clearance, and assign-ment of contract personnel.
(iii) Procedures for conducting oversight of covered contracts to ensure identification and prosecution of criminal violations; fi-nancial waste, fraud, or abuse; or other abuses committed by contractors or contract personnel.

(B) The report shall also include a descrip-tion of progress made by the Director of Na-tional Intelligence in standardizing the reg-u-lations described in subparagraph (A) across the different agencies of the National Intelligence Pro-gram to the extent practicable.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be in unclassified form, but may contain a classified annex if necessary.

(b) ACCOUNTABILITY REQUIREMENTS FOR CONTRACTING AGENCIES OF THE INTELLIGENCE COMMUNITY.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelli-gence of the House of Representatives and the Select Committee on Intelligence of the Senate a report containing the information described in paragraph (2) on contracting ac-tivities in the intelligence community.

(2) MATTERS COVERED.—The report required by paragraph (1) shall include the following information:

(A) A list of contracts awarded for intel-ligence activities by each agency in the in-telligence community during the one-year period preceding the date of submission of the report.
(B) A description of the activities to be performed by contractors in fulfillment of each contract listed under subparagraph (A), including whether such activities are classified or unclassified.
(C) The number of personnel carrying out work under each contract.
(D) The estimated cost of performance of the work required by each such contract.

(c) HIRING OF INTELLIGENCE COMMUNITY PROFESSIONALS.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intel-ligence shall submit to the Permanent Se-lect Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on hir-ing, promotion, and retention of intelligence community professionals.

(2) MATTERS COVERED.—The report re-quired by paragraph (1) shall include the fol-lowing:

(A) Recommendations regarding any bo-nuses, benefits, or other inducements that help the intelligence community to hire, promote, and retain its professional workforce in order to compete effectively against the attraction of private sector op-portunities.
(B) Recommendations regarding any policy changes, including changes to policies gov-erning the awarding of security clearances, that will be necessary to retain and in-tent the intelligence community profes-sional workforce.

(c) A description of any additional author-ity needed from Congress to implement the recommendations under subparagraphs (A) and (B).

(3) FORM OF REPORT.—The report required by paragraph (1) shall be in unclassified form, but may contain a classified annex if necessary.

(d) CONCLUSIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 403(4)).

(2) COVERED CONTRACT.—The term “covered contract” means—

(A) a subcontract at any tier under any prime contract with an office or agency re-quired to help do their work.

(c) a task order issued under a task or de-livery order contract entered into by an of-fice or agency referred to in subparagraph (A), if the work to be performed under the contract, subcontract, or task order includes intelligence activities to be performed either within or outside the United States.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from North Carolina (Mr. Price) and a Mem-ber opposed each will control 5 min-utes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since the 9/11 attacks, the budgets of U.S. intelligence agen-cies and the scope of their operations have increased, and they have increas-ingly turned to private sector contrac-tors to help do their work. Experts both within and outside the intel-ligence community have warned that the expanded use of private contractors is posing some major challenges. Accor-ding to the Washington Post, the Director of National Intelligence, Mr. Negroponte, has himself expressed con-cern about this issue.

It is an important matter. About half of the intelligence community’s budget is reportedly spent through con-tracts awarded to private sector firms. We are talking about several billion dollars in contracts each year.

While the intelligence community has addressed some of the questions about how private contractors are being used and how they should be used, there needs to be a deeper exam-ination and discussion of these issues both in the community and in Con-gress. My amendment would solicit in-for-mation from the Director of Na-tional Intelligence and, I hope, would spur such dialogue.

I would also ask the director to pro-vide suggestions on how to help him re-cruit and retain top-notch personnel, too many of whom are we now losing to private sector opportunities. Over and over again, we see the government in-vest thousands of dollars in training and retaining top-level security clear-ances for intelligence personnel, only to lose them to lucrative jobs in the private sector. I know Representative
JOHN TIERNEY and others have been interested in this issue, and I appreciate their support for my amendment. I have worked with the Intelligence Committee majority and minority to draft this amendment in a way that will give Congress the information it needs to conduct proper oversight without posing an undue reporting burden on the intelligence community. I believe we have achieved a good balance with my amendment, and, as I have indicated to the chairman, I am happy to continue working with him and the ranking member to further improve the language as the legislation moves forward.

I urge my colleagues to support this amendment and help us shed some light on an important and largely unnoticed shift in the way we gather intelligence.

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

Mr. PRICE of North Carolina. I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I would like to make a point for the benefit of the members of the committee. Mr. THORNBERRY and I have been aggressively involved in standing up to DNI and voicing our concerns, the committee has been concerned, that we do not establish a new set of regulations and reporting requirements for our intelligence agencies.

Would your amendment have that kind of impact? Could you explain that to us?

Mr. PRICE of North Carolina. Mr. Chairman, I appreciate the question. My amendment, in fact, does not establish new regulations for the intelligence community nor does it prohibit contractors from carrying out any type of work. It simply requires contractors and the intelligence community to provide Congress with more information so we can do our job effectively. It is not another layer of regulations. It is urgent information, about what practices and policies are already in effect.

As for the reporting requirements, this amendment would require reports on private contracting. We have crafted the amendment to minimize the additional burden on the agency. The vast majority of what we are requesting is information that the agency either has or should have already, but it is a matter of assembling that information and making it available to the appropriate committees of the Congress.

Mr. CRAMER. If you would continue to yield, I think you clearly raise issues that we need to continue to address, and this is information that we should continue to have. I would support your amendment and would urge my colleagues in the committee to do the same thing.

Mr. PRICE of North Carolina. Mr. Chairman, I thank my colleague for his support, and I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I would like to claim time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, again, I believe that with some of the dialogue we have had before, we will not oppose the amendment, but I just want to add some clarification.

I am very appreciative of the efforts of the gentleman from North Carolina to work closely with the committee to perfect his original amendment. The intent of this amendment, as I understand it, is to improve contractor management, civilian retention, and to eliminate fraud, waste, and abuse across the intelligence community. These are the goals that the Intelligence Committee has embraced and we fully support.

The amendment as written requires a series of reports that will only increase costs in personnel overhead at the intelligence parts of the Defense Department, particularly within the Office of the Director of National Intelligence, an issue that the committee has been concerned, that we do not establish a new set of regulations and reporting requirements for our intelligence agencies.

Would your amendment have that kind of impact? Could you explain that to us?

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey.

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

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

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

Mr. ANDREWS. Mr. Chairman, there are many different views in the House as to how we should prosecute the war effort in Iraq. There are many different views as to
what we should do next. But I believe there is only one view about the constitutional responsibility of this branch of government, and that is that we have the solemn and grave responsibility of oversight. It is our job, on behalf of our constituents, to ask questions about the direction, the efficacy, and the future of American policy in Iraq. In order to appropriately answer those questions, it is important that certain facts be adduced and be available to the Members on a regular basis. Because of the sensitive nature of those facts, it is important that the facts be available on a classified basis so that those who are prosecuting the war and the related intelligence activities are not compromised in any way.

The purpose of my amendment is to serve the twin goals of promoting fact-based oversight while maintaining the confidentiality and security of sources and methods of intelligence gathering. My amendment says this: on a quarterly basis, the relevant intelligence authorities would be responsible for producing for the House a classified report that would set forth the best intelligence estimates as to the number of resistance fighters in Iraq. These categories would be broken down according to the various sources of the disruption and violence that we are seeing: former regime elements, insurgents from outside of the country, groups associated with terrorist organizations around the world, and so forth.

I am not suggesting that the only metric of the success of our policy would be the diminution of such forces, but I am suggesting that a critical metric of the success or failure would be the metric of that reduction. Similarly, if we are having trouble pinpointing the number in each category, that alone is a relevant fact that would help us understand the nature of the problem better and the nature of remedies to those problems. So this report would produce an important metric for review by the Members as to the progress or lack thereof with respect to defeating the resistance in Iraq.

I want to reemphasize that this report is quarterly and it is classified. This would be handled much in the same way that the intelligence budget is handled, where Members who have properly executed the proper oath would have access to the information on a quarterly basis, would have the opportunity to review it, would be bound by the appropriate rules of confidentiality in discussing what they have seen, but would be able to form a more factual basis for an evaluation of the success or lack thereof of our policies in Iraq.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment.

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

The CHAIRMAN. The Clerk will des-

Mr. RENZI. Mr. Chairman, I offer an

The CHAIRMAN. The Clerk will des-

SEC. 510. SENSE OF CONGRESS REGARDING UN-AUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) FINDINGS.—Congress finds the following:

(1) The Supreme Court has unequivocally recognized that the Constitution vests the President with the authority to protect national security information as head of the Executive Branch and as Commander-in-Chief.

(2) The Supreme Court has recognized a compelling government interest in withholding national security information from unauthorized persons.

(3) The Supreme Court has recognized that secrecy agreements for government employees are a reasonable means for protecting this vital interest.

(4) The Supreme Court has noted that “it should be obvious that no one has a ‘right’ to a security clearance”.

(5) Unauthorized disclosures of classified information result in injury, most damaging when they have the potential to compromise intelligence sources and methods and ongoing intelligence operations.

(6) Potential unauthorized disclosures of classified information have impeded relationships with foreign intelligence services and the effectiveness of the Global War on Terrorism.

(7) Media corporations and journalists have improperly profited financially from publishing purported unauthorized disclosures of classified information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should utilize the constitutional authority of the President to the fullest practicable extent, where warranted, to classify and protect national security information relating to intelligence activities and information and to take effective action against persons who commit unauthorized disclosures of information relating to intelligence activities and information contrary to law and voluntary secrecy agreements.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from Arizona (Mr. RENZI) and a Member opposed will each control 10 minutes.

TheChair recognizes the gentleman from Arizona.

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

Mr. Chairman, within our Nation’s media organizations there exists a great number of professionals who provide America with information of substance and great importance. The media’s role is vital to this Nation. They provide checks and balances of power and oversight of our political activity, and I want my words today to be respectful, particularly of those true professional journalists who have had a hard time choosing in the battle to get their story and the need to protect our Nation.

Yet amongst the journalistic profession there are a few, a small few, who disclose our most sensitive intelligence sources and methods to our enemies. They even boldly have justified their actions recently by claiming themselves to be whistleblowers.

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

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

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

Amendment No. 6 offered by Mr. RENZI
Mr. RENZI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109-438 offered by Mr. RENZI:

At the end of the bill, add the following new section:

SEC. 510. SENSE OF CONGRESS REGARDING UN-AUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) FINDINGS.—Congress finds the following:

(1) The Supreme Court has unequivocally recognized that the Constitution vests the President with the authority to protect national security information as head of the Executive Branch and as Commander-in-Chief.

(2) The Supreme Court has recognized a compelling government interest in withholding national security information from unauthorized persons.

(3) The Supreme Court has recognized that secrecy agreements for government employees are a reasonable means for protecting this vital interest.

(4) The Supreme Court has noted that “it should be obvious that no one has a ‘right’ to a security clearance”.

(5) Unauthorized disclosures of classified information result in injury, most damaging when they have the potential to compromise intelligence sources and methods and ongoing intelligence operations.

(6) Potential unauthorized disclosures of classified information have impeded relationships with foreign intelligence services and the effectiveness of the Global War on Terrorism.

(7) Media corporations and journalists have improperly profited financially from publishing purported unauthorized disclosures of classified information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should utilize the constitutional authority of the President to the fullest practicable extent, where warranted, to classify and protect national security information relating to intelligence activities and information and to take effective action against persons who commit unauthorized disclosures of information relating to intelligence activities and information contrary to law and voluntary secrecy agreements.

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

Mr. Chairman, within our Nation’s media organizations there exists a great number of professionals who provide America with information of substance and great importance. The media’s role is vital to this Nation. They provide checks and balances of power and oversight of our political activity, and I want my words today to be respectful, particularly of those true professional journalists who have had a hard time choosing in the battle to get their story and the need to protect our Nation.

Yet amongst the journalistic profession there are a few, a small few, who disclose our most sensitive intelligence sources and methods to our enemies. They even boldly have justified their actions recently by claiming themselves to be whistleblowers.

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

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

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

Amendment No. 6 printed in House Report 109-438 offered by Mr. RENZI:

At the end of the bill, add the following new section:

SEC. 510. SENSE OF CONGRESS REGARDING UN-AUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) FINDINGS.—Congress finds the following:

(1) The Supreme Court has unequivocally recognized that the Constitution vests the President with the authority to protect national security information as head of the Executive Branch and as Commander-in-Chief.

(2) The Supreme Court has recognized a compelling government interest in withholding national security information from unauthorized persons.

(3) The Supreme Court has recognized that secrecy agreements for government employees are a reasonable means for protecting this vital interest.

(4) The Supreme Court has noted that “it should be obvious that no one has a ‘right’ to a security clearance”.

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I understand our publishers and their need to get the story, but I also understand that it is their right that by free speech they also safeguard this Nation and help contribute to our victory in this war on terror.

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

Ms. HARMAN. Mr. Chairman, I rise in opposition to this amendment, though I may not oppose it. I really rise for the purpose of entering into a colloquy with the amendment’s sponsor.

Mr. Chairman, there is much that is good in this amendment. All of us, certainly this Member, oppose the leaks, unauthorized leaks, of classified information. That is the wrong thing to do. All of us who serve on the Intelligence Committee not only took the general oath as Members of Congress, but I believe we signed a second oath as members of the committee, and, unless he reason to believe that any one of us ever, not for a nanosecond, has compromised classified information, nor would we. I am sure the amendment’s author agrees.

It is important to say that the Congress wants those who leak in an unauthorized fashion to be prosecuted. I think that is a fair thing to say. I am also in full agreement that the President should use the fullest extent of his power to properly classify information and to protect classified information.

But two things are on my mind, and one of them relates to the language here. We are saying, it would be fine if a Member of Congress had not, I would like to comment, that it is proper for the President or the Vice President to use inherent power to authorize their own aides to discuss what was classified information with selected reporters. That is the wrong thing to do.

In my opinion, with the rewards that have gone with the Pulitzer Prize, the money that goes with it, the trophies, the whole idea of leaking information and making it part of the marketplace was the motive for why I had that language put in.

If you are asking if I am willing to work with you, absolutely. From day one I want to work with you on it, and I would ask the chairman to look at it positively. But I think we need to send a message to the publishers in America that they have got to help us in this war on terror, and the motivation cannot be an ambition that is out of the realm of asking our media outlets to be reasonable. I would just offer that to the ranking member.

Ms. HARMAN. Mr. Chairman, re-claiming my time, I appreciate the gentleman’s sincerity. You know, I enjoy working with you, but I doubt there is much more here. I don’t think we should alter this unless it is factually based. I doubt the motivation in many of these cases was financial. I doubt it.

I understand there have been written and prizes have been garnered based on publishing classified information, but we have a strong tradition of freedom of the press and a strong constitutional amendment, the first amendment, that protects freedom of speech. So I think we should be very careful in making claims like this.

What I am seeking is just a commitment that we will review this language and make sure that we all feel it is factually based.

Mr. RENZI. Mr. Chairman, if the gentlewoman will yield further, I appreciate the gentlewoman from California and her comments. I only would point out that books on these are in the millions and millions of dollars. I don’t mean to limit it to just awards. But taking and listening to your initiative, I would also ask that the chairman look at his leadership role on this and be able to formulate the final opinion along with you. I appreciate that.

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

Mr. RENZI. Mr. Chairman, I yield such time as he may consume to our chairman, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague from Arizona. My commitment with the ranking member and with the gentleman from Arizona on making sure that this language, we move it to somewhere that we are all agreeable. I think we can find that common ground.

I just want to support the gentleman from Arizona’s amendment today. We need to set the record straight about our national security. Specifically, Congress must speak with a single voice, clear and unwavering, about the value of our intelligence information and about who makes decisions regarding its use. We need to speak now.

This amendment says the right things. We are at war. Every day our Armed Forces and intelligence services do battle with an enemy whose sole purpose is to kill Americans. This point sounds fairly basic. It is. But the point sounds so basic as long as some individuals here in Washington behave as if they have forgotten that we are at war.

Our government has a vital interest in protecting sensitive national security information. The United States Supreme Court has recognized this vital interest in preserving secrecy. This interest is not merely some speculative opinion. It is the law of the land. This amendment makes that point.

The Constitution places the responsibility and authority to protect national security with the President of the United States. The President does so as the head of the executive branch, for example, the Commander in Chief. The U.S. Supreme Court has recognized this fact as law. The gentleman’s amendment again makes that point.

Under our system of laws, the President must decide what sensitive national security information can be shared with the public and what must remain closely guarded. The President does not make these decisions lightly. He is elected by the American people to make these judgments in this regard and to make such decisions with the best interests of the American people in mind. Ultimately he is accountable to the people at the voting booth.

Here is a good decision. This amendment is worked by the President and disagreed with his opinions and directions, most recently the decision to declassify over 48,000 boxes of documents that were obtained in Iraq. The position of the intelligence community and the executive branch, for an extended period of time was to hold that information. After working with the executive branch, that information is now in the process of being declassified and released to the American people.

But we went through a process. Individuals who disclose sensitive national security information without authority undermine the rule of law. These people substitute their judgment for that of the President, and they exercise that authority when legally it does not even belong to them. These individuals may act for self-determined reasons, not in the best interests of the American people, but in their own interests. I think that is what makes it different. Unless they are prosecuted, they remain accountable to the American people for their actions.

Mr. RENZI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERY).

Mr. THORNBERY. Mr. Chairman, I thank the gentleman from Arizona for yielding.

Mr. Chairman, I support his amendment and share his concern about the destructive consequences of unauthorized disclosures or leaks. This was one
of the strategic oversight areas which the chairman and ranking member assigned to the Oversight Subcommittee at the beginning of this Congress.

We have held several hearings, including an open hearing, to discuss this problem. One of the results is that we have found that there are a limited number of tools that the agencies have to deal with those inside the agencies who choose to violate the law and disclose classified materials.

One of the things that is in this bill is to request information from the Director of National Intelligence on other tools, administrative or contractual, that are used to handle classified materials.

I think what is in the bill, as well as what is in the gentleman from Arizona’s amendment, work very well together to convey the seriousness with which we take this problem.

I applaud the gentleman’s amendment and support it.

Mr. RENZI. Mr. Chairman, I continue to reserve the balance of my time.

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

Mr. Chairman, we have no further speakers and I do appreciate the comments of the amendment’s sponsor on his amendment. I do intend to support the amendment and then to work with him and our chairman on some modifications of that amendment in the conference.

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

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

Mr. Chairman, I very much appreciate the ranking member and her kindness on the issue. I just want to wrap up by saying that the leaks are absolutely vital to our victory against the Islamofascists who very much want to establish a worldwide caliphate. It is that real.

The leaks have got to stop to protect our front line agents. They have got to stop in order to rebuild the trust between our nations and our allies. I would urge my colleagues to support this amendment.

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

The CHAIRMAN. The question is on the gentleman from Arizona’s amendment (Mr. RENZI).

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as above recorded.
(7) The Supreme Court has consistently held for nearly 40 years that the monitoring and recording of private conversations constitutes a "search and seizure" within the meaning of the Fourth Amendment.

(8) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) and chapters 119 and 121 of title 18, United States Code and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) and chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978, enacted. Such specific statutory authorization shall be the exception to this rule.

(9) The Foreign Intelligence Surveillance Act of 1978, and specified provisions of the Federal criminal code, were expressly enacted as the "exclusive means by which electronic surveillance . . . may be conducted" domestically pursuant to law (18 U.S.C. 2510)(d).

(10) Warrantless electronic surveillance of Americans inside the United States conducted without congressional authorization may have a serious impact on the civil liberties of citizens of the United States.

(11) United States citizens, such as journalists, academics, and researchers studying global terrorism who have made international phone calls subsequent to the terrorist attacks of September 11, 2001, and are law-abiding citizens, may have the reasonable fear of being the subject of such surveillance.

(12) Since the nature and criteria of the National Security Agency (NSA) program is highly classified, citizens and other Americans who make frequent international calls, such as Americans engaged in international business, Americans with family overseas, and others, have a legitimate concern they may be the inadvertent targets of eavesdropping.

(13) The President has sought and signed legislation including the Unit and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) of 2001 (Public Law 107-56), and the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458), that have expanded authorities under the Foreign Intelligence Surveillance Act of 1978.

(14) It may be necessary and desirable to amend the Foreign Intelligence Surveillance Act of 1978 to address new challenges in the Global War on Terrorism. The President should submit a request for legislation to Congress to amend the Foreign Intelligence Surveillance Act of 1978. The President desires that the electronic surveillance authority provided by such Act be further modified.

(15) The Authorization for Use of Military Force (Public Law 107-40), passed by Congress on September 14, 2001, authorized military action against those responsible for the attacks on September 11, 2001, but did not contain legal or approval for domestic electronic surveillance not authorized by chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) and chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978, and also the Foreign Intelligence Surveillance Act of 1978.

(c) REITERATION OF CHAPTERS 119 AND 121 OF TITLE 18, UNITED STATES CODE, AND THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS THE EXCLUSIVE MEANS BY WHICH DOMESTIC ELECTRONIC SURVEILLANCE MAY BE CONDUCTED.

(1) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, chapters 119 and 121 of title 18, United States Code, and the Foreign Intelligence Surveillance Act of 1978, enacted. The motion shall be the exclusive means by which electronic surveillance may be conducted.

(2) FUTURE CONGRESSIONAL ACTION.—Paragraph (1) shall not apply to any specific statutory authorization for electronic surveillance, other than as an amendment to chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978, enacted. Such specific statutory authorization shall be the exception to this rule.
the administration decided tomorrow that it had the inherent authority as Commander in Chief to tap purely domestic calls between two Americans; did it feel it would need to go to court for that authority? And the Attorney General said he would not rule it out. He went on to say that the authority, without going to court, to tap the calls between two Americans on American soil.

So what is the limiting principle if this program can change from day to day with the input of Congress? The only limiting principle is the good faith of the executive, which when the executive shows it is infallible might be a sufficient limiting principle. But the executive is no more infallible than we are here in Congress, and so we have a role to play.

And this motion to recommit says that that role is the following: that, first, when we pass a law, like FISA and Title III, where we say the exclusive authority to eavesdrop is under these provisions with court approval, we mean what we say; that, second, the authorization to use military force that we voted on in the immediate aftermath of 9/11 did not create a new authority to eavesdrop on Americans on American soil; that, third, if the President believes that FISA or existing law is insufficient to the task, he should come to Congress through his representatives and ask us to amend the law.

And this is what is most disturbing about what has happened so far. When the administration did come in the context of the PATRIOT bill and asked us to change FISA, we made changes to FISA. When one of the Republican Senators asked the administration, do you need us to change FISA more; is there a problem with FISA; is it not keeping pace with the terrorists or technology? The answer from the administration was, no, FISA is working just fine. The more the press all of a sudden did it become necessary.

And only when someone leaked it to the press all of a sudden did it become all of these other things that you have ascribed to the President. The President believes his inherent authority trumps FISA. That is what the amendment says. The President believes his inherent authority trumps Article I or the Constitution, and I respectfully disagree.

Recommitting this bill and adding this provision will make a good bill stronger and will honor the sacrifice and dedication of those who serve us so courageously.

Mr. HOEKSTRA. Mr. Speaker, I am opposed to the motion to recommit. The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleagues on the other side of the aisle for this motion to recommit so that we can talk about this issue.

The language that is being used to describe the President and the executive branch is absolutely outrageous. Today we have heard the charges "unlawful, reckless, abusive, infallible, without consulting with Congress." For 4 1/2 years, Republicans and Democrats have been brought into this program.

Immediately when this program was started, to protect Americans both here and abroad, the leadership, on a bipartisan basis, was informed on the program. They consistently on a quarterly or a 4-month basis met with the executive branch, met with the Vice President and the people operating this program, and they came back united and said this program is legal, it is limited, the safeguards are in place to protect American civil liberties, it is effective, it is making a difference, and it is necessary.

And only when someone leaked it to the press all of a sudden did it become all of these other things that you have ascribed to the President. The President has reached out. The President has worked with Congress to make sure that we address this issue.

America is at war. We were at war when this program started. We continue to be at war. Bin Laden was on tapes this weekend. Zarqawi is on a tape. We have bombings in Egypt, and troops in Iraq and Afghanistan. This continues to be the same thing that on a bipartisan basis people said needed to be done. It is legal, it is limited, it is necessary, and it is making a difference.

Mr. Speaker, I yield to my colleague from New Mexico (Mrs. Wilson).

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker.

I have to say to my colleague from California that I really don't understand. For over 3 years, the ranking member of the Intelligence Committee and the minority leader of this House, Ms. Pelosi, have gone along with this and accepted limited briefings without insisting that the Intelligence Committee be informed and that oversight happen.

In January of this year, Ms. Harmon said, "This program is essential to U.S. national security, and its disclosure has damaged critical national intelligence capabilities." But now that effective oversight is taking place, because I demanded it, and this committee, the Intelligence Committee, is conducting effective oversight, you now report.

Mr. SCHIFF has proposed not a benign piece of amendment, but a specific report on by-name targets, not only to the Intelligence Committee, but to the Judiciary Committee, an unprecedented release of sources and methods of intelligence that you know would compromise ongoing operations critical and vital to the security of this country.

The oversight of this program is proceeding. This committee went to the NSA on the 8th of April. We are going again on Friday. The Director of National Intelligence and the Deputy Director have briefed this committee, and continuing information comes in as we speak.

We will do our job as the Intelligence Committee, and we will also protect the security of the United States in the process. I urge my colleagues to oppose this motion to recommit.

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

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the maximum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 7, as follows:

[Roll No. 107]
Mr. SKELTON changed his vote from "no" to "aye." So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTROLD) announced the question on the passage of the bill. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Recorded Vote

Ms. HARMAN. 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—aye 327, noes 96, not voting 9, as follows:

[Roll No. 108]
Slaughter
Solis
Stark
Tauscher
Thompson (CA)
Tierney

Towns
Velázquez
Velasquez
Wexler
Wexler
Watson
Wynn

Waxman
Weiner
Weiner
Woolsey
Woolsey
Wynn
Wynn

NOT VOTING—9

25x20

Mossrs. GUTIERREZ, WYNN and DOGGETT changed their vote from "aye" to "no."

Mr. CUMMINGS changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TOM DAVIS of Virginia. Mr. Speaker, on rolcall vote No. 108, final passage of the Intelligence Authorization Act, I am recorded as not voting. Although I was present in the Chamber, my vote was not recorded.

I intended to vote "aye" and would like to be recorded as such.

PARLIAMENTARY INQUIRY

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LAHOOD. Mr. Speaker, when a Member of the House offers the motion to reconsider and is asked the question whether they oppose the bill and say that they do in order that they can offer the motion, is it a violation of the rules of the House that that Member then votes for the bill and contradicts his statement that he was against the bill when he offered the motion to reconsider? Is that a violation of House rules?

The SPEAKER pro tempore. The Chair would state to the gentleman from Illinois that the Chair takes a Member who makes that statement on the floor at his word.

Mr. LAHOOD. Is it a violation of the House rules for a Member to have the prerogative to offer the motion to reconsider and state at that time that they are opposed to the bill, and then vote for the bill, which is what occurred here on the House floor on the intelligence authorization bill?

The gentleman from California offered the motion to reconsider. He was asked by the Chair if he opposed the bill. He said he opposed the bill. And he is recorded as voting for the bill. Is that a violation of the House rules?

1738

1800

The SPEAKER pro tempore (Mr. KUHL of New York). Again, for the gentleman from Illinois, at the time that a Member makes his statement that he opposes the bill, the Chair takes him at his word. But it is not necessarily a violation of the House rules for a Member to vote one way or another.

Mr. LAHOOD. Well, Mr. Speaker, I think in the future, the leadership on the other side should instruct their Members about what the rules of the House are, that if a Member wants to offer a motion to reconsider, that is well within their right to do it, but they have to vote against the bill.

Let me ask another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. LAHOOD. Is it possible, then, for the Chair to instruct a Member that wants to vote against the bill that offered the motion to reconsider, that they in fact, according to House rules, have to vote against the bill? Can the Chair instruct a Member that perhaps does not know the rules of the House that when they stand up to offer a motion to reconsider and they are opposed to the bill, that in fact they have to vote against the bill?

They cannot have it both ways, can they, Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. LAHOOD. My parliamentary inquiry is, Mr. Speaker, can they have it both ways?

The SPEAKER pro tempore. The gentleman from Illinois will suspend.

Mr. LAHOOD. Can they have it both ways?

The SPEAKER pro tempore. The gentleman from Illinois will suspend.

As previously indicated to the gentleman from Illinois, the Chair takes a Member at his word when assessing his qualification to offer the motion. But it is not the province of the Chair to instruct a Member how to vote thereafter.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized.

There was no objection.

Mr. LAHOOD. Mr. Speaker, my response to my friend from Maryland is that I cast no aspersions on any Member. You know better than that. But we have rules around here, and people need to know what the rules are. When the Rules Committee folks come down here and criticize the majority because they do not particularly like the way the Rules Committee operates, then I think it is perfectly proper for Members to realize that if they want to offer the motion to reconsider because they have a grievance, they did not get their amendment, that is well within their right to do it; but they ought to do it under the rules of the House. That is my only point.

I cast no aspersions on Mr. SCHIFF. I have great admiration and respect for him. But I just think all the Members ought to know what the rules are around here.

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

Mr. LAHOOD. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Because the irony is Members are put in a position where they have no alternative by the Rules Committee because their amendments are not made in order, which may well have been supported by the overwhelming majority of the House of Representatives, and that is the position that Members are put in on a regular basis. The situation, I suggest to the gentleman, does, in fact, change if an amendment is defeated, and a Member then has a new judgment to make. That was my point.

Mr. LAHOOD. I take your point.
MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. McDERMOTT. Mr. Speaker, I offer a motion. The SPEAKER pro tempore. The Clerk will read the motion.

The Clerk read as follows:

Mr. McDermott 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. 4297 be instructed—

(1) to agree to the following provisions of the Senate amendment: section 101 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capital taxpayers), and

(2) to recede from 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.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Louisiana (Mr. McCRERY) each will continue the debate.

The Chair recognizes the gentleman from Washington.

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

Mr. Speaker, I rise on behalf of my Democratic colleagues to offer a motion to instruct the House conferees who are negotiating with Senators in a conference committee to work out differences on H.R. 4297, Tax Cut Reconciliation.

We have an opportunity to stand up for America's middle class, and I urge every Member to support the two key provisions in our Democratic motion: one, closing tax loopholes for oil companies; and, two, dropping the provisions in our Democratic motion: the tax on oil companies to pay their fair share in corporate taxes, and two, drop the provisions that the House should stop defending oil companies and start protecting the American people. It is also a time to represent all the American people, not just the top 1 percent.

We have a war we cannot pay for. We have a deficit we cannot control. We have a growing number of Americans going into poverty, cuts in student loans and cuts for needy families. And the Republicans think the answer is to give oil companies tax cuts and dividend cuts.

Over half of this benefit goes to people earning over $1 million a year, most of whom drive into the gas station and they do not even look at the pump to see how much they are extending their wealth while America has expanded its debt. This is not sound fiscal policy for the American people. It is reckless profiteering Republicans are providing the wealthy in this country.

The tax holiday continues for another 2 years, but the Republicans want to reward the rich by adding another 2 years; 2008 is not enough, they want to go out to 2010.

Now, the American middle class is struggling to make ends meet, and House Republicans are scrambling to reward their friends just months ahead of the election. In today's Washington Post, the majority leader of the House, Republican, says we will stop any attempt to deal with the oil companies and control their profits.

It is time to put the American people first, ahead of oil companies, ahead of special interests, ahead of the super rich. This motion to instruct is a call to restore the American middle class to its rightful place in the center of domestic policy. And I urge every Member to make America the only special interest we care about.

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

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material or be subject to the objection of the motion to instruct the House conferees on this many provisions, this Member believes that it is certainly ill advised in general.

As far as the specifics of the motion to instruct, Mr. Speaker, I said that I thought it was ill advised in terms of energy policy. Right now my constituents are concerned about the price of gasoline at the pump. Now, we all know there are lots of reasons for the price of gasoline going up. We all should know that among those reasons is probably the number one reason is the law of supply and demand.

If supply stays the same and demand goes up, generally speaking the price goes up. If supply goes down and demand stays the same, price goes up. If supply goes down and demand goes up, the price goes up even further. Certainly, with the effects of Hurricanes Katrina and Rita and increased demand from China, India and other developing nations around the world, we can see that there is indeed less supply and more demand.

Now, also I think a commonly held and commonly believed law of economics is if you tax something, you get less of it, well, that is what this motion to instruct would have our conferees do. We are going to tax oil more, and if you tax oil more, you are going to get less of it. That exacerbates the problems that we are experiencing right now with the price of gasoline. If you tax the supply more, you are going to get less supply, but you are not going to do anything on the demand side. So that would make things worse at the pump, not better.

Mr. Speaker, on the issue of the capital gains and dividend tax, we believe that those two provisions are principal reasons that our economy has continued to grow over the last several years, that several million jobs have been created in this country over the last several years. In fact, the stock market has reached its highest point in 6 years.
partly because we believe in these two very important provisions.

These provisions on capital gains and dividends allow corporations to make sound decisions, to plan their decisions on the allocation of their profits to sharehold the cash. This provision encourages corporations to do that. So not only is it good tax policy, it is good policy in terms of transparency of corporate activity.

It is good tax policy also because it lessens the double taxation of corporate profits. Right now when corporations make a profit, they pay the corporate income tax rate on those profits. Then when they send some of those profits back to shareholders in the form of dividends, the shareholders have to pay tax on the dividends. So that income, that corporate income, is taxed twice.

At least by lowering the rate of taxation on those dividends, we have lessened the double taxation of corporate income, and that, I would submit, is good tax policy and should be continued.

As far as my friend from Washington’s characterization of capital gains and dividends being for the super rich, well, I think that does not bear out that characterization. The Joint Committee on Taxation data show nearly 60 percent of Americans receiving capital gain or dividend incomes have incomes of $100,000 or less. That is not super rich. One in five taxpayers, 20 percent of taxpayers with capital gains, and one in four, 25 percent of taxpayers with dividends, have incomes below $50,000 a year. That certainly is not the super rich.

So, Mr. Speaker, I would submit that the gentleman’s motion to instruct conferences should be soundly defeated. Give our conference the flexibility to deal with our Senate colleagues and produce a meaningful tax reconciliation bill.

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

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

Mr. Speaker, I will enter into the Record the Federal Reserve study article that is in the Wall Street Journal which says “Did the Dividend Tax Cut Work?” No. Absolutely not. It “did not boost market’s aggregate value,” and it has been a dud.

From the Wall Street Journal, Dec. 6, 2005

__Did the Dividend Tax Cut Work?__

(From Karen Richardson)

When President Bush slashed the tax on dividends in 2003, supporters hailed the move as a way to stimulate the economy and boost the stock markets.

At least for the stock-market part of that plan, the jury is still out. A group of Federal Reserve Board economists concludes that the tax cut, which slashed the dividend-income tax on stocks to 15% from about 30%-38%, was a dud when it came to boosting the stock market.

The stock market remained subdued and passed in 2003—a time period, they say, that the stock market should have reacted most strongly.

Nor did the tax cut lead to a significant increase in the amount of money companies paid out to investors as a proportion of their earnings, the study adds.

“We fail to find much, if any, imprint of the dividend tax cut news on the value of the aggregate stock market,” the economists—Shane Anson, Dolph Harrison, Nada Liang and Steve Sharpe—wrote in a paper they presented in October.

Administration supporters point to the 2003 tax cuts’ outcome and long-term capital gains (also reduced to about 15% from about 20%) as successful centerpieces of President Bush’s economic policy.

White House officials already are lobbying for an extension of the tax cut, which expires in 2008. The White House budget office, in a memo to the Senate in November, said the extensions are needed to provide certainty for investors and business and are essential to sustaining long-term economic growth.

The Fed economists’ paper compares U.S. stock-market returns with those of European stock over various “key periods” in 2003. The economists tracked stock performance from December 2002 to January 2003, after the Bush administration officially announced the tax-cut proposal, and two weeks in the latter half of May, when the tax cut was being discussed in the Senate and was eventually signed into law by the president on May 28.

While those “event windows” are small, they are sufficient to capture the stock market’s reaction to news of the tax cuts, the economists say.

“The markets should have absorbed the tax-cut news within a month, if not a week or a few days, afterward, since markets are somewhat efficient in responding to news,” says co-author Mr. Sharpe.

Theoretically, U.S. stocks should have performed better than European stocks because U.S. investors, who hold far more U.S. stocks than European stocks, would benefit from the tax cut and would buy stock prices with their new expected windfall.

Instead, the economists found that the S&P and Euro 350, which covers about 70% of Europe’s stock market, performed similarly to or better than U.S. stocks tracked in the S&P 500.

The authors assumed that the anxiety of the impending war in Iraq was the main influence on all stock markets around the world over those periods. So by comparing European stocks with U.S. stocks, they aimed to control for world events. Thus, “any effect of the dividend tax should have resulted in a differential in performance,” according to Mr. Sharpe.

Still, they were able to address other factors that might have caused a drop in European stocks or a drop in the U.S. market during the review periods. For example, in the U.S., a stock-market rally in early January that some observers at the time said might have been driven by the tax-cut news ended after a few days when aluminum giant and Dow Jones Industrial Average component Alcoa Inc. reported bearish fourth-quarter results. Also, a terrorist bombing in Saudi Arabia rattled the U.S., along with concerns about the weak dollar. Meanwhile, some European firms were reporting strong earnings.

While more companies paid out dividends in 2003, they didn’t increase their average total payouts to shareholders as much as they have in the past. The authors found that 66% of S&P 1500 firms increased their total payouts to shareholders that year—through some combination of dividend payouts and share repurchases—compared with the average of 89% that did so in the period of 1993 to 2002.

Did the dividend tax cut prompt a substitution from repurchases to dividends, but the effect on total payouts was much more muted, “the authors conclude.

Further market observer put it differently. The dividend tax cut “definitely” helped to stimulate the stock market, and has contributed to the slow but steady increase of total payouts this year, says Howard Silverblatt, equity market analyst at Standard & Poor’s.

According to Mr. Silverblatt’s research, the tax cuts on both dividends and long-term capital gains will result in individual investors saving a total of $114 billion from 2003 to 2008. “We believe a lot of that will filter back into the stock market,” he says, pointing out that investors often reinvest their windfalls in other stocks.

The ACCESS Financial model shows that dividend tax cuts should theoretically result in higher stock-market returns each year, while, not surprisingly, higher tax rates would lower the returns.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN). (Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, this vote is going to be scored by the American people, and it is going to speak volumes about whether people just talk or whether they act. We know what is happening at the gas pump. The average price is $2.92. A gallon of gas today is 71 cents more than a year ago.

There were two announcements today on profits: Conoco, quarterly up 15 percent; Valero Energy Corporation, the Nation’s biggest independent oil refiner, said Tuesday its first quarter profit jumped 60 percent as revenues surged from higher product margins and greater refining volume.

As we looked into the future, we want to give a $60 million compensation package and a $98 million pension payout to its former CEO, but can’t do anything about these sky-high prices.

Well, what is before us? Yesterday the President said, “Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don’t need unnecessary tax breaks.” That is exactly what these provisions are.

Don’t obscure and talk about windfall profit taxes. We will talk about that some other day. These are three provisions that passed the Senate that clearly are a tax break, a loophole, and clearly is something that we will get rid of if we have the chance.

Mr. McDERMOTT has quoted the head-line from The Washington Post. “GOP,” that means the House GOP, “blocks measures boosting taxes on oil company profits. Provisions passed by the Senate would raise about $5 billion.” So there is a clear choice today.

I did look at the report on contributions to candidates by the oil and gas
industry in this cycle. The top 10 are all Republicans. People are going to have to decide what interests they are going to support.

Mr. McCrery, you said “tie the hands.” There are 100 provisions. This is three plus one. Tie the hands? No. What we are trying to do is to speak up for the people of this country. I close with this: you always talk about one aspect in terms of capital gains dividends. What you don’t say is that every analysis we have seen indicates that this extension that you are insisting on, about 40 to 50 percent, and some say a little more than 50 percent, would go to people making over $1 million a year.

So tomorrow when people vote, they are going to have a clear choice. It is going to be the vast majority of the American people who go to the gas pump and know how much they are paying and are hurting; or people for whom that increase to three bucks a gallon and more doesn’t really matter. So, as I said at the beginning, I don’t know which interest group is going to score this. I know how the American people want to score this.

Mr. McCrery. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Herger), a distinguished member of the Committee on Ways and Means.

Mr. Herger. Mr. Speaker, I want to refer for a moment to how the seniors in my northern California district, under the nonpartisan Tax Foundation which I quote: “Please do what you can to see that the 15 percent tax rate on dividends is extended, and, when the time is right, to see that it is made permanent. I am one of the retired who are not rich and not poor, but over time have saved enough and invested enough so that I am comfortable. I depend on the money from investments to put me in the ‘comfortable’ area. The President urges people to save for their retirements. It is only fair that the fruits of those efforts are given their due.”

These comments highlight a part of the debate frequently ignored. A majority of seniors benefit from reduced capital gains taxes and dividend tax rates.

They also track with the study by the nonpartisan Tax Foundation which states, “As stock ownership becomes more universal in America, stock owners are becoming increasingly middle-class.” It continues, “A sizable percentage of taxpayers who claim dividends or capital gains are over age 55, and the majority of taxpayers over age 55 claim some form of capital gains or dividend income.”

Mr. McCrery. Mr. Speaker, I urge my colleagues to reject the motion to instruct conferees and in so doing support the extension of capital gains and dividend rates.
And we drill for oil in California. And we drill for oil in Texas. And we drill for oil in Kansas. And all of those are very densely populated areas of the United States. We are all concerned about the environment. We want to do it in a safe way.

And yet I have been up to the ANWR in Alaska. There is nothing up there. Alaska is three and a half times the size of Texas, and we can get between 1 and 2 million barrels of oil a day, which would reduce the problem of supply and demand. And it almost all of my Democratic colleagues who are down here hollering to high heaven tonight about the energy prices, they voted against it.

They sold out to the environmental people saying, oh, my gosh we cannot drill in the ANWR, which is 5,000 miles from nowhere. We cannot drill in the ANWR because we want to protect some animal that is not up there.

Then they came down here and have the audacity to tell the American people the reason the price of gasoline is so high is because of the Republicans, when they have, since the 1970s, not done a darn thing to deal with the energy problem, even when they had a majority for 40 years. It really bothers me. It bothers me a great deal. We have got a 500-year supply of natural gas in the ground in this country, in the continental States of the United States, and yet we have not drilled deep enough to get at it. We are not drilling enough to get at it. We are not drilling in the offshore area enough to get at it. And we have not drilled in the Arctic enough to get at it.

And yet they will come down here to tell you that we want your vote in November. But you are not going to get a vote in November. You are going to get your gasoline prices in November.

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

Madam Speaker, I will enter into the RECORD at this point an article from the Wall Street Journal dated January 31, that talks about Exxon’s excess profits, and also the one from The New York Times from April 13 about the Exxon chairman’s retirement package of $398 million.

[From the Wall Street Journal, Jan. 31, 2006]

**Exxon Posts Another Record Profit**

(By Jeffrey Ball)

Exxon Mobil Corp., the world’s biggest publicly traded oil company by market value, raked up another record profit, saying its fourth-quarter earnings surpassed $10 billion, a result of high oil prices, and 27% from $8.42 billion a year earlier and 8% above Exxon’s third-quarter result of $9.92 billion, which itself was a company record. Exxon said fourth-quarter revenue was $107.3 billion, up 20% from $86.37 billion a year earlier.

The Exxon result amounted to a profit of about $1.82 a share for the period. It was one of the biggest quarterly profits of any company in history. Though a handful of other companies have posted higher quarterly profits, those were largely accounting adjustments, while Exxon’s result came mainly from operations.

Net income per share was $1.71, compared with $1.30 a share a year earlier. Exxon’s results included $890 million related to a lawsuit. The result surpassed the predictions of a Wall Street that expects boom times in the oil patch. At 4 p.m. in New York Stock Exchange composite trading, Exxon’s shares rose $1.82, or 3%, to $63.11.

The biggest driver of Exxon’s surging profit was high energy prices amid the world’s increasing thirst for oil and natural gas. The company’s “upstream” earnings—income from producing and selling crude oil and natural gas—rose 44% from a year earlier. Exxon’s “downstream” earnings—what the company makes from refining crude oil into gas and heating oil and selling them—rose 2% from a year earlier. Higher prices for those products were partly offset by lower production volumes following the hurricanes that temporarily shut down a big chunk of the U.S. refining infrastructure.

Exxon’s refinery in Irving, Texas, was the latest major U.S. energy company to report roaring fourth-quarter results because of high energy prices. Exxon’s profit soared even though the company produced less fossil fuel. Total oil output fell 2% in the fourth quarter; refining output fell 1% from a year earlier; the company said.

Oil production rose 2.5% as increased output from West Africa, Azerbaijan and the North Sea and North America fields, continuing below-normal production in the Gulf of Mexico as a result of the hurricanes and other factors. Natural-gas production fell 5.8%.

Exxon’s record take is likely to ratchet up calls in Washington for a crackdown on energy-industry profits. President Bush today is to deliver his State of the Union address to a nation pinched by high energy costs.

The Senate has passed two provisions that would effectively raise the tax bills of major oil companies. One would reduce their ability to trim tax bills with an accounting method known as “last-in, first-out,” which ties the cost of goods sold to the cost of the most-recent purchases. The other would raise taxes against U.S. tax bills for the taxes they pay in some oil-rich countries. Oil-company officials say they consider the two a threat. Analysts doubt the measures will pass the House.

Exxon has been trying to pre-empt a backlash. Exxon said it is boosting spending on finding and producing more crude oil and natural gas. Capital and exploration spending in the quarter was $5.3 billion, up 26% from a year earlier, a sizable rise by industry standards.

[From the New York Times, Apr. 13, 2006]

**Exxon Chairman Got Retirement Package Worth At Least $388 Million**

(By Jad Mouawad)

Last year’s high oil prices not only helped Exxon Mobil report $36 billion in profit—the most ever for any company—they also allowed Lee R. Raymond to retire in style as chairman of Exxon Mobil.

Mr. Raymond, chairman and chief executive officer, will turn off his pay package worth about $140 million last year, including cash, stock, options and a pension plan. He is also entitled to stock, options and long-term compensation worth at least another $258 million, according to a proxy statement filed by Exxon with the Securities and Exchange Commission yesterday.

The total sum for Mr. Raymond’s golden years comes to at least $398 million, among the richest compensation packages ever. The record was the payout of $550 million to Michael D. Eisner, the former head of Walt Disney, in 1997.

Exxon’s board also agreed to pick up Mr. Raymond’s country club fees, allow him to use the company aircraft and pay him another $1 million to stay on as a consultant for another year. Mr. Raymond agreed to reimburse Exxon partly when he uses the company jet for personal travel. “It began the old question again. When is enough, enough?” said Brian Foley, an executive compensation consultant in White Plains. “This looks like a spigot that you can’t turn off.”

Exxon, 67, spent 43 years at Exxon, including 12 as chairman. He orchestrated the merger between Exxon and Mobil in 1999, making it the largest oil company in the world. As well as the merger, Mr. Raymond was widely recognized for his financial acumen and focus on cost-cutting, whether in good times or bad. Some of the company’s recent success, of course, can also be attributed to the doubling of oil prices over the last two years, higher refining margins and record high demand.

Mr. Raymond’s Exxon showed record earnings, the total return to shareholders over the last five years averaged just under 8 percent a
year, about the same as the industry average.

‘‘The numbers reflect the long-term nature of Mr. Raymond’s leadership at the corporation, and a long and distinguished career. Mark Boudreaux, a spokesman for Exxon, said, ‘‘The compensation committee considered his performance and the fact he guided the company to industry-leading earnings for multiple years.’’

Exxon’s proxy filing also showed that Rex W. Tillerson, the current chairman and chief executive, received $18.4 million in 2005, about a third more than what he got the previous year. That includes $1.07 million in salary, a $1.25 million bonus, restricted shares worth $7.5 million, and an incentive payout of $1.73 million. He also realized $2.3 million by exercising stock options he held.

Mr. Raymond owns 3.26 million restricted shares worth a total of $138 million as of December 31.

Those shares produced a separate windfall of $3 million in cash dividends. Mr. Raymond also owns 4.15 million options that hold a potential value of $66.6 million.

Upon retiring at the end of last year, Mr. Raymond pocketed his pension and benefits as a one-time lump sum instead of receiving annuities. That amounted to $98.4 million.

The company also paid $210,800 for Mr. Raymond’s country club fees, financial planning and tax assistance services. It also provided two years of protection for Mr. Raymond’s security system for his principal residence, security personnel, a car and a driver.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I rise in support of the motion to instruct conferees. I wish to thank my colleague from Washington for yielding, and, more importantly, for his leadership on this important issue.

Mr. BISHOP. Madam Speaker, I remind the American people last week that he is a decider. His decisions affecting our economy, gas prices in particular, decidedly favor the wealthiest of his base. Thanks to terribly misguided tax policies, oil and gas CEOs get two tax breaks for the price of one.

Subsidies worth 16.5 billion in the energy bill make it possible for oil and gas companies to lavish obscene compensation on their CEOs, who then, in turn, get to claim another break on capital gains and dividends.

This helix both the need for permanent rate cuts and the industry’s argument that market forces instead of price fixing are responsible for gas prices approaching $4 a gallon. Do not take my word for it. IRS data show that for the 90 percent of all taxpayers who made less than $100,000, dividend cuts benefited only 1 in 7, and capital gains reductions helped just 1 in 20. While congressional leaders seem prepared to allow a stealth middle-class tax increase, which will negatively impact 19 million families, they are insisting on extending the dividends and capital gains cuts which will shower benefits on only 224,000 families in the main.

We can thank our President and congressional majority for these terrible choices and for the disastrous results.

Therefore, Madam Speaker, I urge my colleagues to support the McDermott motion to restore sanity to our economic and energy policies, and so that they reflect the real values, needs and priorities of middle-class families and consumers.

Mr. McDERMOTT of New York (Mr. HIGGINS). Madam Speaker, I thank the gentleman from Washington for yielding me time, and support his motion to instruct.

Madam Speaker, the American people and the people from western New York are at the center of the energy policy disaster. The House majority told the American people that upon passage of the energy bill, that it would reduce our dependence on foreign oil, and it has not. They told us that it would cut the price at the pump, and it certainly has not. They told us this bill, with its incentives to Big Oil, would promote the development of alternative energy sources, and it has not.

The President told the American people in January that they were addicted to oil and signed a bill 5 months previous to that that provided huge subsidies, some $15 billion in tax giveaways, to the very companies who are feeding that addiction.

Madam Speaker, I urge support of this motion to put real muscle in this Nation’s energy policy to promote real alternatives to foreign oil that promotes alternative energy sources and provides real relief to real Americans who every day are paying far too much for gasoline at the pump.

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

Mr. McDERMOTT. Madam Speaker, I yield 4 minutes to the gentleman from South Dakota (Ms. HERSETT).

Ms. HERSETH of South Dakota. Madam Speaker, I thank the gentleman for yielding me time.

Before I address some of the specific provisions of the motion to instruct, which I urge my colleagues to support, I do need to take a moment to respond to Mr. BURTON, the gentleman from Indiana, who spoke moments ago.

In my opinion, we need to elect people who will make a true commitment to developing renewable energy in this country. His statements toward all of us on this side of aisle, respectfully, were overinclusive. I am someone who has supported a balanced and diversified energy policy and an approach to meeting the needs of this country that includes domestic oil and gas exploration.

But even using the best estimates of our percentage of world’s reserves of our domestic oil supply, we simply cannot drill our way out of this problem. And step number one should be a true commitment to renewable energy, not step number one being where we can drill next.

In recent days we have heard a lot of rhetoric from our colleagues on the other side of the aisle regarding the need to provide relief for those facing severe hardships due to skyrocketing energy prices. I know I agree with the need to act. We should have acted last fall when we confronted the same problem. This is probably the most pressing concern on the minds of my constituents in South Dakota right now, who, as rural citizens, drive further to work, drive further to get their kids to school, drive further to get to the doctor. We had farmers who had the most expensive harvest last fall because of fuel prices, who are now facing the prospect of the most expensive spring planting season for the same reason.

So I am sincerely hoping that my colleagues ultimate actions on the other side of the aisle will reflect and match their words.

I remind you that House Republican conferees have been objecting to Senate-passed provisions in the tax reconciliation package that would strip unnecessary oil company tax breaks from the bill. This includes some suggestions to arcane inventory laws and other reasonable changes that Big Oil simply does not need in this time of record profits and record prices, as my colleagues have noted.

So adopting these Senate provisions would raise nearly $5 billion in Federal revenue over 5 years. That is very good in this tight budgetary environment, and it is an important reason to do it, but it is not the primary reason to do it.

The primary reason to do it is that Big Oil is making record profits, profits made on the backs of taxpayers who are truly struggling to fill their tanks. And those same taxpayers should not be subsidizing them with unnecessary tax breaks that the oil companies clearly do not need.

Madam Speaker, I oppose this whole reckless tax package, because at a time of record deficits in this country, we simply cannot afford to pass a budget bill that actually makes the deficit worse.

This motion to instruct by my colleague from Washington is an opportunity to inject a small amount of sanity and fiscal discipline into what has only been a bumbling process. The Senate saw the wisdom of including these provisions and the folly of continuing to grant more than $5 billion in tax breaks to huge oil companies at a time of record profits and record prices. Even President Bush said yesterday that at least $2 billion of the subsidies to Big Oil through special tax breaks lavished by the Republican Congress on the oil companies is unnecessary.

I only hope that the conferees from this Chamber also see the correctness of the President’s statement and the Senate approach to these provisions, agree to this motion, and to recede to
the Senate provisions in the bill. It will benefit all Americans as both energy consumers and taxpayers.

Madam Speaker, I urge my colleagues to support the motion.

Mr. McCrery. Madam Speaker, the gentlewoman from South Dakota said step one should be something, and I would submit to the gentlewoman that the energy bill we passed was a much better approach than step one. It was step one, two, three, four and five. We don’t need to do just one thing. We need to do a number of things to increase supply in this country, to reduce demand, and to wean ourselves from dependence on foreign oil. The energy bill that we passed just recently does that. It will take some time.

But we addressed in that bill her step one, our step one, as she characterized it, and several other steps. In our bill we did include some provisions that would encourage more exploration and production in this country of oil and gas, but we also included provisions that would increase our refining capacity for gasoline that is part of the supply problem.

Her party has chosen for their own reasons, over the last number of years, to consistently block measures, other measures designed to increase production in this country. The gentleman from Indiana earlier spoke of some of those. Our bill encouraged increased production, not as robustly as we would have liked to. We would have liked to have included exploration of ANWR, for example. We would have liked to have included greater exploration and production of offshore capacity in this country that we know we have. But we did address that step one, our step one, as she characterized it.

But we also included provisions encouraging conservation of fuels. That is an important element of getting this supply-and-demand situation under control. We did also include about $3 billion in that bill for renewable fuels. So we took a multifaceted approach in our energy bill that we did pass and got signed by the President, to address this very vexing problem of supply and demand of the primary energy source for this country.

Whether we like it or not, oil and gas is going to be the primary energy source for a long time. Yes, we should pursue renewable fuels. Yes, we should pursue research into fuels that we can use other than oil and gas, but that is going to take time. We all know that. So in the meantime, we ought to be doing those things, but also encouraging an increase in the supply here in this country of oil and gas. We have tried to do that.

This bill, as I stated earlier, would exacerbate the problem of supply. It would do so by increasing the pressure on prices at the pump. A $4.1 billion tax increase on oil is not going to lower the price at the pump. If anything, it is going to increase prices at the pump when you raise taxes on the supply. That is what this motion to instruct would have us do, $4.3 billion retroactive tax increase.

This accounting provision that is the subject of this provision of the opposing party is known to every corporation that has inventory, not just the oil and gas industry; every corporation that has inventory in any industry uses this accounting system. Last in, first out, LIFO accounting system.

This provision supported today on the floor by the Democrats would say the oil and gas industry would be the exception. They would be the only industry that could not use this standard accounting system.

Is that fair? I don’t think so. If you think that is a commonsense way to do the accounting of inventory, let us apply it to all industries in this country. We don’t hear the Democrats proposing that. Why? Because they know it would not make much sense from an accounting standpoint.

If you apply this provision to the oil and gas industry, it amounts to a retroactive huge tax increase on that industry at the very time that we need to be lowering their costs, not raising them. That provision that we haven’t talked about too much this evening applies to foreign tax credit rules. They are calling it a loophole.

Well, what this so-called loophole does for the oil and gas industry, that also applies to other industries across America, reduces the level of double taxation of profits of our American companies gained overseas with their overseas operations.

Is it right for an American company who is doing business, say, in Europe, to pay the tax in Germany and then have to turn around and pay tax on the very same income here in the United States? Surely, surely we don’t think that is fair. Surely, we don’t think that is fair. We don’t think that puts our domestic corporations in an equitable position vis-a-vis their world competitors.

Surely, we must realize that if we double-tax American companies’ income derived from overseas operations, we are putting them at a disadvantage in the world market. We are guaranteeing they are going to lose market share to foreign companies. Should that be the policy of this Congress? I certainly hope not, but that is what this provision of the gentleman’s motion to instruct would accomplish.

Now, getting back to dividends and capital gains, the IRS preliminary data from 2004, which is the first year we have since the passage of a lower dividend rate, shows us that dividends paid by corporations in 2004 over 2003 increased by 30 percent. That should be proof positive that the change in the law we made produced the desired result.

Properly calculated, corporations started paying more out in dividends. That has salutary effects not only for the senior citizens that Mr. Herger talked about earlier who depend on dividend income in their retirement, it also has a salutary effect on corporate management, corporate accountability. These are very sound tax policy provisions that this Congress wisely enacted a couple of years ago, and we certainly should extend them 2 more years to give certainty to those corporations that are trying to plan their corporation’s ability to raise money and to distribute or allocate their profits to their shareholders.

Madam Speaker, I would submit that this motion to instruct should be defeated for a number of reasons, and would hope that the House would soundly reject this tomorrow when we have a chance to vote on it.

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

Mr. McDermott. Madam Speaker, it is always interesting to listen to my good friend from Louisiana defend the Republican Party. It is the party of 1 percent that he is over there defending. And I am glad to answer to him. I am glad of a remark that President Reagan was often fond of saying. He would say, well, there you go again. If he were here today, he would say exactly that, and he would be absolutely right.

So the American people are stuck with the Republicans, and the people should remember that as the election comes, because the Republicans stood out here today and said they cannot do anything.

We went after the oil companies to get some of that money to do things with that this society needs, but the Republicans are only interested in the 1 percent. The other 99 percent are not on their own luck. There has been a lot of energy here tonight telling us how big oil companies should continue to fleece the people at the pumps. But that is what big oil companies have a right to do, and we all should pay more. They want to be sure that we continue to have the American millionaires have 2 more years of a comfortable tax holiday.

Now, people can talk about numbers out here, but I want to talk about a thing that really matters. It is the Exxon chairman who just retired. They gave him $396 million. This is a guy making $1.6 million every year, okay? I mean, that is just for starters.

Now, as he retired, they said we know you are going to play golf when you are retired, we will pick up your golf fees. They will pay his golf fees forever at $210,000 a year. I mean, they are going to let him use the corporate airplane for the rest of his life, and they are going to keep him on for a year at $1 million as a consultant.

Then there is Joe Public. He is at the pump tonight, or he is watching us talk about this, having just come from...
the pump, or Sally Public, either one of them has been to the pump today, and they have watched that thing go around at $3 a gallon and realized the average income in this country is $40,000. Forty thousand dollars.

Now, the Exxon president or the executive that we just talked about, is going to get a $32,000 tax break from this bill that my friend says is going to somehow cripple the economy.

What is fair about that? The average person has to buy gasoline to get to work, take their kids to school, heat the house. If you live where I do, you do not need so much heat as you do in other parts of the country, and down where the gentleman from Louisiana lives, you do not need much heat. But other places they have to use a lot of heat in the wintertime. They are still paying 4 bucks a gallon for it, or are going to be paying 4 bucks a gallon. The average person, you talk about these capital gains; oh, well, everybody gets it. The Exxon chief will take $32,000 in tax breaks away on average, and the average $40,000 person in this country is going to get 7 bucks. That is the average. That is 2 gallons of gas.

Now, is that fair? Is that what you think America is all about? Is that what the Republicans say? Well, you know, the gas prices are going up. I guess it is supply and demand. I don’t know. I don’t know how come the oil companies are making all this extra money. We shouldn’t be able to cut down how much money they make. They should just be able to make more money. They are taking it out of the hides of the working people in this country.

Now, we don’t want people on welfare, no, sir. We don’t want people on welfare. You can’t buy a house in many places or find a place to live in many cities because the prices are so high.

When I was in New Orleans just about 4 or 5 weeks ago, I asked the president of Tulane Medical School, if I could do one thing for you, what would it be? He said, do you know what it would be? Bring some housing downtown, because all my nurses have to live 70, 80 miles away and drive into work every day, and all the workers in the hospitality industry have to live out of town. They are all paying 4 bucks a gallon for gasoline, driving all the way from Baton Rouge to the city every day. It is all over this country. You are sitting here telling us that we cannot do anything, that Big Oil has to be protected. Well, they will just go down in a pile.

Then the real interesting part is to come out here and blame the environmentalists. Here we have got global warming, absolutely clear, and everybody is talking about the environmentalists saying, oh, they are the ones who are creating the problem. We have got to get off oil.

The President, I got to say, occasionally the President is right. I don’t say that very often on the floor, but I will say the President was right when he said we are addicted to oil. Boy, this Congress is addicted to oil. When we cannot close three loopholes and take back $5 billion that we could use for home heating oil or student loans or Medicare or Medicaid or all the things that the President says we can’t take that and use it for the public good, there is something very wrong in this society.

And if the people are going to have a choice in November, they are going to say, well, Republicans stood by and watched the deficit go up out of sight, and they watched the oil prices go up out of sight, and they said, well, we don’t know what to do. Nothing we can do about that. We have to keep passing tax breaks to the 1 percent in this society who are doing very well.

The President gets out there and tries to tell you all about things that are going well in this country economically, but the people don’t believe it. You know why? Because it isn’t going well for most people. They are stuck with $3- and $4-a-gallon gas. They have no way of getting around, have to ride your bike 70 miles into town to get to work. Now, you can do it, but it really takes a lot of effort. Most people aren’t able to change from a car with a gasoline engine to a bicycle, so they are stuck. They can’t walk to work. They are stuck in this society. In our city they are talking about raising the rates on the mass transit because of the cost of gasoline. So even those riding the bus are going to get socked by this.

When we come out here and offer a modest motion to something that the Republican Senate went along with, you know how bad it is. And that is the irony of ironies, to have me up here arguing for three amendments that have been approved by the Republican Senate. If I will go along with that, I will take anything to make it better for the American people. But not the Republicans in the House. Oh, no, no, no, must not touch the oil companies. Huh-uh. We can’t take a single dime away from them or the whole thing will come unraveled.

And they want to be sure that America’s millionaires are comfortable for at least two more years of tax holidays.

Meanwhile, everybody else getting for their fiscal recklessness.

They can’t do anything about gasoline prices, and won’t fight to make oil companies pay their fair share in taxes—fair share—like the rest of us do.

They can’t do anything about the rise in poverty in America, where one in five children—1 in 5—lives in poverty today.

They can’t do anything about helping Middle Class kids have access to student loans to pay for college.

They can’t do anything about a prescription drug benefit that benefits the drug companies and confounds senior citizens.

They can’t do anything about controlling special interests, because they are the Party of special interests. Republicans are the Party of One Percent.

If you’re a fat cat, Republicans are inviting you to dinner, and they are serving the American middle class.

We have an opportunity to do something that benefits the American people, all of them. The oil companies ought to pay their taxes like everyone else. And millionaires will just have to manage with only two more years on tax holiday.

We have an opportunity to take a stand for the 99 percent of the American people who have been left out of a Republican nation.

The American people should be first in line, not first to pay.

It’s time we do something about it.

Pass this Motion to instruct. Make this the day we tell the oil companies to supply the demand and stop demanding more tax subsidies to enrich only themselves.

I urge my colleagues to vote for this and something for the American middle class.

The SPEAKER pro tempore (Mrs. DRAKE). 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 Washington (Mr. MCDERMOTT). The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

I urge my colleagues to vote for this.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.
H1820
CONGRESSIONAL RECORD—HOUSE
April 26, 2006

Order 13338 of May 11, 2004, concerning certain actions of the Government of Syria. In Executive Order 13338, I determined that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction, and adhering to international laws and norms, constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and declared a national emergency to deal with that threat.

The United Nations Security Council, in Resolution 1595 of April 7, 2005, established the international independent investigation Commission (the “Commission”), reiterated its call for the strict respect of the sovereignty of Lebanon, and reaffirmed its unequivocal condemnation of the February 14, 2005, terrorist bombing that killed Lebanese Prime Minister Rafik Hariri and 22 others. The Commission’s charter included identifying the bombing perpetrators, sponsors, organizers, and accomplices. United Nations Security Council Resolution (UNSCR) 1636 of October 31, 2005, called upon all States to provide all possible assistance to the Commission concerning its investigation into the February 14, 2005, terrorist bombing and to freeze the assets of those persons designated by the Commission or the Government of Lebanon as being involved in this terrorist act, upon notification of such designation to, and agreement of, the Committee of the Security Council established by UNSCR 1636. United Nations Security Council Resolution 1644 of December 15, 2005, condemned other terrorist attacks in Lebanon since October 2004 and reaffirmed that all those involved in these attacks must be held accountable for these crimes, and in doing so, authorized the Commission to extend its technical assistance to Lebanese State institutions with regard to their investigations regarding the terrorist attacks perpetrated in Lebanon since October 1, 2004.

In view of UNSCR 1636, my new order takes additional steps with respect to the national emergency declared in Executive Order 13338 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be, or to have been, directly or indirectly, any person designated pursuant to this order, or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person designated pursuant to this order.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as amended (22 U.S.C. 287c), as may be necessary to carry out the purposes of my order. The order was effective at 12:01 a.m. eastern daylight time on April 26, 2006. I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH,

THE WHITE HOUSE, April 26, 2006.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, any previous order of the House, the following Members will be recognized for 5 minutes each.

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

Mr. DeFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

IRAQ FORUM

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to speak out of order.

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

Ms. WOOLSEY. Madam Speaker, the carnage and the bloodshed continue in Iraq. Things are getting worse, not better. April is indeed the cruellest month for 63 American soldiers who won’t be making it home. In fact, it is the deadliest month so far in the year 2006.

We are coming up on the 3-year anniversary of the President’s infamous aircraft carrier flight suit stunt, and I am still looking for someone who can answer this question: How is it possible that we have lost more than 2,000 of our troops after this mission was supposed to accomplish?

Today’s big headline? The President has a new war. As if the same talking points, the same platitudes, the same wretched ideas coming out of a different mouth is going to make a lick of difference. The White House doesn’t have a PR problem, it has a policy problem. Do they actually think two out of every three Americans are unhappy with the President’s performance because of his Press Secretary? Are they that dismissive of the intel of the people they are sworn to serve?

It is as if the administration were our landlord in a house that was being condemned, with a foundation crumbling and every corner infested with vermin, and when we raise complaints, they go ahead and change the drapes. There will be a new talking head at the briefing room podium, but the administration’s approach remains stubbornly resistant to change.

The other big news of the day is that Secretaries Rice and Rumsfeld dropped in on Iraq, and from this visit we learn that there may be a troop reduction by the end of the year. But that strikes me as a cosmetic, contrived move that is driven by the political calendar. It is clearly not enough.

Remember, this President, who says he doesn’t believe in timetables, made it perfectly clear that he intends to keep our troops in Iraq for at least as long as he is in office. And there is every reason to believe that the construction of permanent military bases has begun. This is exactly the opened, long-term occupation that fuels the rage of the insurgency.

For one, am I not willing to stay silent on the sidelines. I will do everything in my power to make the case that the troops should come home now.

I will continue to explore alternatives to our current Iraq policy, and I will continue to shine a spotlight on conditions on the ground in Iraq.

To that end I invite my colleagues to join me tomorrow morning as I convene a forum that will help put a human face on the Iraq conflict. We will draw from an impressive panel of witnesses, including...

A Georgetown professor, who spent the bulk of his career with the CIA, where he was considered one of the Agency’s preeminent counterterrorism experts...

We will hear from a Shia Iraqi woman, a civil engineer married to a Sunni, who has lived through the invasion and the occupation and then fled to Jordan after her son was briefly detained as a political prisoner... A marine who served in the Iraq war and was discharged last year due to his post-traumatic stress disorder...

A young American doctor, half Iraqi, half Jewish, who recently returned to the United States from the battle zone with his young child... She has put her medical practice on hold to raise awareness about the devastating impact the war is having on the people in Iraq.

I will also be joined by several of my colleagues, the gentleman from New York (Mr. Hinchey), the gentleman from Maine (Mr. Allen), the gentleman from Massachusetts (Mr. McGovern), the gentleman from North...
Ms. WATERS, among other Members of women from California, Ms. LEE and to read a few of those tonight. me about this problem, and I am going this sovereign Nation by other nations. ders from unlawful, illegal entry into nized for 5 minutes. spend it here anyway. money there, and they do not even amnesty program for the illegals, then totally disagree with the guest worker us. We can... are afraid of enacting tough laws... are the source of their problems. Our legisla- States. We can... tions who illegally enter the United... ists, and we will offer our own thoughts on Iraq. I had a similar forum last fall, which was focused more on shifting policy di- rection and brainstorming about how we might carry out a military exit strategy. That will be a component of tomorrow’s discussion, but my intent tomorrow will be to present firsthand ac- counts from people who have lived through this war and can speak author- itatively about its human cost.

We hear virtually every day from the White House, the civilian leadership at the Pentagon, and the military com- manders. I think it is important that we give a platform to those who have stared this war directly in the eye, out- side of the Green Zone, without a secu- rity detail or an armored limousine. I hope you can join me tomorrow.

THE CITIZENS SPEAK OUT ON ILLEGAL ENTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentle- man from Texas (Mr. Poe) is recog- nized for 5 minutes.

Mr. POE. Madam Speaker, this House must have the will to secure our bor- ders from unlawful, illegal entry into this sovereign Nation by other nations. Many of my fellow Texans have written me about this problem, and I am going to read a few of those tonight.

David in Splendora, Texas, writes: “I totally disagree with the guest worker program. If the government allows an amnesty program for the illegals, then every person crossing the border would qualify. Also, the borders need to be more secure. I work with immigrants here in Houston, and it amazes me how they can avoid our border patrol. The immigrants who have their family in other countries are sending their money there, and they do not even spend it here anyway.”

Tim, in Groves, Texas, writes: “Vicente Fox and Mexico are not our friends. The Mexicans are laughing at their neighbors to the north while their illegal countrymen clog our streets and harass U.S. citizens with marches and demonstrations. Why aren’t the Hispanic community in Texas protesting in Mexico for jobs and better pay? That is the source of their problems. Our legisla- tors are afraid of enacting tough laws on these people while American citi- zens pick up the tab.”

Donald, in Nederland, Texas, agrees and writes: “When did Vicente Fox be- come head of American immigration policy? Fox has no business telling the United States what to do with its citi- zens who illegally enter the United States. We can’t control Mexico’s im- migration problem. We have to control the illegal entry of millions of Mexicans into the United States have fallen on deaf ears. They came to America to work in many fields hired by business interests, and when their visas expired, they didn’t return home as required by law. Businesses then allow them to continue working at sal- aries below those needed by American workers who they replaced.”

Employers who hire illegal foreign workers should be required to make sure the employer leave the country when their visas expire or be fined and pay the government’s expense for re- turning them to their home country when they are caught. Amnesty by any other name, guest worker, is still am- nesty; get illegals out of America.”

Michael in Crosby, Texas, writes, “Sir, I implore you to be as tough as necessary to halt this wave of illegal immigration, and to seal up our bor- ders. It honestly worries me about the reports on C-SPAN of the border incurs- sions by Mexican military personnel, and the possibility of smuggling a weapon of mass destruction into our country via the border with Mexico.”

Randy in LaPorte, Texas, writes, “I am an American and my wife is a legal alien. We have worked many years to get citizenship for her and it is hard and expensive and takes a long time. It makes me see sick to see the Mexican flag in our streets and demanding rights from the U.S. Some in our gov- ernment talk of a path for citizenship for them, and this makes me just sick. I hope you can pass immigration laws that will protect Americans and not protect illegal aliens.”

Ernest in Dayton, Texas, writes, “As I watch the demonstrations by the ille- gal immigrants, I am appalled by the fact that they are carrying a Mexican flag and not the American flag. This myth that no one will work the jobs that illegals work is exactly that, it’s a myth. Congress can be blamed for tak- ing us away from an energy security bandwagon for much too long. I am 16 and 17-year-olds. I went to work at a butcher shop at 12 years of age and I have worked ever since. Guest worker program, my hind leg. It is nothing more than an amnesty program. The politicians in this country created the situation. It is important they get off their high horse and do the work of the United States and not special interest groups.”

He goes further to point out. Madam Speaker, “You need to come to the Exxon station on highway 90 in Lib- ery, Texas, and bring the INS with you and see how many illegals you can round up at that one location.”

Finally, Madam Speaker, Jean in Kingwood, Texas, writes, “I am com- pelled to write today after days of hearing about the Mexican protests and the Mexican flag waving on in our country. First, let me say for a very long time I felt immigration has been out of control but that the politi- cians can’t seem to do anything about it a way to gain votes and will not touch the issue. I am outraged that we are in such a state as we are now.

“Recently, I had to take a job in order to supply health insurance for my family because my husband lost his job. Then it wasn’t long after that I had to go to the emergency room. I went to the emergency room at 4:45 p.m. and didn’t leave till 5:30 a.m. the next day. I cannot tell you the number of immigrants with three or more chil- dren in that waiting room. I wondered if any of them actually had health care insurance, and how much free health insurance they received on their visit. I ask, I am working so I can supply health insurance to my family, yet the illegals and those that have no health insurance walk in and obtain free health care.

“Everyone in America knows the stats on this and the stress being placed on our system because of those that are able to obtain free health care just by walking into the emergency room.”

Madam Speaker, this House had bet- ter listen to the American citizens, and we need to be more concerned about what they think than those who have illegally invaded and colonized our Na- tion think.

Madam Speaker, that’s just the way it is.

REPUBLICAN ENERGY BILL

Mr. STUPAK. Madam Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentle- man from Michigan?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentle- man from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, today the Speaker of the House, Mr. HASTERT, announced that he will be bringing an energy bill to the floor as soon as next week. As a member of the Committee on Energy and Com- merce, I must express my concerns that this legislation has not been re- viewed, had a hearing, or even been seen by members of the committee with the proper jurisdiction. In fact, the contents of this legislation are not available to be reviewed by the American people, let alone my colleagues who will be required to vote on the bill. All that anyone knows about this bill that is supposed to be on the floor next week is a one-page press release the Speaker put out. Yet we will be forced to vote on this bill as soon as we get back next week. This sounds like the Vice President’s secret energy task force. And what have we seen since then? The price of gas has almost dou- bled and the profits of the oil compa- nies have almost tripled since those secret meetings in the White House that no one seems to know anything about. But all new gas prices continue to go up and nobody knows why.

The American people deserve real an- swers and real solutions to these high
gas prices. Consumers are currently paying an average of $2.91 per gallon for gasoline. Last summer it was $2.25. Why the almost 70-cent increase? This summer, as the real driving season begins, Americans are expected to pay even more at the pump than last summer.

But in the meantime, look at these profits. Look at ExxonMobil, one of the larger oil companies in this country. Look at their profits. You can take all of the net income of the oil companies, their profits last year was $113 billion in profits.

While the majority party has put out a one-page press release talking about things they would like to do, Democrats have real solutions that could be brought to the House floor today that would have an immediate effect and lower the price of gasoline for all Americans.

For example, there are currently no Federal laws against gas price-gouging. The new Federal Trade Commission can attempt to prosecute unfair pricing by using the antitrust laws or the monopoly laws of this country. To date, in the entire history of the Federal Trade Commission, not one, not one, has ever been brought before the courts to prosecute for price gouging. Because the Federal Government does not have a clear definition or standard of what price gouging is, the FTC cannot do little more than make a study of the current gas price situation. Americans are tired of studies and want real answers.

Last September I introduced a bill to increase the Federal Government’s ability to prosecute price gougers. My bill, the FREE Act, the Federal Response to Energy Emergencies, will provide the Federal Trade Commission and the Department of Justice with the authority to investigate and prosecute those who engage in predatory pricing from all of the way down to distributors, with an emphasis on those who profit the most.

The FREE Act, our legislation that could be on the floor tomorrow, will also allow each State attorney general to go into Federal district court to prosecute unfair pricing practices.

When we talk about unfair price practices, we talk about everything in the chain and distribution and supply of oil and gasoline. Take a look at this here. It comes out of the ground, refineries to distributors and retailers, taxes, all of the way to the consumer. We should be able to investigate every aspect of it. If you look at what the Republicans have been proposing, you only get to do an investigation where the President declares a national emergency and it is only for the distributors and retailers, not the refinery who has a 255 percent increase in the cost of refining a gallon of gasoline in a year, nor even the crude oil producer who went up 46 percent in the last year.

When we introduced our bill to increase the Federal Government’s ability to prosecute price gougers, we included everybody. We want to make sure that the American people are protected from the time it comes out of the ground until you put it in your vehicle. Our legislation expands the Federal Trade Commission’s authority to make certain market manipulations such as geographic price settings or territorial restrictions put forth by the refineries.

Why has gas gone up? In the last 12 months, from September 2004 to September 2005, it has gone up 255 percent. Is that price gouging? We happen to think it is, but we need a clear definition. Right now there are 28 States with different standards as to price gouging. That is why it is so important to have a Federal standard.

Our bill also imposes tough civil penalties up to triple the damages on excess profits.

Madam Speaker, we are trying to fight high gas prices. Democrats stand ready, willing and able to do our job.

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

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

THE GATHERING STORM OF VENEZUELA’S HUGO CHAVEZ

Mr. MACK. Madam Speaker, I ask permission to take my Special Order at this time.

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

Mr. MACK. Madam Speaker, while freedom is on the march in many places around the world, a resurgence of Socialist, Communist and anti-freedom governments and movements in Latin America represent an emerging threat to freedom and the United States.

The instigator is Venezuela’s Socialist President Hugo Chavez, who is using state-owned oil money to undermine the political and economic foundations of the Venezuelan people, and to back his alliances with leftist leaders and causes throughout Latin America.

With Chavez sitting on top of 6.5 percent of the world’s proven oil reserves, and buoyed by oil at roughly $75 a barrel, Chavez has assumed the identity of a modern-day Simon Bolivar, who attempted to unify Latin America in the 1800s. Oil is Chavez’s ATM to finance a “Bolivarian revolution” that abuses Presidential power in Venezuela and attacks the human rights of Socialists, and regional instability.

In an interview last year, Chavez was clear in his motives. “I am a revolutionary. I have to support the left wing movements in Latin America. We have to change Latin America.” That is exactly what he is doing at the expense of freedom, security and prosperity.

Democratic institutions are eroding rapidly in Venezuela. The legislative branch is controlled by Chavez, made up entirely of Chavez allies. The judicial branch is controlled by Chavez. The National Electoral Council is controlled by Chavez. It is no longer impartial. The Electoral Council addresses the interests of Chavez and the government, not civil society.

The council is no longer acting in conformity to the law, and many question the reliability of the electronic voting machines in Venezuela.

Chavez, a former paratrooper, sees the military as an instrument of social transformation. And now he is openly and lining up armed civilians to join his newly created militia under the false suspicion that the United States is going to invade Venezuela.

The public prosecutor, the Office of the Comptroller, and the People’s Advocate are all controlled by Chavez. President Chavez has used the Supreme Court with his supporters, and justices are biased in his favor. Make no mistake, the independence of the judiciary has been compromised.

Human rights and fundamental freedoms are under threat. Discrimination on political grounds is growing and members of the political opposition are often charged with treason and as coup plotters. Acts of violence and prosecution of human rights defenders are growing.

Those active in the defense of democracy in Venezuela are being prosecuted and imprisoned with impunity. Leaders of the political opposition group Sumate are being prosecuted for accepting a small grant from the National Endowment for Democracy under a judicial system where the national court’s have been packed with Chavez cronies.

Freedom of expression is under siege. Chavez is snuffing out a free press and free speech with new laws that impose jail terms for journalists for gravely offending the President or the government. The media is now under surveillance, censorship, and intimidation.

And to ensure the unfettered ability to spread his anti-freedom messages throughout the region. Chavez last year launched his own television network, Telesur. Telesur announced a formal alliance with Al Jazeera, bolstering Chavez’s Socialist-Based propaganda with the resources and reach of pro-terrorist programming.

Chavez is taking control over private banks and confiscating large parcels of private property. And to make matters worse, Chavez has launched a major assault on the private sector in Venezuela by taking major steps towards nationalizing Venezuela’s oil industry.
that could hurt American oil companies, reduce production, and put further pressure on already high global oil prices.

He has already seized private oil fields if companies do not convert operating contracts to joint ventures in which the Chavez government assumes a majority stakeholder share. In free countries, that is called extortion.

Elsewhere in Latin America, Nicaragua, Bolivia, and Argentina, Chavez is forging alliances with Socialist governments. In Nicaragua, former Sandinista leader Daniel Ortega announced that local governments in Nicaragua that are friendly to Sandinista’s cause would receive low-cost oil from Chavez.

Venezuela has been flagged as a major transit country for illegal drug shipments to the United States and Europe. In fact, more than one-third of all cocaine that reaches the U.S. travels through Venezuela from Chavez’s allies’ countries.

What is worse, at the same time Chavez is cracking down on freedom within Venezuela and exporting his Socialist revolution throughout Latin America, he has embarked on an alarming military build-up.

Chavez is receiving military and intelligence assistance and training from Fidel Castro’s government; and he has tried to acquire nuclear technologies from Iran, and reports suggest that Iran has actually sought uranium supplies from Chavez inside Venezuela.

I have introduced a resolution that addresses these problems and expresses our support for the people of Venezuela to restore democratic institutions. I urge my colleagues to join me in fighting for freedom for the Venezuelan people.

Mr. Speaker, Hugo Chavez seeks nothing less than absolute authoritarian power. He despises freedom. He is determined to alter the balance of power in the Western Hemisphere, and he is leveraging his nation’s oil supply to do all he can to achieve his dream of a unified, socialist Latin America.

After all, it was Chavez himself who, with Fidel Castro by his side said, “Fidel, I think you were always right: It’s socialism or death.”

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

Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

□ 1930

WE NEED ACTION NOT JUST TALK

The SPEAKER pro tempore (Mrs. DRAKE). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, when you become President and Vice President of the United States, but you have spent your life in the oil industry, I suppose it isn’t surprising that decisions that you might make when you are President and Vice President would result in your enriching yourself more from the industry in which you had spent your life.

It may not be surprising that gasoline in this country is well over $3 a gallon, and imported oil over $70 a barrel, two-thirds of what we consume in making that gasoline coming from the most undemocratic places in the world, Saudi Arabia, Kuwait, Venezuela, Nigeria. It is interesting, if you look at the President and the Vice President, the President spent his life in Midland, Texas, really drilling that community dry, and then he and his family founded the Zapata Oil Company and made relationships with oil companies in Mexico.

The President that we have now had investments in Bahrain prior to his becoming President of the United States. And that, of course, was when he was the CEO of Halliburton, which got all of those noncompetitively bid contracts in Iraq.

We watched the former President Bush become a partner in the Carlisle Group, getting big money from all the oil-producing countries in the Middle East and huge investments and speaking fees from these very same places. Is that merely coincidence? Yesterday I asked then when we see President Bush make a cameo appearance before the Renewable Fuels Association, and he gave a speech that many people had been waiting years to hear. He said in the speech we needed an investigation of why prices are going up the way they have over the last year. I would like to respectfully suggest to the President we need more than an investigation. We need new energy, new energy leadership by the President and Vice President. We don’t need any more investigations. We need new energy, new energy leadership by the President and Vice President. We don’t need any more investigations.

The President said that every car can run on 10 percent ethanol. Well, where is his action plan to do it? That is what many of us have been arguing, not just this year, not just last year, going back to the beginning of his administration when we pushed for a renewable energy title as part of the farm bill, and his administration has barely funded it, and they fought it every step of the way inside this Chamber.

Now, the President said that with small changes some cars can run on E-85, a blend of 85 percent ethanol and 15 percent gasoline. Mr. President, there are more than 5 million cars, trucks, vans on the road that will run on 85 percent ethanol right now. Every major manufacturer has announced major efforts to produce more E-85 vehicles. DaimlerChrysler announced two more just this week. Guess what, Mr. President? They didn’t get that fuel for the cars they already bought. What are you doing to help America develop the infrastructure for these new fuels?

The President talks about increased research for new forms of energy, but what are we doing with the research we already have? Where are the Federal standards requiring Federal buildings to use more solar energy? How about the White House itself? How many Federal agencies are using their own solar generators on their own property to develop energy? How many of our military bases are converting to biodiesel and to ethanol? When will the Chevy Suburbs that escort the Presidential party be driving on the Strategic Fuels Reserve and start filling it with stocks of ethanol and biodiesel that can be rotated through the fuel supply system to help make these new fuels a bigger part of our energy mix? I introduced H.R. 3345 last year to do just that. I invite the President’s endorsement of that effort.

We need real action for today and tomorrow, not more of these false promises. We really don’t need to build any more oil refineries when we are trying to move to new sources of energy. That would be like building more horseshoe factories when the automotive age was dawning.

We need to mandate that oil companies use their exorbitant profits to put E-85 and biodiesel pumps in the ground right now across this country and to use some of their profits to do that.

We need to help our country, not just let these companies enrich themselves and their top executives. Then the millions of vehicles that are already on the road could help lead America to a new energy future.

We need a President that gives us some action, not just talk.

We need legislation like the Biofuels Energy Independence Act, H.R. 388, my bill to provide additional financing for the marketing, production, and distribution of biofuels, as well as the establishment of a biofuels feed stock reserve held by our farmers.

We need legislation like H.R. 1398, my bill to require that by 2010 gasoline be blended with at least 10 percent ethanol, and that diesel be blended with at least 5 percent biodiesel. We need standards that give us quantifiable goals against which we can measure progress, and to which we can hold ourselves accountable.

In short, Mr. President, while we appreciate your kind words and good wishes, we are begging for your active support in the form of realistic budget requests, speedy implementation action by agencies, and a commitment to making the difference in your new Administration when your administration has its place in history but in the remaining days that you have to make a difference that can be felt in every
American home, every American business, and every American community.

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

(Mr. McHENRY 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 Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

(Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remark.)

COMMEMORATING MILITARY SERVICE OF FOUNDERS OF STATE OF GEORGIA AIR NATIONAL GUARD FIGHTER AIRCRAFT WING, 54TH FIGHTER WING.

Ms. MCKINNEY. Madam Speaker, I ask unanimous consent to address the House out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia (Ms. MCKINNEY) being recognized for 5 minutes?

There was no objection.

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


These four generals were, in the year 1946, founders of the first State of Georgia Air National Guard Fighter Aircraft Wing, the 54th Fighter Wing.

Big John Collins is a friend of mine. This friendship began when my efforts resulted in him getting his long overdue war medals. Big John had tried for 20 years to get his medals. And he was a pilot. Bill and Buck Patillo are identical twin brothers who, along with Bill Paris, flew Republic Aircraft Corporation P-47 Thunderbolt fighter aircraft. These four pilots formed a tight “Diamond” attack formation.

These four pilots were ordered to fly at air shows around the State of Georgia to boost enlistments in the Georgia National Guard. The idea was a great success; so successful, in fact, that the increase in Georgia enlistments came to the attention of the National Guard Bureau at the U.S. Air Force headquarters at the Pentagon. This work of these four pilots was the foundation upon which the U.S. Air Force Thunderbirds Precision Flying Team was created to rank along with the Blue Angels Precision Flying Team of the U.S. Navy. Air Force Chief of Staff General Hoyt Vandenberg credited the Georgia Air National Guard with being the founders of the Air Force Thunderbirds Precision Flying Team.

All four of these pilots are alive today. They are healthy, and they are happy to have their service recognized in this way. Although the Patillo twins now live in Valrico, Florida near McDiLL Air Force Base, I am proud to say that they were born in my district in Decatur, Georgia. Bill Paris was born in my home State and still lives in Georgia, in Alpharetta. Big John Collins, my good friend born in Oklahoma, raised in Bradenton, Florida, but saw the light and found his way to Georgia where he has lived since 1939. I think he found our sweet Georgia peaches too irresistible to leave.

Bill Paris was a leading fighter pilot ace destroying nine Japanese aircraft. Bill Patillo destroyed a Japanese version of the German ME 262 rocket-powered fighter, one of only three of such fighters destroyed worldwide in World War II. Bill destroyed five other Japanese aircraft. Buck Patillo destroyed five Japanese aircraft. And big John Collins, my constituent who has now become my friend, shot down three Japanese fighter aircraft. Sergeant Donald Schopp shot down one Japanese fighter, making a total of six enemy fighters downed on one mission. Plus one Japanese war ship exiting Simpson Harbor at full speed was destroyed. Big John Collins led an attack on Tobera Air Drome, destroying numerous Japanese aircraft on the ground.

Bill and Buck Patillo, Bill Paris and Big John Collins collectively received the following combat medals: 4 Silver Stars, 9 Distinguished Flying Crosses, 9 Legion of Merits, 36 Air Medals, 5 Distinguished Service Medals, 9 Presidential Unit Citations, 4 Government of the Philippines, 2 Croix de Guerre with Palm, US SWPA medal with 9 Government Unit Citations, 44 awards for valorous deeds and 96 major campaign battle stars. 121 various noncombat service medals.

Sixty years after the conclusion of World War II, all Americans should renew and rededicate their honor for the noble sacrifices, valorous deeds and enduring accomplishments of military veterans of what has become known as the greatest generation.

I would also like to commend my sister colleague, Congresswoman MARCY KAPTUR, who just spoke, who fought hard to get a memorial on the Mall for them, the greatest generation, including for my four Georgia pilots.

Congratulations to them all for a job well done.

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 New York (Mr. OWENS) is recognized for 5 minutes.

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

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the minority leader.

Ms. WASSERMAN SCHULTZ. Madam Speaker, Members of the House, it is a pleasure to be here tonight as the 30-something Working Group takes the floor each night to talk about our concerns, both as it relates to our generation and our generation’s perspective, and also as it relates to the issues that are important to America.

I can tell you that our thanks goes out to our minority leader, Ms. PELOSI and Mr. HOYER. We have been given the privilege to come to the floor and talk about the concerns of all Americans.

And, boy, Mr. RYAN, who I am pleased to stand up here before the Georgia Thunderbirds. We have been having quite a bit of time together in the last 14 months since I joined you in the United States Congress, and it has truly been an honor and a pleasure.

There is sure a lot to talk about. We are facing so many different crises, so many different crises of the confidence of Americans, that it is hard to know where to begin sometimes when we take the floor each night. But I know that the thing that is most on the minds of at least the constituents that I represent, and I am certain the ones that you do, because no matter where we go now, particularly in the last 2 weeks when we were home, gas prices and the energy crisis, because there is no other term you can apply to it, that we are in right now is foremost on the minds of Americans. It is virtually impossible for many Americans to be able to afford to get themselves around their communities. Even when they have mass transit, we are literally stuck in the present. We are stuck in neutral, and it is time to shift into overdrive when it comes to looking towards the future and pursuing alternative energy sources.
We are only going back to 2002, but in 2002 the summer gas prices, the average price of a gallon of gas was $1.39. You could hear a pin drop, it was so quiet, the reaction from the administration. Okay. No outrage from $1.39 a gallon. But one-and-a-half times cost from the summer before that. No end in sight. No proposal. No initiative to ease the burden and head this problem off at the pass. A summer later, 2004, $1.90. Now we are approaching almost $2, almost $2.27 a gallon. The time cost from the summer before that. No end in sight. No proposal to stem the tide. No proposal to urge the oil companies to diversify or pursue alternative energy sources.

Go to 2005, last summer. Now, last summer was when you really knew that the pressure began to rise. I mean, the boiling point was reached last summer. Last summer was when I really thought okay, there is no way that they can ignore this anymore; yet they ignore they did. They reached $2.37 a gallon as the average price of a gallon of gas. And simultaneously last year, in my first year in Congress, two energy bills, two energy bills passed that gave 16 billion, with a “b,” dollars away to the oil companies.

What we talked about last night I will reiterate again: The United States Government owns the areas in which we allow the oil companies to drill. When it is the public lands, that we grant them in the gulf, in bodies of water, or on land, we own them. And they are supposed to pay us royalties and make tax payments to us in exchange for their being able to drill there. Those two bills that we passed last year, Mr. Ryan, forgo those taxes, essentially gave the oil companies those rights for free. And we have a chart that we will put up. Hopefully we will be able to get access to it. It is stuck in an office, but we will get that up here in the next RECORD. RECORd profits, both individual quarterly profits that the oil companies made and historical record profits. We are giving tax breaks to companies that are making record profits and providing no relief, no assistance, no urgency to the American people who are struggling to get themselves to their jobs, to get their kids to school? Where is the outrage? It is just of the oil companies, for the oil companies, by the oil companies. That is the kind of policy that is made here.

And before I yield to you, to add insult to injury, on top of that legislation, forgiving the taxes, if you recall, one of those energy bills was one of the bills that the Republican leadership held open the vote for 40 minutes, twisting the arms of our Republican colleagues who knew that bill was the wrong thing to do, who knew we should be doing something about an energy policy, who had their arms wrenched, who had our vote board that hangs above us, that lights up above us, the Christmas lights, red to green, green to red, all...
over the map for 40 minutes until they got their way. Forty minutes. The rubber-stamp Republican Congress did the bidding of their leadership and the bidding of the President and the bidding of the oilmen in the White House. It is disgusting.

Mr. RYAN of Ohio. When the average person hears that their tax dollars that they work hard to make and they send the Republican Congress down here to spend on Medicare and defense and all the other things, with they hear that $16 billion of that went to subsidize the oil companies when they have the highest profit that they have ever had, that is the outrage. And I think the American people are outraged. The Republican bobble-head Congress here who will say yes to whatever President Bush wants, I do not feel the outrage yet from them. And I think this is what our friend, former Speaker Newt Gingrich, said about the Republican Congress: that they are seen by the country as being in charge of a government that cannot function. This is what is happening here. When you have the leader of the Republican revolution that has turned into a devolution saying the government just cannot function, and you know how to get government, you are facing it every day at the pumps, Madam Speaker, and the American people are facing this every single day at the pumps.

I want to talk just for a second, because this was interesting that the President said with great enthusiasm that he wants to hold the oil companies accountable. So, Madam Speaker, I have a suggestion. Now, let me share some information with our colleagues here. We have heard a lot about this too. When they were trying to decide what they were going to do for the energy bills years ago in 2001, the Vice President was having meetings that no one knew about, and he was working with the oil executives, which should not surprise anybody, figuring out that the President and the Vice President both came out of the oil industry. So what has recently happened is that a White House document came out that showed that executives, and this is a third-party validator, this is the Washingtonpost.com, a great newspaper here in town. The White House document shows that executives from big oil met with the Vice President’s energy task force in 2001, something long suspected by environmentalists but denied as recently as last week by industry officials.

Now, here is what the document says, just so we can get into it. Because this sounds just like Katrina, this sounds just like the war, this sounds just like the Medicare bill, this sounds just like every piece of legislation that has come out of this Congress that the President has wanted. It has been under a cloud of deceit, Madam Speaker, misleading statements to not only the United States Congress and Members of the United States Congress, but to the American people, Mr. DELAHUNT. But to the American people.

And let me share, as recently as just last week, this document that came from the White House, obtained by the Washington Post, shows that officials from ExxonMobil, Conoco before its merger with Phillips, Shell Oil Company, and BP America, Incorporated, met in the White House complex with CHENEY’s aides who were developing a national energy policy, part of which became law. So you would think, well, the Vice President’s staff is meeting with BP Oil executives.

Last week in a joint hearing of the Senate Energy and Commerce Committee, the CEO of ExxonMobil, Chevron, and ConocoPhillips said their firms did not participate, Mr. DELAHUNT, in the 2001 task force. We have got somebody telling us a falsehood, someone misleading us.

So if the President wants to hold the oil companies accountable, let me remind everybody that the oil industry could be fined or imprisoned for up to 5 years for making “any materially false, fictitious, or fraudulent statement or representation to Congress.” So everyone denied they had anything to do with this meeting in front of the Senate panel of the Energy and Commerce Committee, and they were there, and we have got all these gas prices and we are wondering about price gouging and everything else, Madam Speaker, and the oil companies are saying, well, we are not price gouging. Well, you know what? Maybe we just do not believe you, because you have a track record here of misleading statements, secrecy. And it hurts me to say that people in Youngstown, Ohio are forced to foot the bill here.

Ms. WASSERMAN SCHULTZ. I yield to Mr. DELAHUNT.

Mr. DELAHUNT. The American people are facing this day at the pumps, Madam Speaker, and the 6 years of control of the Republican Congress down here to do with this meeting in front of a Senate panel of the Energy and Commerce Committee, and they were there, and we have got all these gas prices and we are wondering about price gouging and everything else, Madam Speaker, and the oil companies are saying, well, we are not price gouging. Well, you know what? Maybe we just do not believe you, because you have a track record here of misleading statements, secrecy. And it hurts me to say that people in Youngstown, Ohio are forced to foot this bill here.

Ms. WASSERMAN SCHULTZ. I yield to Mr. DELAHUNT. Mr. DELAHUNT. Well, I can assure you, Mr. RYAN and Ms. WASSERMAN SCHULTZ, there will not be any oversight. There will be no investigation because this Congress simply will not do it.

If there is one theme that has characterized the 6 years of this administration and the 6 years of control of the House of Representatives and the United States Senate by the Republican Party, it is a lack of transparency, is secrecy, is refusal to be held accountable. And much of the responsibility comes right here to this institution.

Now, let me just divert for one moment and cite the example of accountability and oversight in the case of the war in Iraq.

Both the decisionmaking process that led us to intervene militarily in Iraq and what has happened since the so-called major combat phase was announced. Mr. RYAN of Ohio. “Mission accomplished.”

Mr. DELAHUNT. It was announced by President Bush as he flew in and landed on that aircraft carrier saying the mission was accomplished.

I happened to be the senior Democrat on a Subcommittee of the International Relations Committee, that in that particular capacity I, along with other Democrats, have requested again and again and again an opportunity to ask some questions about the whole array of issues, the fraud and the corruption that has absolutely gone wild. It is the Wild West. Everybody that has come back from Iraq has been in a position to observe and witness the corruption by contractors, by Iraqis, by Americans, by other foreign nationals says it is unlike anything we have ever seen.

Well, you know how many hearings we have had? Let me rephrase that. Something unusual happened today, more than 3 years after the end of the so-called combat phase. The House International Relations Committee had a hearing on Iraq, and witnesses from the Bush administration appeared and testified. I am not even going to comment on that hearing, but I would commend Members from both sides of the aisle to go and to read the transcript in the CONGRESSIONAL RECORD, because we had an opportunity to ask some questions. Clearly, clearly, at least on the Democratic side, no one was satisfied with the answers, but we had the opportunity.

Madam Speaker, this is 3 years after March and May of 2003; 3 years later.

Now, an effort was made by some of our colleagues saying, well, we have had hearings. Well, we have had hearings, but I don’t know where we had them, because we certainly haven’t had them in a room that the American people can observe what the answers were.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield for a second, there is a little bit of irony here, Today is April 26, 2006, and we are about 6 months from the election. I guess the best way to put it is to save something for those of you that don’t know what it means.

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Commission until public pressure compelled them to agree to have an independent commission; they would not release the e-mails and other documents in terms of both before Katrina landed on the Gulf States and afterwards from the White House, and they refused to have an independent commission there; and in Iraq we have had no hearings until today.

I thought it was interesting, that like I said, some of the Republican Members said, well, we have had hearings, we have had committee hearings, Mr. ACKERMAN went through his own records and looked all through the year 2005 to see how many hearings even peripherally might have been related to Iraq. None, None.

In 2004, in all of 2004, that particular subcommittee had one hearing related to Iraq, but it was about the United States and the Iraqi marshlands, an environmental issue.

In June of 2005, the next year, there was a hearing on Iraq's transition to democracy. Nothing about all of the other obvious issues that were begging out to be addressed; the competence of the civilian leadership and the role of Secretary Rumsfeld and the disagreements with the military that have performed so well in terms of their service in Iraq.

Ms. WASSERMAN SCHULTZ. I was just going to suggest that you put some of the comments from the generals up on the easel.

Mr. DELAHUNT. Do you know what? We really do have some heroes in this country, people who will speak out and tell the truth and who are not afraid of laying it on the line. If I could indulge you, Mr. RYAN, and you, Ms. WASSERMAN SCHULTZ, I think we have got to recognize what these nonpoliticians, who were leaders in Iraq, the men who served this country, had to say about the competence of Secretary Rumsfeld and the civilian leadership in the Department of Defense. If you would indulge me.

Back in March of this year, Major General Paul Eaton, who was responsible, by the way, for the training of the Iraqi security forces, had this to say in reference to the Defense Secretary. Now, these are his words; not my words, but his words. "He has shown himself incompetent strategically, operationally and tactically, and is far more than anyone responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down." That was a Marine general, highly decorated, well-respected and regarded by his colleagues and peers, Paul Eaton.

Ms. WASSERMAN SCHULTZ. While you are putting up the other very damning commentary from the myriad of generals that have called for either Secretary Rumsfeld's resignation or for the President to ask for that resignation, I think it is important to point out that in the face of that unprecedented pressure and unprecedented nonpolitical motivation, because certainly the motives of retired generals could not be questioned, the status quo is being preserved, a steadfast, benign status quo, and that is just yet another example of the rubber-stamp Republicanism.

Mr. DELAHUNT. Not a single hearing. I would think, Madam Speaker, if there was a genuine desire on the part of this House to find in depth the truth of what is happening in Iraq and in the real world, we would have those generals, Madam Speaker, come before the appropriate committees of this House and inquire of them why they make these statements, such as the statement last Thursday by retired Army General John Batiste, again Defense Secretary Don Rumsfeld. Again, I am quoting this American hero. "We went to war with a flawed plan that didn't account for the hard work to build the regime. We also served under a Secretary of Defense who didn't understand leadership, who was abusive, who was arrogant, who didn't build a strong team." Now, you know, Ms. WASSERMAN SCHULTZ, that the Defense Secretary has come here on the floor of this House, Madam Speaker, in this well, and behind closed doors has briefed us, but we never hear from these generals. We never hear from the generals, Madam Speaker. Why? Why can't we have a hearing and invite Paul Eaton, a former general in the United States Marine Corps, and Retired Army General John Batiste? Why can't we do that? Is that asking too much, Madam Speaker? Is that asking too much, to let the American people hear for themselves? If there is an answer to that, will someone please give it to me? We haven't heard the response of any oversight on Iraq ever. Ever.

Ms. WASSERMAN SCHULTZ. You know what else I noticed in the last 14 months since I have been here in my experience is that we haven't had a single Republican come to the defense of these generals or agree, step forward and agree with them. My belief in terms of our role here as public servants is that sometimes you can't be afraid to stand alone. You have to be willing to put yourself out for the courage of your convictions, even when no one is behind you, because you are the one that has to wake up and look at yourself in the mirror in the morning and know you have done the right thing, and you are only with yourself at the end of the day when you put your head on that pillow.

What I have noticed is not a single colleague of ours on the Republican side of the aisle has stepped forward and said, yes, it is time for Secretary Rumsfeld to resign; it is time for some fresh blood, for some new ideas, for some acknowledgment that it is not going in the right direction.

Why? Because this is what we have on the other side of the aisle in this Chamber. We have bobblehead Republicans. We have people who just shake their head up and down and up and down and are willing to just rubber-stamp whatever it is that they are asked to rubber-stamp, for that matter. It is astonishing.

Mr. DELAHUNT. But don't we owe it to the American people, Madam Speaker, to hear directly in the United States Congress at a full committee hearing from General John Batiste, from Army Major General John Batiste, and also from Marine Lieutenant General Gregory Newbold? Again speaking about the leadership of Donald Rumsfeld, these are his words. 'My sincere view is that the commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who never had to execute these missions or bury the results.'

Those are very, very powerful words. This is a very tragic and special moment in American history, Madam Speaker. We are at stake. We have lost thousands of men and women in this war. The American taxpayers have spent hundreds of billions of dollars in this war.

And, Madam Speaker, why can't we hear from those generals? Can't we have a public forum? Why? Well, I am not going to reach a conclusion as to what the answer is.

Ms. WASSERMAN SCHULTZ. I know the answer. For the same reason that there is no accountability, for nothing that Congress should have been exercising its role of oversight of this administration. Where were the independent hearings as far as Katrina? Where were the hearings for the culture of corruption? Where is the Ethics Committee and its task force in investigating case after case of Members on the other side of the aisle who have violated and been accused of violating the public trust? Where has the outrage been?

The answer is the same, Mr. DELAHUNT. They do not care, on the Republican side of the aisle, to exercise Congress' oversight role. They have ceded, willingly, the legislative branch's oversight role, ceded the authority to the executive branch.

And you know, I have been a legislator for 13 years, it is almost 14 years now. It is the thing that I believe we should most jealously guard, our oversight role, the system of checks and balances, our ability to hold the administration, the executive branch, accountable, even when it is our own administration.

I mean, there certainly was not any hesitation on the part of this Republican Congress to hold the administration accountable. We have plenty of hearings from the most minute and unimportant to the significant when there was a Democratic President. But
oh, no, as soon as there is a Republican President, we do not need to ask him any questions, we are just going to let them do whatever they want.

Why? Because they are perfectly happy to be a rubber-stamp Republican Congress. I think the American people are sick and tired of just being people here that serve in the Congress that they send here to stand up and do the right thing, express outrage, understand what they are going through.

I mean, I do not know how some of the constituents, the citizens in America, are tolerating their Member that they have elected staying silent on all of these important issues. I do not get it.

Mr. DELAHUNT. You know, I think it is important to understand that in a democracy, if we are going to enjoy the full measures of citizenship, that those in power, those elected representatives of the people have to act in a transparent way and have to exercise that respect and accountability all those representatives of government transparency.

I mean, we can have disagreements, and we can do it in a very respectful fashion. But if we do not have the information, we do not have the facts, if we never hear the truth, then we are doing a disservice to the American people, because we are denying them the opportunity to enjoy the full measure of being an American citizen.

Ms. Wasserman SCHULTZ. Well, you know, it is getting ready to happen again tomorrow. We are going to watch them deliberately squander yet another opportunity.

Do you remember several months ago when the Jack Abramoff scandal broke, and he was exposed, and indicted and arrested, and decided to plead guilty and began implicating people who he worked with and who he collaborated with? There were calls from the Republican leadership that they were going to do something about this, make the process more transparent, restore ethics to undergird the American public’s confidence in this system.

And that was all supposed to culminate in tomorrow’s legislation that we will hear in this body, what the Republican version of lobbying and ethics reform is, Mr. DELAHUNT.

We are all about third-party validators in the 30-something Working Group, third-party validators just initially to compare Republican proposals on lobbying reform with the proposals that are coming out of the United States Senate, from the Republican leadership there versus the proposals coming out of the Republican House.

And this was on the front page of USA Today just a couple of days ago, on April 24, just on Monday, the two proposals coming out of the two Republican-led Chambers. Look at the differences, Mr. DELAHUNT, that we have here.

This is the difference between the lobbying legislation the Senate and the House of Representatives, the gift limits that are proposed in the legislation coming from the Senate.

And, again, this is right off the front page of USA Today. The Senate version of the bill would say that Members could receive no gifts from lobbyists to Members or their aides. None. A ban. The House version of the bill tomorrow, we would have no change from the $50 limit that is current law. That is in serious need of updating.

The House version of the bill tomorrow, we would have no change from the $50 limit that is current law. That is in serious need of updating. As a matter of fact, it was a restoration of America’s confidence that Members are up here doing the job that they were elected to do? Status quo. That is the reform that we are going to consider tomorrow.

The lobbying ban. Right now, former Members have a 1-year ban before they can come and represent clients in front of Congress and contact their former colleagues and advocate on behalf of those clients. The Senate would double the preapproval period. Members sponsored by lobbyists would say that they have to have preapproval in order for a Senator to travel with lobbyists, on a lobbyist-sponsored trip. The Senate legislation said that that would have to be preapproved by their Ethics Committee.

You know, interesting proposal. There are several ways you can do it. There are several ways you can do it.

Let us look at congressional travel. Travel sponsored by lobbyists, again off the front page, in that same graph on the front page of USA Today. The Senate legislation that deals with travel by Members sponsored by lobbyists would say that they have to have preapproval in order for a Senator to travel with lobbyists, on a lobbyist-sponsored trip. The Senate legislation said that that would have to be preapproved by their Ethics Committee.

You know, interesting proposal. There are several ways you can do it. We will go one step further in our proposal, which we will go through in a second. But the House version, this is funny; it is so sad that it is funny. The House proposal tomorrow that we are considering on travel says suspend travel until December 15. What about elections, that we get past the election and people will forget? Or maybe we get past the election and it will not matter anymore and they can just go back to taking trips to Scotland and playing golf when they are supposed to be doing the people’s business?

I am not sure who they are trying to kid. It is just truly unbelievable, Mr. DELAHUNT. Their nerve is amazing. So I just wanted to outline that is the difference between the Republican proposals.

Now, I want to just take a minute and go through what the Democrats would do. You know we hear so much that, you know, all the Democrats do is criticize and, you know, we do not have a plan for this, that, or the other thing, which of course we spend each night here trying to outline the plans that we do have, and debunk that oftentimes, which is truly logical, because we have numerous plans which will continue to outline.

But let us look at the House Democrats’ lobbying reform proposal, where we would truly crack down and get tough on the culture of corruption and cronyism that exists here. It is called the Honest Leadership and Open Government Act. If that is what we are considering tomorrow, which I truly wish we were, then the gift limits that Democrats proposed would be a ban on gifts including meals, tickets, entertainment, travel from lobbyists and nongovernmental organizations that retain or employ lobbyists. Because, you know, we could debate, we could have a legitimate debate, I think, Mr. DELAHUNT, on whether or not particularly nongovernmental organizations should be able to sponsor Member travel, those educational trips that I have taken in the time I have been here, once or twice, that are truly helpful.

But, you know, unfortunately, you know that old expression where they talk about the one bad apple spoils the whole bunch. To restore Americans’ confidence in their government, a change like we are proposing, just a total ban would do that. You got to go that far. But that is not what we are considering tomorrow. We are considering just holding off on travel until December 15, squeezing our eyes shut and hoping the problem goes away.

A lobbying ban. We House Democrats would propose, do propose, a 2-year ban for former lawmakers, executive branch officials and senior staff that they could not represent clients and contact former colleagues for 2 years. It would eliminate floor and gym privileges for former Members who are now lobbyists.

It would require Members and senior staff to disclose outside job negotiations, because the K Street Project, the infamous K Street Project where you have the revolving door of negotiations going on, while staff, while Republican staff are still here working for the public, negotiating lucrative private deals to leave here and then, you know, within a year, representing clients and lobbying their former colleagues.

And the pressure that the K Street Project applies for those private firms to hire those Republican staffers, we would end that practice in the Honest Leadership and Open Government Act.

And finally, these are just highlights. Actually this proposal is far more comprehensive than what is outlined here. There are several other proposals. We would prohibit lobbyists from planning congressional travel.
It would require Members to pay the full charter cost when using corporate jets for official travel and to disclose relevant costs in the Congressional Record. Literally, the piece of the legislation we are going to consider tomorrow, the only change, is corporate travel and the Member is using the private plane provided by a lobbyist. Sometimes, you know, a Member needs to get somewhere quicker than commercial travel allows them to. The proposal tomorrow only prohibits the lobbyists from traveling with the Member on the plane.

They can still do it exactly as they do it now, but they cannot go with the Member. That is the accountability that is provided for in this bill. It is a joke.

You know the American people are not going to buy it. You know, the finger in the dike for the next 6 months and hoping that that gets them through. I mean, I am hopeful that that does not work. It appears that the American people finally get it and that they will be behind us in moving this country in a new direction. Sorry I took so long. That has been growing inside me.

Mr. DELAHUNT. Thank you for that exposition. I just want to return to the original theme. We are connecting the dots, because I think really what is required is an openness that heretofore has been missing. And I honestly believe that the dreadfully low polling numbers for the institution would be changed dramatically.

In other words, rather than 23 percent of the American people approving the performance of Congress, 23 percent as opposed to two-thirds of the American people disapproving of the performance of Congress, can only change with transparency and aggressive oversight.

By aggressive oversight, we don’t simply mean partisanship and partisan attacks. We mean putting it all out on the table, letting men like these three generals and many others, I think of the former AID director, the Agency for International Development, who is currently at Georgetown University doing a professorship, who recently made a statement saying that the reconstruction effort in Iraq is plagued by incompetence and turf battles within the administration. It would be healthy.

It would be healthy for us, for the institution, because you said something earlier about the confidence of the American people. If we are going to change those poll numbers, we have to come together, assume our responsibilities and become aggressive about holding the executive branch accountable, holding ourselves accountable, as you just pointed out, and reviewing the performance.

We could debate about it, but let the American people hear directly, without the filter of partisanship, whether it be Democratic or Republican. Let them hear directly as to the observations of those that are involved in whatever the issue is.

I mean, I would suggest that in the aftermath of the passage of the so-called prescription drug benefit program, that aggressive oversight would have entailed bringing before the appropriate committee of Congress those who are involved in hiding from the United States House of Representatives and the U.S. Senate what the estimates were in terms of the cost of that particular plan.

We should have all been outraged. We should have demanded to hear from the participants, but we didn’t. We failed, I would suggest. And know what we have here today? We have the lowest rating. I believe, since I have been here, by the American people, according to a poll that I just saw before coming over here, of the performance of the United States Congress. We are a democracy. We have got to become institutionalist once more.

We have got to defend the prerogative of the Congress, whoever is in the White House.

I will tell you what I have learned, Ms. WASSERMAN SCHULTZ. It is that when one party controls all of the levers of power in a democracy, accountability just disappears. I am not saying that is peculiar to Republicans. Maybe it is innate just in human nature. We don’t want to embarrass our President, if he is of the same party, but we have got to restore a sense of pride in the institution. That is not happening here today.

One hearing, one legitimate hearing on Iraq in 3 years? Meanwhile, thousands of military personnel have died, and we are spending close to $1 trillion already, and more in the pipeline. It is not right. That is why the American people are losing confidence in the U.S. Congress.

Ms. WASSERMAN SCHULTZ. There are lots of reasons, Mr. DELAHUNT, some of the ones you outlined, but many more reasons why the American people are losing confidence in our ability to make sure that we respond to their concerns. Here are some key facts that I pulled together that just might explain why people are so frustrated, aside from the major issues that we have been outlining here tonight.

Just for example, median income, median family income has dropped every year of the Bush administration. Median wages have dropped 6 percent from 2000 to 2004 according to the Federal Reserve Board. A typical middle-class family and this is the 30-something Working Group, and we just want to provide some highlights of the things that this generation is struggling to deal with, the typical middle-class family is working longer than in 2001 just to break even.

Health care costs have skyrocketed, with a typical family paying $3,322 more for health insurance, compared with 2000. The number of Americans without health insurance has increased by 6 million, while the number living in poverty has increased by 4.5 million since 2000. Gas prices are 62 percent higher than in 2001. Housing is the least affordable it has been in 14 years.

In 1980, 54 percent of the American people disapproving of the performance of Congress, was almost three times 15 percent. Now it is up to 79 percent.

MS. WASSERMAN SCHULTZ. The average price of a house in south Florida is more than $300,000. Now how is a young couple, just starting out, who wants to reach the ability to buy their first home, going to afford that?

Come on, I am not that far from having bought my first home with my husband. Trust me, if the prices were like that in south Florida when we first started out, there is no way. We would be living in a shack, which many people in America are continuing to struggle to even be able to afford.

College tuition. Let us continue down the path of what young people are struggling with. College tuition has gone up about 40 percent, even if you take inflation into account, according to the college board in 2005. The number of employees in an employer-sponsored retirement plan dropped by more than 2.7 million from 2000 to 2004. That is what Congressional Research Service, our objective Congressional Research Service that cited that statistic.

About 3.7 million employees have lost employer-provided health insurance since 2000. The median household debt has climbed 39% to $3,500,000. The number of Americans without health insurance has increased by 6 million, while the number living in poverty has increased by 4.5 million since 2000. The number of Americans living in poverty has increased by 4.5 million since 2000.

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from Minnesota
Medicare Part D

The SPEAKER pro tempore. 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. Madam Speaker, thank you. It is so good to be here again tonight talking to my colleagues as part of the Republican health care public affairs team, and I am pleased that a number of my colleagues will be joining me, hopefully, during the hour, and we will be hearing from them.

Madam Speaker, I ask this question. If there was a way to save more than $1,000 a year on your heating bill or your food costs or car payments, you would want to know about it, right? I know that my colleagues, I think on both sides of the aisle, would definitely want to know. Well, seniors are saving an average of $1,100 a year on prescription drug costs with the Medicare Part D prescription drug coverage program, $3,700 a year for those low-income seniors who qualify for supplemental help. For many seniors, Medicare Part D marks the first time that they have been able to afford the medications that they need to stay healthy. For many, Medicare Part D means they will not have to choose between their medications and other necessities like food and housing costs.

Madam Speaker, I wanted to start out by going through a couple of these slides and pointing out some of the statistics that really just literally jump off the page at you. More than 30 million seniors now have coverage under Medicare Part D. These are our latest numbers. There are about 43 million Medicare beneficiaries, mostly because of age 65, and maybe 6 million of those because of a disability at a young age.

But when you look at here, and we have not even reached at that magic date yet in this first year, that more than 30 million now have coverage, it is an amazing success story. And continuing that success story, pharmacists in this country are filling 3 million Medicare part D prescriptions a day. That is 3 million times a day that seniors are saving with prescription drug coverage. And many of these seniors were paying sticker price until they finally had the opportunity to save under this great addition to the Medicare program.

Seniors, as I said, are saving an average of $1,100 a month. And $1,100 a month is not low. And $1,100 a month is a huge benefit in itself, and this is on average, but low-income seniors, of course, are paying now, under this program, $1 for a generic drug and up to $5 for brand name as a copay, and that is it. That is it. Let’s say you are on 5 prescription drugs, and they are filled on a monthly basis, usually a 30-day supply. That is $5 a month, or $60 a year.

And I don’t want you to just take Congressman Dr. Gingrey’s word for that, my colleagues. We have some stories, some anecdotes, to share with you, some actual patients that want to tell you more about that in these following charts. In fact, some of those very seniors are going to be up here on the Hill tomorrow for a press conference, and we will hear it directly from them. I look forward to that, and I hope many of my colleagues will have an opportunity to attend that press conference.

Well, the newspapers, sometimes we wonder if they give the facts as we know them. I want to share with you on this next slide some of the newspapers and what they are finally saying now that we are about 3 weeks away from May 15. And of course we all know that this bill was passed by this Congress, actually the 108th Congress, in November of 2003, and we have gone through the transition program with the Medicare prescription drug plans open to beneficiaries, seniors are not overburdened by choice, two recent surveys demonstrate. The surveys, sponsored by America’s health insurance plans, showed that of seniors who signed up for the Medicare drug benefit, the vast majority, 84 percent, had no difficulty, no difficulty, enrolling. And finding the right plan is worth the effort of shopping around, two-thirds said. For those who were automatically enrolled, 90 percent had little difficulty receiving their prescription drugs.

The ones that were automatically enrolled, of course, were those seniors that we refer to as either dual-eligible, in other words, they are Medicare and the State Medicaid because of their low-income situation, or their income is maybe not low enough to qualify for the Medicaid, but the State helps them pay their deductibles and copay under Medicare. Will all of those seniors, if they didn’t sign up, they were automatically enrolled.

Now, listen to what The New York Times says, and this New York Times is not the bastion of conservatism, of course, as we know, “Many seniors are clearly saving money on drug purchases. Complaints and call waiting times are diminishing, and many previously uninsured patients are clearly saving money on their medications.” That was in an editorial in The New York Times on April 3, so just a couple or 3 weeks ago.

Well, I said at the outset, Madam Speaker, that I would be joined by some of my colleagues on the Republican health care public affairs team. We have a great group of Members who have expertise not only on this issue, but a lot of issues that we are taking the leadership on in regard to health care in this country and are talking about leveling the playing field in regard to civil justice, so-called medical tort system; or whether we are talking about passing, as we have done so many times, under this Republican leadership, something that is referred to as association health plans, which allow small companies who really can’t afford to purchase health insurance for their employees when their numbers are small, 5, 10, 15 employees, to come together and enjoy that benefit of purchasing a policy that is affordable to their employees, health savings accounts; or...
Our initiative on electronic medical recordkeeping and reduction of medical errors, Madam Speaker.

All of these things this Republican leadership is leading the way on, leading the charge on, and I am very proud to have some of my colleagues with me tonight. And I am very proud to yield time to my colleague from the great State of Georgia, who just happens also to be a physician Member, and I am proud of that as well. And at this point I would like to turn over the mike to my good friend and colleague, Dr. Representative Tom Price.

Mr. PRICE of Georgia. Thank you so much, Congressman Gingrey. I appreciate the opportunity to join you tonight. I want to thank you for your leadership on this issue. You have been one of the stalwart champions of appropriate health care, health system reform, and come with such a wonderful background of information. You and I served in the State legislature in Georgia, and now here in Congress, it is just a privilege to join you tonight. I appreciate the opportunity to be with you.

I also want to thank the leadership for making certain that we bring this wonderful exciting news for America's seniors to the House of Representatives and to the Nation because it is a time of great opportunity for seniors all across our Nation. We are in a period of time right now, as you mentioned, we are able to sign up voluntarily, voluntarily, and I think it is important that people remember that, it is a voluntary program, and participate in this new Medicare part D program.

As you mentioned, I am a physician as well. We used to practice together in the Atlanta metropolitan area. I am a third-generation physician. My father and grandfather were doctors as well.

And the things that I was able to use to care for my patients were a whole lot different than those things that my father and grandfather were able to use, and that is because medicine is an evolving science. It is not set in stone. Things change, and things change virtually daily. But Medicare is a program that has not kept up with medicine. Medicare is a program that has not kept up with medicine.

When Medicare started 40 years ago, there were no drugs included in the program. Drugs at that time, medications at that time really weren't used, well certainly weren't used as much as they are now, but weren't used to the percentage they were in terms of the numbers of patients who utilized medications, and things have changed a lot in those years, as you well know, Madam Speaker.

Over the past 40 years, there have been wonderful opportunities for drug treatments to prevent and to cure diseases. Yet until now Medicare didn't include a single medication, not a single drug, in its plan. None. None. They would cover the expensive surgery it took to take care of a bleeding ulcer, but it wouldn't cover the drugs. It wouldn't cover the medications to prevent the ulcer in the first place. It would cover the surgery, the expensive surgery, and hospitalization to care for a patient that had a stroke, but it wouldn't cover the medication to control the blood pressure in the first place and prevent the stroke.

Now, that, Madam Speaker, certainly doesn't make any sense, and everybody appreciates this too, didn't make any sense, and that is why this program was instituted. All that is changing now with the Medicare part D program, which, again, is voluntary, a voluntary program for seniors all across our Nation.

And I will tell you, Madam Speaker, that most seniors, most seniors, would be helped and assisted in their ability to purchase their medications by using this new program. Some say that it is confusing, that it is just too complicated. As Congressman Gingrey mentioned, when you talk to those folks who have already signed up in these first few months of the program, they say that it really isn't that confusing. You just have to tackle it. And most of them, the vast majority, are remarkably satisfied.

I would encourage all of my colleagues, both sides of the aisle, Republicans and Democrats, to assist further in educating their constituents, educating their seniors about the program. I have held, as I know you have, Congressman Gingrey, a lot of seminars and meetings with seniors around our districts to help them understand about the program, what it means and what the specifics are, and assist them in being able to sign up for the program.

Those folks at CMS, the Center for Medicare and Medicaid Services, have been remarkably helpful in assisting seniors in my district, and I know yours and so many across this Nation, to be able to understand the nuances of the program. We need to remember, as we look at this program, that the Medicare program on December 31, 2005, had no medications available, and now it does, and now it does. And that is the important thing to remember for seniors.

Now, you mentioned the important date that Mr. Price mentioned, May 15, May 15 is the deadline to sign up for Medicare part D. It is a deadline that is necessary because this is a new insurance. This is a new aspect of insurance. And unless individuals sign up by a particular time, then you can't reach the savings that you can get in this kind of program. So I want to commend all seniors to take a serious look at this.

Again, it is a voluntary program, but the vast majority of seniors will be aided by this. Unless seniors have had Medicare, their medications covered through a previous employer, then it is likely that the seniors who could access this program would be benefited by it. I know that in my area all of the seniors that were on the Medigap plan to cover prescription medications, not a single one of those would be able to have access to a plan that is as helpful in terms of improving their health as this plan.

So this is a good program. It is a step in the right direction. It is not what all of us would have designed, I am certain, but it is a move in the right direction. And I want to commend my colleagues who will be here this evening to share information about this program with the House of Representatives and with our Nation and our Nation's seniors for their activity, and I want to thank you very much for the opportunity to join you tonight and commend you for your leadership on this, and I yield back to you.

Mr. GINGREY. Dr. Price, thank you so much for those comments. They are very accurate and very timely.

I know one thing that Representative Price mentioned earlier, and of course it is approaching. We are 3 weeks away. Of course, a 6-month window of opportunity that started November 15, and we have been doing town hall meetings, of course, since long before that, and letting people know. I think there has been a tremendous amount of information both from the Committee on Medicare and Medicaid Services, CMS we call it, the Social Security department, and senior organizations in each community, in every county, in every State in this Nation have been making sure that this information gets out there.

But, still, as we get down to the wire, we have some seniors, unfortunately there may be as many as 8 million, that could still sign up for this benefit. And while some of them clearly will choose not to, because it is an optional plan, we don't want to miss the opportunity of those in that group who are a part of that low-income portion, Madam Speaker. We have said many times from the well of this House floor, for them it is not only a no-brainer, it is a godsend.

So that is why we continue to have these Special Orders. That is why the leadership, our Speaker, our majority leader, our conference chairwoman Representative Deborah Pryce, wants us to come down and spend this hour, and allows us to do this, and as Congressman Price was just saying, to talk to Members on both sides of the aisle, because this is not the time to politic over this. This is the time to get the policy right.

So that is really what we are about. Again as I predicted at the outset, I would be joined by my colleagues on the health care public affairs team, not the least of which is my cochair. And I would like to call on him. I would like to share word information about Representative and Dr. Tim Murphy from the great State of Pennsylvania. He is a clinical psychologist, a teacher and an
author of several books. He has taken a leadership role not only in the overall committee that he cochairs, but also especially on the issue of electronic medical record-keeping and reduction of medical errors and saving lives and saving money. This is something that both Dr. MURPHY and former Speaker Newt Gingrich have written a book on. We can talk about that later as we get beyond May 15, but at this time I yield to Mr. MURPHY.

Mr. MURPHY. I appreciate the gentlemen yielding me this time and your continued leadership in helping this Nation understand the importance of the Medicare prescription drug plan.

I wanted to echo with you the issues involved with this, which are so important not only to our constituents but actually to people across the Nation as they look at this and reflect back a couple of years ago when many folks were traveling to Canada, looking at trying to import some medications from across the world in an attempt to save money.

The net result of that, the overall savings that came from importing medications from Canada as opposed to price shopping in America, was not that impressive compared to our generic medications, generics still saved a lot more money. But nonetheless, many folks were searching for ways to find less expensive medications.

Secondly, when people were involved in importing drugs from around the world, from Web sites or mail order, what they found many times were counterfeit medications. In one case they were supposed to be a prescription medication, but they were white pills that said the word “aspirin.” It is not hard to guess what those were.

In other situations they were completely counterfeited by using paint and other materials to try and make the professionally manufactured medications. In other words, people were attempting to save money, and spent more after paying for counterfeit medications.

So along came the prescription drug plan, and people reported to me they did find savings. Some looked at their VA program and were happy with that. In Pennsylvania, we have what is called the PACE program, or the Prescription Assistance Contract for the Elderly. Many were happy with that, and they continue.

Others said as they looked at their Medicare benefits, they found significant savings. One woman, as she was looking through that, told me she was saving hundreds of dollars. The point is it was voluntary. People compared different plans and found what saved money for them. The main thing is getting people on the medication that they need, rather than trying to seek some discount plan that really does not save them money but sometimes that.

Of course, there are other parts of this Medicare bill that we recognize. One is getting people their checkup with their doctor so someone can review their needs; and also having pharmacists review the medications people take to make sure that we are avoiding duplication and improper doses, which also add costs.

We have to remember one of the ways to reduce the cost of medicine is not just look at discounts and ways the government can help supplement payments, but also patients need to make sure that they are taking only the medications they need. Multiple doctors and go to multiple pharmacists, that is one of the huge risks that occur for senior citizens where they end up with medical problems.

One study that I think the CDC sponsored this, it said in Medicare alone, taking the wrong doses for the wrong person has contributed to some $29 billion in costs that were avoidable. So it is important to have all medical treatments coordinated under one plan rather than going to multiple doctors and multiple pharmacists.

But not only is it important for us to look at this program to provide medications that are affordable, but it is also important we see even people look at the cost of the prescription drug program for Medicare, what they consistently fail to take into account is what money it saves for health care overall.

I am going to read a couple of points about some medications, and I recognize, although I work in the field of psychology, some of these are areas of expertise for some of the other physicians here. So the comments I will make, and Dr. GINGREY has commented on this too, that taking the correct medication is a money-saving as well as a life-saving factor that unfortunately the Congressional Budget Office and others who have looked at the cost of the Medicare prescription drug never take into account.

Here is one point dealing with heart disease. Patients with heart failure who are treated with beta-blockers live longer, and spend about $4,000 lower than patients who do not take these medications. A 2004 study by Duke researchers found that beta-blocker therapy improves clinical outcomes of heart failure patients and is cost saving to society and Medicare.

Looking more broadly, the researchers found that 5 years of treatment for heart failure without beta-blockers cost a total of $53,000. But with beta-blockers, the total cost fell by $4,000, and patient survival increased by an average of 3½ months.

Here is a study on depression. New medicines have brought down the cost of treating depression in the 1990s by reducing hospitalization. Medications like Prozac and Paxil are responsible for this. New studies show how newer, better medicines reduce the cost of treating patients with depression. The cost of treating a depressed person fell throughout the 1990s largely because of a switch from hospitalization to medication and psychotherapy, one study said.

A study that was published in the Journal of Clinical Psychology in December 2003 found that per-patient spending on depression actually fell by nearly 20 percent over the course of the 1990s.

Another study corroborated these results, finding that the use of a disease management program to control diabetes, along with medication and patient education, generated savings of $747 per patient per year. I might add that the University of Pittsburgh Medical Center found when they engage these disease management programs, they reduced hospitalizations by some 75 percent.

I mention Alzheimer’s disease. One Alzheimer’s medicine was found to reduce spending on skilled nursing facilities and hospital stays. A study of the effects on costs in a Medicare managed care plan showed that, although the prescription drug benefit for people receiving the drug were over $1,000 higher per patient, the overall medical costs fell to $8,000 compared with $11,947 for the group not receiving drug treatment. This one-third savings was as a result of reduced costs in other areas such as hospital and skilled nursing facilities.

So one of the things that is so important for citizens to take into account as they look at these programs is to please understand not only the cost of the programs has over but the more that patients get engaged in following the prescriptions, following the doctor’s orders, not only for the medicines themselves but patient education, diet, other therapies that may be recommended, the overall cost of health care goes down. And that is one of the untold stories of how the prescription drug plan works. It saves lives and saves money.

Overall, if Congress continues to pay attention to the biggest piece of how using electronic medical records and electronic prescribing, patient management profiles, to use integrated care looking at psychiatric care coordinated with medical care, to look at some of these many areas, we will continue to see, I believe, massive savings in health care, which is what we want to do. We want to coordinate all of these efforts in health care so it is not just a matter of saying health care is too expensive, so let us increase copays or deductibles and hope the results cover.

None of those are viable alternatives. Nor is a method used to reduce payments to doctors or hospitals. That
is shifting the cost of care, that is not improving care. And this Medicare prescription drug plan which coordinates those benefits so much better for patients is a very important aspect that we encourage people to take a look at.

I commend Dr. Murphy for his work on making this important legislation and bringing it before the American public to review and understand. I am sure you agree that the issue of the medication, when we only look at the cost of what we save and the other large cost of what it saves, we are missing the point. That involves a lot of foresight by those who drafted this legislation to make sure there was coordination of medical treatment and that it was put into this bill.

Mr. GINGREY. I thank Dr. Murphy, and really among the many important points that you made, there is one that I would like to elaborate on before turning to our next speaker, and that was this issue that Dr. Murphy mentioned toward seniors buying their drugs from Canada, and in some instances not knowing if they were actually coming from Canada.

But I think all of our colleagues understand why they found the need to do that; and our colleague, well, three on our side of the aisle in particular, the gentleman from Minnesota (Mr. Gutknecht), the gentleman from Missouri (Mrs. Emerson) and the gentleman from Indiana (Mr. Burton), spent many hours in this Chamber discussing Special Orders, talking about the fact that seniors were having to pay so much more in this country for prescription drugs than they could get from north of our border. And in many instances, most instances, the exact same product safely packaged. And who could blame them because what has been happening, until we finally came forward and delivered on this promise after so many years of prior administrations and other leadership, who could blame them because what has been happening, until we finally came forward and delivered on this promise after so many years of prior administrations and other leadership, has been happening, until we finally delivered on this promise.

This is what has happened. Let me just give a quick summary of some of this before we turn to my good friend from Texas.

In Minnesota, while enrollment in the Medicare drug benefit rose by 9 percent last month, sales of low-cost Canadian drugs fell by 52 percent. Listen to what a State health official says in Minnesota. Officials say that it is almost impossible to say for sure why sales of Canadian mail order drugs fell to $39,000 this March, the least since that State's program's first month in February 2004. The State actually had a program to help seniors buy from Canada. The head of the state's Department of Human Services says they're concerned, but the Medicare drug program probably is one of them. That was by a spokesperson for the Department of Human Services in Minnesota which operates Rx Connects.

I just want to say to my colleagues that we are pushing so hard for what we refer to as reimportation, making that legal, and while certainly no one has ever been prosecuted for purchasing in that fashion, my feeling all along was when we passed this bill, as we did in November of 2003, Medicare modernization with a prescription drug benefit, the seniors are going to see those prices fall to the point that they will have a real chance that they will get some knock-off drug or something that is lower quality or not the right dosage. This is what has been happening.

I think the gentleman from Minnesota (Mr. Gutknecht and others may not completely agree with me and I understand that, but hopefully we will be able to take that argument off the table as this program matures, and I feel confident that is going to happen.

At this time, I call on the gentlewoman from Texas, who is not only my physician colleague and part of this health care team, but he is also an OB-GYN specialist, and I think it is better to say that Dr. Burgess has delivered quite as many babies as I have, but he constantly reminds me he is not as old as I am either.

At this time, I yield to Doctor and Congressman Mike Burgess from Dallas, Texas.

Mr. BURGESS. I thank the gentleman for yielding. And actually that is Ft. Worth. We are sensitive about that in Ft. Worth.

I wanted to spend just a minute this evening. We have heard a lot. The gentleman is quite right. His leadership on this, too, by the way, has just been excellent. And I am aware of how many nights we have spent here on the floor of this House talking about this very issue since 2003 when we both started.

But I wanted to take a moment. We have heard how complicated the program is, and that it is just too complicated, seniors just can't understand it, and make it simpler and then come back and try again. I need to address that.

Remember that if you picked up the Washington Post from a while ago, read the article where the new Medicare benefit is so complicated no one can understand it, no one's going to sign up for it, but I would remind the Speaker and the gentleman from Georgia that this was a Washington Post article from 1966 when Medicare first started. The program itself was complicated then. But guess what? We got a little bit better and a little bit better year over year, to the point where the Medicare system now is one of the more successful Federal programs.

But instead of talking about how complicated it is, let me take another tack. And I want to show you, Madam Speaker, just how easy, how easy it is to sign up for the Medicare program. You are dealing with drugs in one hand so you can read the labels and you can read the dosage and you can read the amount. I apologize, that is not a real Medicare card, but I don't own one yet. But this is a reproduction of a Medicare card. It is actually red, white and blue if you have a real one, and it will have your Medicare number on it.

If you have your prescriptions, and you have got your Medicare card with your name and your Medicare number on it, you have got all the information you need to sign up for this program. Then take the very simple call of 1-800-MEDICARE, talk to the nice people on the other end about your medicines, the dosage you take and the amount that you take, and they will help you work through this program.

Now, for those savvy enough to be on the Internet, there is an Internet plan finder tool that I have found is very, very user-friendly, very amenable to working through it. What I tell people to concentrate on when they look at this program is look at it from the standpoint of cost, coverage and convenience.

If you just print out the plans that are available in the State of Texas, there are 20 plans offering different options, so there are 47 over combinations of plans that are available. If you just looked at those in tabular form, it is pretty easy to pick out the cheapest, the next cheapest and the third cheapest. So very quickly you have done a survey that, based on cost, can tell you the least expensive plan.

Now, you also need to look at more than just the monthly premium. You need to look at the deductible. You do need to know about coverage, because that is critical. Make certain that the plan you select covers the medications that you are taking.

And then finally, convenience. Do you want to do mail order? Do you want to do one of the chain drug stores? Do you want to do the corner drug store, the mom-and-pop? Do you want to do the chain down on the corner? Each of those is available to any senior signing up on this program, and all of that information on cost, coverage and convenience is readily available on the plan finder tool.

Finally, I want to tell the gentleman from Georgia, I am going to be fairly brief tonight, but the gentleman from Pennsylvania was talking a lot about the costs and the cost savings available with this program, and the cost of treatment of heart disease and how that can be lowered with this program. I would submit that since the mid-1960s, according to figures from the National Institutes of Health, there has been a reduction in cardiac deaths in this country such that there were 800,000 less premature deaths from cardiac disease than would have been predicted back in 1965 or 1966 when Medicare was first stood up. The reason that is important is those reductions in premature deaths are a result of pharmaceuticals, timely treatment of blood pressure problems, timely treatment of diabetes, the introduction
of the statins 10 or 15 years ago that has made such a significant difference in the prevention of heart disease.

Yes, we are going to save money with this program, but more importantly, we are going to be saving lives. And I think most Americans would agree with me.

Madam Speaker, with that I will yield back to my friend from Georgia and remain close at hand if he has any questions that he needs for me to fill in on.

Once again I would remind the Speaker that 1-800-MEDICARE is where you can get easy access to the information on how to enroll for this program.

Mr. GINGREY. I thank the gentleman from Ft. Worth. I guess I have run my Dallas-Ft. Worth together. But the gentleman has done a great job in working with us on this time, and I appreciate his comments tonight as well.

There has been a lot of discussion about extending the deadline to say, well, you know, we don’t need to be penalizing seniors if they don’t sign up in time, and that is something that hopefully we will have an opportunity tonight to talk a little bit about.

At this point I am going to call on my good friend and teammate on the Republican baseball team, hopefully again this year, and I am talking about the senator from Pennsylvania, who is also a member of the Ways and Means Committee. And I will tell you, my colleagues, you know, that is so important because the Health Subcommittee on Ways and Means is where these issues relating to Medicare are ironed out before they come to the general membership, to the floor. And the expertise in that committee level is so strong, and so it is wonderful to have Melissa Hart with us tonight. And I would like to turn the mike over to her at this time.

Ms. HART. I would like to thank my colleague, Dr. Gingrey from Georgia, and a very, very good baseball player, I must say, for allowing me to join all the doctors on the floor tonight. I have had a lot of experience with this issue, significant senior population in western Pennsylvania where I live, and represent a lot of folks who have benefited from this program. And I think you and your fellow physicians and a lot of our Medicare beneficiaries have worked very hard to make sure that people are aware of the program, they are aware of the offering. And so many people who had no coverage whatsoever for prescription drugs are now saving a significant amount of money. And even more importantly, a lot of folks who believed they couldn’t really afford their drugs, and so they maybe weren’t taking care of themselves the way they should, or they were cutting their pills in half and really not taking the dosages that they have been being instructed that they need, they are now able to do so. They are able to afford the drugs that they need. They are able to take the dosages that they need. And we are going to see a lot more people be a lot healthier a lot longer, and I think that is extremely important.

I would like to make a couple of points, one obviously being what is in this message behind me, that seniors are saving on an average of $1,100 a month with the Medicare prescription drug coverage. Low-income seniors who are not having to pay some of the deductibles, some of the other up-front costs saves more, $3,700 a month. That is per month. And we are talking about seniors, so most of them are going to be on a fixed income. And it is certainly a challenge to pay this kind of money out of your pocket if you are working full time.

So the concern that a lot of us had, and the reason that the Members of the House of Representatives and the Senate decided to support a plan within Medicare to provide prescription drugs, was that we want people to be able to access the kind of care that is needed for health care that that is delivered today. And our physicians certainly know very, very well, and I am certainly honored, as a lawyer especially, to be part of the group tonight, explaining to a lot of folks who may not be aware of this or who may, unfortunately, have heard some of the negative comments out there from those who maybe for political reasons don’t want this plan to succeed. And really I would like to call for a stop to some of the misleading and dishonest rhetoric that has been used.

It seems as though it is designed to purposely scare seniors away from this prescription drug program that is available through Medicare, which is just the worst thing to do for their health.

By every measure this program is succeeding in its core mission of helping Medicare recipients save money on their prescription drugs. Participation in the program has exceeded its goal of enrolling 30 million by the conclusion of the first year, and it is only April.

In addition, since the beginning of last month, seniors have been enrolling in the prescription drug plan at the average rate of about 416,000 seniors per week. So obviously the message is getting out. But we need to make sure that it gets out that the truth is that this program is helping seniors from coast to coast.

In my district alone, in western Pennsylvania, more than 90,000 seniors now have prescription drug coverage, and the Centers for Medicare and Medicaid Services project that that number will only increase by the end of this year.

The overwhelming reason why Medicare recipients are enrolling is simple. They receive real savings on the cost of their prescription drugs. The average senior, as I said earlier, who signs up for this plan is saving more than $1,100 on prescription drugs. In fact, the robust competition among the Medicare drug plans actually has begun to drive down the cost that we expected seniors would pay when we were initially discussing the legislation. As Dr. Gingrey knows, we were talking about how much the monthly cost would be for the plans, and we were worried that people might not be able to afford the plan. So we did everything we could to drive down the monthly cost for the prescription drug coverage so that people would buy the coverage and then obviously save a lot of money on their prescriptions.

Initially we estimated that we would be nearly $40 a month, and now the average premium is only about $25 a month. And, in fact, some, one that we found in our district, is only about $10.14 a month. And so seniors have every reason certainly have an opportunity to get into this program even if they don’t qualify for the no-cost monthly benefit.

Back home in Pennsylvania, beneficiaries, as I mentioned, have a wide range of choices. It is not just the amount that each of these plans cost, but it is the level of service as well; the broader-based formulary, if you have a lot more needs for different prescriptions, I saw Dr. Burgess holding three prescription drug bottles when he was talking. Some seniors may have one or two. Some may have four or five. And so it is important that they make sure, as Dr. Burgess suggested, they understand the formulary, that is the list of the drugs that are covered by the plan, actually cover the prescriptions that they need to take to stay healthy.

A Medicare beneficiary in Pennsylvania who doesn’t currently have coverage will save $920, or 33 percent, in a Medicare prescription drug plan. This beneficiary can save even more, as much as $1,900, or 68 percent, by using a mail order.

And all of the plans that are offered give each senior options. They can choose to be able to go to their local pharmacist, which is very important because many people would love to talk to their pharmacist every time they have a chance to. Some are very comfortable with their prescriptions or medications, and they don’t need to do that. They would rather save money and can get mail order, and so they have the opportunity to save even more that way.

But every state offers different plans that have different benefits, and it is nice to know that whatever your needs are, there is going to be a plan to cover them.

While some outside this Chamber today have sought to discount this plan and say it is too complex for seniors, the savings that people are realizing is having a very serious positive effect on people across the country.

Madam Speaker, these statistics speak for themselves, and the individuals who choose to demagogue the new
program are not only trying to harm seniors, but they are also insulting the intelligence of seniors in the United States. With more than 30 million Americans who are now enrolled in the program, we should be doing everything we can to help seniors and increase the enrollment in this Medicare drug program, not scare them. And I really appreciate the fact that our health care professionals who are Members of Congress are here, because they have the credibility of being providers of health care and also now as legislators here in the Congress, who have helped us move forward with this legislation, helped us get through some of the bumps in the initial roll-out of the program to the point now where so many people are benefiting.

And I want to commend you, Dr. Gingrey, for being one of those steadfast individuals who not only represents your district in Georgia, but you are doing a world of good for seniors in your own county to make sure that they know that this is a great plan for them, it is going to help them save money, and most importantly, more importantly than anything else, to help them stay healthy. And I want to thank you for allowing me to join you.

Mr. Gingrey. I thank the gentlewoman from Pennsylvania. And I want to comment, too, that I said at the outset that the work that she does on the Ways and Means Committee, with Health Subcommittee Chairwoman Nanny Johnson from Connecticut and Chairman Thomas and other members of that committee where all this great work is done.

One of the concerns, Madam Speaker, was that the pharmaceutical companies that had these prescription discount programs that they offered not only to needy seniors, but to people of low income at any age, low-income adults.

And a lot of concern had been expressed. In fact, the Inspector General had some concerns initially and let the pharmaceutical companies know that they may need to look very carefully at these discount programs because of some antitrust violation or whatever. But the members of the Committee on Ways and Means continued to work through this and to make sure that the pharmaceutical companies understood that they could continue these programs and there would be no violation, there would be no penalties or anything of that nature. And I think this is great because, as Representative Hart is just talking about in regard to that gap in coverage, that does not exist, of course, for our lowest-income seniors who qualify, as she said, for the low-income supplement. No matter how much money these seniors have in their pockets before the program for prescription drugs, they are only going to pay $1 a month for each prescription as a copay for generic. Maybe a little bit more if it is a brand name.

But most people in the program do face that gap in coverage where, after the first $2,250, then all of the payment is out of their own pocket until, Madam Speaker, the point where they have actually spent an out of pocket one year $3,600, and then after that the benefit is outstanding. In fact, 95 percent of any cost above that amount is paid for by the insurance program and only a 5 percent burden on the patient. So that is a tremendous benefit.

But in that gap in coverage, where all of a sudden if somebody reaches that, $2,250 is not the average amount that an individual senior would spend each year on drugs. It is considerably lower than that. It may be closer to $1,400, and they would never get to that point. But some do, and now we know, because of the good work of the Ways and Means Committee, of which Representative Hart is a member, we have worked with the pharmaceutical companies can continue to offer those discount programs and to provide at a very low cost these prescription drugs for those seniors who are getting to that point where it is really going to be difficult for them to stay on their medications. And I commend her for that and I think that was something that was very important.

The pharmaceutical industry, the companies, have been attacked so much by the other side of the aisle, and we have heard that over and over and over again, that this is nothing but a giveaway to the pharmaceutical industry, and they wrote the bill and the Republicans passed it in the dark of night. We have all heard that to a fare-thee-well. Hopefully, our colleagues will now get on board with us and realize that this is a good bill that is saving, as Melissa Hart indicated, it is not averaging $40 a month; it is averaging $25 a month, or, in some cases, even less. And there are options, of course, the first option being do you not have to sign up for it if you do not want to or if you have something better. But it has been a godsend for so many.

And I thank you so much for being with us tonight, Representative Hart.

Ms. Hart. It has been a pleasure. I thank you.

Mr. Gingrey. And as I said, premiums and AARP Speaker, a third lower than expected. Even the cost, the overall cost, we got some conflicting numbers back toward the end of 2003 when we were debating and finally passing this bill. The first number, of course, was it was going to cost $450 billion over 10 years extra Medicare spending. Then the number went up to $750 billion. We now know that the cost is going to be lower than those numbers, and probably a lot lower because as we crunch these numbers, the Congressional Office of Management and Budget, they do what we call static scoring. And as my colleagues earlier were talking about, and I think Dr. Burgess in particular, Madam Speaker, no credit is given for the fact that when our seniors, my mom and others, can afford to take these prescription drugs and lower that blood pressure, lower that cholesterol, lower that blood sugar, then they are not going to need the extensive benefits of Part A and Part B, whether it is a long stay in the hospital or in the intensive care unit, even more expensive; or on the operating table, having a leg amputated; coronaries; bypasses; or being in a worse condition of high blood pressure, having a stroke and spending the rest of their lives in a nursing home covered by Medicare or maybe Medicaid. Who wants that if they can avoid it by spending less money on Part D and preventing this from happening in the first place?

So we shift costs, and we do not get any credit for that in this so-called static scoring that goes on around here, but we should be getting a lot of credit.

And I know that my colleagues on both sides of the aisle understand this. But despite it, there are Democrats in this Congress and liberal groups like Families USA and MoveOn.org who are continuing to push our seniors’ health, holding town hall meetings to encourage seniors not to enroll. Not to enroll. I thought they would get over the fact that somebody licked the red off their candy or they lost their marbles in a playground game and all of a sudden wanted to pick up and go home.

I remember 1 year ago or 1½ years ago seeing Members, particularly on the other side of the aisle, turning down and literally making a big show out of tearing up their AARP card because of this wonderful senior organization of 35 million, of which I am a proud member, had the audacity, audacity, to endorse something that the Republicans, Madam Speaker, had put forward for our seniors. And I guess the frustration of the other side when they had control of this place for 40 years and never could deliver on this promise, I guess it does grate at you a little bit. But I want them to get over it. I really do, and get on board, because we need to let seniors know, more than a few who have not yet signed up, that let us get this done in the next 3 weeks. And there is a deadline, and, yes, there is this penalty if you do not sign up by the deadline.

All we hear by the other side is to extend the deadline. You just need to give them 6 more months or 6 more years. I do not know what they want. But I know this: This Member has a bad habit of procrastinating, and if I did not have a deadline, if there was not a final deadline of getting your income tax return in every year, I would not do it. And that is just human nature. We have to realize that there is a month left and expect to come into the program and pay the same premium, it is not fair, particularly if during that interim
you went from being on no medications and would cost the program very little, and all of a sudden when you have that angina, as we call it, chest pain, and you realize you are now on five medications and you want to hurry up and sign up for the program, that is not fair to the companies. There is an insurance program and it is pooled and that is the way we keep costs down. So I think it absolutely makes sense to get everybody signed up by the deadline, which is fast approaching.

Madam Speaker, it has, as always, been a pleasure to have the opportunity to be given by our leadership, by Speaker HASTERT and Mr. Leader BOEHNER and our conference chairman, DEBORAH PRYCE, to spend this hour with my colleagues talking about something that is so important. And if we can ever in this body, and I know we can, put policy ahead of politics and realize that we can work together in a bipartisan way when we have got something that is clearly a tremendous benefit to our seniors, let us all pull together.

When we go home tomorrow, if we have got some time on Friday, or Monday before we come back to Washington, let us have town hall meetings and workshops and computers and pharmacists there and vendors and maybe some health screening kiosk as well, and help our seniors take advantage of this great benefit.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. Foxx). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Madam Speaker, it is an honor to come to the floor once again. As you know, night after night, and even earlier tonight, Madam Speaker, you have heard us, first hour we had members of the 30-something Working Group on the floor talking about plans that we have on the minority side here in the House of Representatives and assisting not only Americans, but also those that are in the industry of providing energy to this country, who are also Americans and some of them are foreign companies, to be able to provide cleaner burning fuel and also alternatives that Americans will be able to help for years to come.

Energy independence is something that we have embraced for a very long time.

And the debate this week has been about energy, the debate this week has been about ethics, the debate this week has been about a budget vote that we are all waiting to take. But it seems that on the majority side, Mr. Speaker, that the votes are just not there to pass the budget, the Republican-led budget, which I must say that a number of Members on both sides of the aisle have issues with, apparently.

In the 30-something Working Group, we want to thank Leader PELOSI for allowing us to have this hour once again, the second hour of tonight on the Democratic side, and also Mr. Steny Hoyer and Mr. James Clyburn, who is our chairman, and Mr. Larson, who is our vice chairman, and all of the members that go to committee meetings and fight on behalf of the American people.

Madam Speaker, I believe that we are all on one team until it comes down to what the special interests want and what the American people want. I think that is where the divide comes in.

One may say, well, we have already passed an energy bill here. Well, there was an energy bill, yes. It was an energy bill that was passed, but for whom? For the special interests, or for the American people?

I can tell you, Mr. Speaker, that the evidence is overwhelming, the fact that right after Hurricane Katrina, and even before, Democratic amendments were voted down here to do exactly what some Members on the majority side, the Republican side, have said that we need to do now, making sure that we put forth penalties to companies that price-gouge the American people. And I am talking about serious penalties, criminal penalties and fines up to $3 million.

We have ExxonMobil executives and oil executives making $150,000 a day in a pension; a day, not a year, not a month; in a pension with record profits and investors in these corporations that are making money hand over fist, and we have constituencies in our district throughout the country who cannot even afford to put a quarter of a tank in their car because it is outside of their budget. They cannot afford to take their kids to school. Even when they have a carpool, they cannot afford that.

In rural America there are stories throughout the papers today that are saying, yes, we carpool, but when you are in rural America and you have to drive to the nearest school, that is now a $30- or $40-a-day proposition.

So we look at alternative fuels and we look at penalties that will not allow these oil companies to be able to get away with what they are getting away with.

Mr. Speaker, I think it is also important for us to understand that the President comes out and he says, well, that we are going to do is real relax environmental standards to bring the price of gasoline down.

It is almost like a firefighter saying, I know the house is on fire, and it is hard for me even to come up with a metaphor. Mr. Speaker, to describe what the President wants the Congress has allowed him to do. The house is on fire. We are going to put a little water here, but not totally put it out, even though we could have prevented that by putting smoke alarms in and other things in to bring down the rates. So the President wants us to make sure we keep the house from burning.

I think it is also important for us to pay attention to the fact that the 30-something Working Group and also on the Democratic side, we have put forth proposals in the past that could have avoided this spike in prices right now. There was a press conference today, and a reporter asked me, well, Congressman, are you representing to us Americans, are you representing to us Americans, is it a plan that will take gas prices down right now, right now, like tomorrow? No. But if amendments were adopted that were offered here on this floor that Republicans voted down to protect the oil companies and price gouging, $3 million fines for individuals that knowingly price-gouged Americans to make sure they can have a return for those individuals that are investors, the Federal prosecutor would be in the middle of this.

The situation we are in now is that these oil companies are saying, well, what is the penalty, and who is going to enforce it? The Federal Trade Commission is saying, well, you know, we are not sure if we have jurisdiction.

Now we have the leaders on the Republican side in the House and Senate saying, well, Mr. President, writing him a letter, maybe you want to have these folks look into it, and maybe we will take back who just gave the oil companies, over the objection of many of us here in this House.

Then you have some Members say that, well, we did it because they needed money more for more exploration. Well, some of that may be true, but when you have oil companies that are beating some countries in revenue and beating all companies on the face of the Earth in profits, and still saying, well, I know you have all this money, and it is heavy, and you can carry it around, but can I get my hands on the taxpayers' money? Maybe, just maybe, you will go out and find oil or go out and drill in some environmentally sensitive place to be able to push up profits.

What it is going to be very disappointing this time, Mr. Speaker and Members, is the fact that we know that when companies present their quarterly reports, it will be another record-breaking quarter for oil companies.

Now, don't get me wrong. Profits are good. It is not a bad word. But I do take issue with the fact that if individuals are making profits, and it is on
the backs of everyday Americans, Democrats, Republicans, Independents, and even those that cannot vote yet, and individuals are making record profits on the backs of them with the help of their government, I think that is the reason why the latest polling indicates that individuals are ready for a change.

Just so Members don’t feel this is a Kendrick Meek report or just something the 30-something Group came up with, September 28, 2005, a motion by Congressman Stupak from Michigan giving the Federal Trade Commission and also the Justice Department authority to investigate and prosecute oil companies for price gouging. Republicans, 226 voted against it, 195 Democrats voted for it. That is roll call vote number 500, H.R. 3462. That actually happened here on this floor. That is not fiction, that is fact.

October 7, 2005, amendment by the same Member, Democratic Member, allowing the Federal Trade Commission to enforce and ban price gouging and set tough criminal and civil penalties, up to $100 million, on oil companies, and allow the President to declare an energy emergency when he needs to. Republicans, the amendment for Democrats, not Independents, but the Republican majority killed that amendment, 222 to 199, roll call vote number 517, H.R. 3893.

Time after time after time, Mr. Speaker, the majority has proven when it is time to go on this board and vote on behalf of the American people, that it is whatever the industry wants, they get.

I am so glad to say, Mr. Speaker and Members, that on this side of the aisle, Democrats have said on behalf of the American people, not just on behalf of the Democratic Party and not just on behalf of someone that served here long ago in the majority here long ago when the Republicans were in the majority on behalf of the American people, that we have come to the floor and we are here to talk about the record. We are here to talk about what we would do if we were in the majority.

Those two votes that I just named a year ago would be law today if Democrats were in the majority of this House. If Nancy Pelosi was Speaker of the U.S. House of Representatives, without any hesitation this legislation would be law and we would challenge the President. When he makes decisions, and the Republican Congress rubber-stamps those decisions, rubber-stamps those decisions by saying, Mr. President, whatever you want, so shall it be written, so shall it be done, has gotten us in the situation where we are now.

The same amendments that I just pointed out would have provided relief also to consumers facing skyrocketing home heating costs by expanding the Low Income Home Energy Assistance Program that would have been paid for, Mr. Speaker, and I think this is very, very important for the Members to understand, would have been paid for not with dollars borrowed, and Mr. Speaker, I am going to talk a little bit about that, too, not with dollars borrowed, but a pay-as-you-go philosophy.

Even when we are dealing with enforcement of energy companies where there is evidence of very strong concern by the American people of how in the world individuals can be paying $3 and change a gallon, and saying it is an issue with production and flow and all of these different examples and explanations and excuses to the American people that one can really put their hands around, their arms around, and look in the paper and find these companies are making money like countries, these oil companies are making record profits.

Now, pay-as-you-go, I am going to read that again. It dealt with providing consumers facing skyrocketing home heating costs to expand the Low Income Home Energy Assistance Program to pay fines to price gouging companies; not we are going to put money, because we are going to put money, we have the ability, without any restraints and no-thing, whatever we are asking for, we are asking for is a piece of legislation that is forth, a supermajority of the legislation that we are putting forth, we are using the pay-as-you-go philosophy. Why do we do it? Because it is the right thing to do on behalf of this country.

I can’t help, Mr. Speaker and Members, but think about the fact that there is someone right now, a he or she or someone’s mother or father or son or uncle, granchild, nephew or niece, that is rubber-stamping what we are celebrating right now. They have been asked on behalf of their country to go to war. They have sand in their teeth, and they probably haven’t been able to take a shower like most Americans have been able to take a shower in the last couple of days or this morning or last night or whatever the case may be, so that I would have the opportunity, Mr. Speaker, to come to the floor in this great democracy of ours to talk about what we would do if we were in the majority.

I will tell you, this chart alone is self-explanatory. Never before in the history of the Republic, I am going to talk about again, never before in the history of the Republic, has this country been in the fiscal shape or disrepair that this country and this Congress has put on the backs of the American people. We went from surpluses to this.

Japan, Japan, $682.8 billion of our debt. Let me just break that down for you. I am going to take this. This is actually my debit card, but we will say it is a credit card for right now. What the Congress has done, and what the Members on the majority side have done, and what the White House has done, and we have removed this rubber-stamp Republican Congress, what they have done is said we can have tax breaks that we cannot afford. Swipe the card. We can have a war without a plan and without an exit strategy. Swipe the card. We can spend money, because we weren’t prepared for a response to natural disaster in this country without any accountability, without any restraints and no-bid contracts. Swipe the card. We got it.

Oh, no problem. If we want to have government waste on all levels with very little enforcement, and want to give tax breaks to oil companies in the time they are making record profits, and we want to give the top 1 percent tax cuts that they are not even asking for, that is fine. Swipe the card.

By swiping that card, we have now given Japan the power. Japan said, fine, we will buy your debt. Guess what? They are buying a piece of the American pie, $682.8 billion.

China, Red China. Some folks had some concerns. We just had a state visit from the Chinese President. But guess what? He came here knowing
that he owns a piece of the American apple pie at $249.8 billion of our debt.

Did Japan or China come over here and make us overspend? Did they put the credit card in our hand and say, let me force you, Congress and President? Okay, we will buy it. No, they didn’t do it.

It is the irresponsible spending and borrowing that the Republican majority has that put this country in this posture. The United Kingdom, $223.2 billion. This is the truth. This is not fiction.

The Caribbean. Many of you know I am from south Florida. Many of you come through our airport going through the Caribbean, $115.3 billion of the American apple pie. Taiwan, $71.3 billion of the American apple pie, buying our debt.

OPEC nations. Well, Madam Speaker, let us just talk for a moment about OPEC nations. Who are they? Well, Iran. I think we are pretty familiar with Iran right now. Iraq. We are definitely familiar with Iraq. Saudi Arabia. Oh, definitely heard of that. The United Arab Emirates, UAE, owns a part of this OPEC debt. And I think it is important for people to understand that. And guess what? We are paying through the nose for gas. 67.8 billion. Germany, $65.7 billion of our debt. Korea, $66.5 billion of our debt. Canada, just north of us, $53.8 billion of our debt.

Now, I am holding this map up empty, Mr. RYAN, and the reason I am holding this map up is because this is the way it looked before President Bush became President, because it was a surplus. This is the way the map looked, Madam Speaker, before the Republican majority became the rubber-stamp Congress.

Mr. RYAN of Ohio. And the Democratic time and time again have tried to put provisions in place that we call PAYGO to try to limit the spending of the Republican Congress. They run away. They spend. They charge on the credit card. Many, many instances over the past few years.

Mr. Stenholm from Texas tried to put provisions in as we were raising, as we were borrowing, as we were raising, as we were spending, we have put provisions in to try to limit spending. Many, many instances over the past. And when you compare that to what we are spending on education or what we are spending on homeland security or what we are spending on veterans benefits, it pales in comparison.

So, Madam Speaker, the folks at home, Members of Congress have to ask themselves, would you rather have your tax money going to pay interest, which makes its way back to the Communist Chinese Government, the Japanese Government, OPEC countries, or would you rather have your tax dollars that come down here? Nobody likes to pay them, but it is like, well, if you are going to pay them, where do you want them to go? Will you invest, rather have that money invested into the educational systems in the United States of America? Would you not rather have that money focused for Pell Grants? Would you not rather have that money invested into the educational systems in the United States of America? Would you not rather have that money focused for Pell Grants? Would you not rather have that money for Head Start?

We are not saying that we do not need reforms in the education system. We do. We admit that. But if you are spending money, and you are asking an American taxpayer, Madam Speaker, you make the decision. Mr. MEEK, you make the decision. Would you rather have your tax dollars go to pay interest on the debt that will make its way back to the Communist Chinese Government, the Japanese Government, OPEC countries, or would you rather have that money invested for educational opportunities for your kids, for you to pay less in tuition costs because we are able to fully fund the Pell Grants?

I remember going to school. I remember looking at what my mom and dad had got back or got grant money that we got from the Ohio Instructional Grant, from the Pell Grant. That was a good deal of money to defer the costs of my college education. And because of that, Mr. MEEK, we, my brother and I, we were able to go to college.

Mr. MEEK of Florida. Mr. RYAN, you know I would be a little concerned, just a little, if the validation by the American people, Madam Speaker, was not so strong. I mean, the American people are saying, Congress, what are you doing? Let me just back up. The Republican Congress, what are you doing? It is almost like the Republican majority is in complete disarray. It is almost like a third-party validator right now. What do you mean we do not have a third-party validator right now? Do you want to talk about how we should take the training wheels off the Iraqi Government and share with them that we cannot be there forever?

Mr. RYAN of Ohio. I want to say that this government run by the Republican majority is in complete disarray.

Mr. MEEK of Florida. Can I give you a third-party validator right now? Madam Speaker, this man has to look familiar to the Republican majority. He has to. Newt Gingrich was the man that came to the floor late at night and talked about what the Republicans would do if they were able to
take control of the House. He talked about all of the things that, you know, he was talking about that just good government. All right.

Now what is Newt Gingrich saying? They, talking about the Republican majority by the country as being in charge of a government that cannot function.

Madam Speaker. They. Not, my Republican colleagues; not, my good friends in Congress. They. Here is a major problem. That is, that I served as Speaker, the first Speaker in a number of years to serve, Madam Speaker, as the Speaker of this House, calling his former colleagues and the people that he worked with, and his office is right down the hall, they.

Because H. Newt Gingrich is saying that this Republican Congress cannot function, cannot run the country like it is supposed to be run, cannot oversee the finances, cannot make sure that Americans have health care and small business to provide health care, cannot give guidance and oversight to the Department of Defense and Secretary Rumsfeld, cannot make sure that we let oil companies know that we are here to represent the American people, our special interest, not their profits, and not their CEOs that will retire to a pension making $150,000 a day, not because they are that great, it is because we have taken the taxpayers’ money and we have given over to them, the Republican majority, the oil companies, and put this in motion long ago.

So Members walking around here were having press conferences talking down this. I do not know what happened. I do not. I did not see it coming. What do you mean you cannot enforce prices? It is just insane, Mr. RYAN, I believe, and I know, and it is documented. Vice President Cheney said, others sat down with these oil companies and put this in motion long ago.

And now we have Republican leaders saying, well, maybe we need to take the tax cuts back you just gave them. And then you read something else. No, we should not take that tax cuts back because, guess what, the oil companies have representation in the Republican majority, period.

As I said last night, a black man with a conspiracy theory. But, Mr. RYAN, I believe, and I know, and it is documented. Vice President Cheney said, others sat down with these oil companies and put this in motion long ago.

And now we have Republican leaders saying, well, maybe we need to take the tax cuts back you just gave them. And then you read something else. No, we should not take that tax cuts back because, guess what, the oil companies have representation in the Republican majority, period.

But I will tell you this. I believe that these oil companies have been a part of writing this legislation in the way to where that is hard to prosecute them, and it is hard to get to the bottom line of who is doing what. And guess what? When there are no penalties, it is almost like having a house full of kids saying there is no time out, there is no discipline whatsoever, do as you may. And now the house is broken, and every picture will be ripped off the wall. That is what these oil companies are doing.

Now, I do not fault them. I fault the Republican majority. And like I said last night, Mr. RYAN, I am not going to ask them to lead anymore. If they want to work in a bipartisan way, we are ready to go. We have been ready to go. And if the American people see fit for us to be the majority party in the 110th Congress, Madam Speaker, and they will see an opportunity, we will be able to work in a bipartisan way.

There will be a number of Republicans, that I do know. Some of my friends, Mr. RYAN, and we do know them, a very small number on the other side of the aisle see things the way we see it and the way the American people see it. I know the reason why the poll numbers are they are right now.

The President is not running again, but the Congress and this House, every 2 years we go before the voters. Like I said last night, Mr. RYAN, Madam Speaker, I do not care if it is a local Republican committee chairman, he or she has to have his or her hands on the thumbs that has been going on in this Republican majority Congress.

He or she must have a problem with the fact that no one can answer the questions on intelligence and the outing of CIA agents. He or she must have a problem if there are Republican committee persons at the local level and on the State level, with the fact that the K street Project, Madam Speaker, was allowed to operate under this dome by individuals at the K Street Project pins that say, yes, we do have a K Street Project; and, yes, if you are not on this list, you don’t get access to this government.

Guess what? That was okay. We talked about it, Mr. RYAN. The good thing is, it is almost like showing up somewhere at the scene of an accident and saying, time and time again, we went to the police department, we went to the city and said we needed a stop light here. Now, look at this fatality.

I used to be a State trooper. I can see it all the time. Report after report. We didn’t get the traffic light out there in time and people died because of it. Well, guess what? The people were beat down by this Republican majority as it relates to good government, because, not what I am seeing and not what you are seeing, Mr. RYAN, here is what Members on the Republican side of this House have said: Yes, we have a K Street Project.

Then we have a gentleman who admitted you don’t have to call the jury, you do not even have to assign a courtroom. I am guilty, I did it. That is what this Republican lobbyist said. Not only did I do it, but I am going to help you go after some Members of Congress that were part of it. I am going to help you identify other lobbyists that were a part of this great operation, the K Street Project.

Then the Republican majority, after he said what he said, and the Federal prosecutors, Madam Speaker, did what they did, said we denounce, no longer, K Street Project. We don’t know what you are talking about. We will no longer condone it, the K Street Project.

Well, Mr. RYAN, it sounds like when the President says, well, I don’t know quite what we can do about gas prices, but I do know that Americans are addicted to oil, come on. The President and the Vice President were part of putting this thing in motion. The Republican Congress rubber-stamped, Mr. RYAN, everything that this administration said they wanted.

Mr. President, you want tax cuts that you cannot afford so that we can put ourselves in debt and allow foreign countries to own more of America. Fine. Mr. President, the intelligence on Iraq is kind of shaky, but we have to do what you want, and anyone who goes against you or says anything against you is un patriotic, and we will have Congressional hearings to humiliate those individuals.

Mr. President, pay-as-you-go. I know the Democrats are there talking about maybe we need to pay as we go right now, since we are in so much debt. You want to continue to special interests? We got your back, Mr. President, because we are the Republican Congress, and we are going to allow you to continue to drive this country in the way that special interests want to drive it. How do you know you will see an opportunity, we will be able to work in a bipartisan way?

When all the resources are gone, and when all the opportunities are gone, and when it is American taxpayers that are in debt, where will the special interests be? That is the question.

Will they help bail this country out of the debt that this Republican Congress has delivered to them? No. That is the reason why, Madam Speaker, that Members, if they are in their offices, or they are walking around this building, and if they are in any way right now, they need to sit up in bed and say, you know something, I need to go to work tomorrow with a new attitude. I need to make sure that I fight on behalf of my constituents. I need to have the same kind of drive that I had the night that I was elected, doing all of those things I said I would do. All of those things, all of those plans, everything I talked about in the campaign, about representing whatever district they may be representing in case, the 17th Congressional District. They call that being born again, Mr. RYAN, and a Baptist term, being born again to public service.

I am excited by the fact that the American people, they are not getting it, they got it. They got it. Then we will continue to get it, because time after time, Mr. RYAN, this Republican Congress has proven that they are, their allegiance, and I do not want to generalize because there are a few that are and, Madam Speaker, that walk up to Mr. RYAN, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, and say you all are doing a
good job, keep doing what you are doing. Because if you all are not point- ing out what this Republican majority is doing, these are Republicans, then they will continue to do it, Mr. Ryan, and that is the word that they use. Mr. Ryan of Ohio. Inexcusable. I'm not incompetent, my friend. Inexcusable. If you look, and I do not want to dwell on this, but if you look at Katrina, if you look at the lack of preparedness in FEMA, if you see a storm coming 5 days before, if you have the complete lack of competency to deal with the problem, that is an issue that this Congress needs to look at and needs to fix. If you look at all the promises before the war, day in and day out, we are going to use the money for reconstruction, we are going to be greeted as liber- aters, this is going to reduce the costs of oil.

All of these things that were promised never came to be. The Medicare prescription drug bill, the costs never came down. I ended up being about half a trillion dollars more than what the Republican Congress told us it was going to be. Time and time and time again, the tax cuts were going to cre- ate all these jobs.

Now, the damage has happened. And now when you look at what is going on here with the gas prices, if you take what has happened since 2001, and you see that there has been no comprehensive energy policy in this country, and you see the end result 4, 5 or 6 years later, that is higher gas prices, reduced sup- ply, which increases the cost for the average American consumer, when you see the end result 4, 5 or 6 years later, you see the end result 4, 5 or 6 years later, you see the end result, we are going to be greeted as liber- aters, this is going to reduce the costs of oil.

in Miami, Florida, it is harder now for them to go to work. Their budgets are getting squeezed. Their health care costs are up. Their gas costs are up. Natural gas, whatever it may be, up, up, up, up; tuition costs, up. Everything is making it more difficult for families to make ends meet.

So the Democratic Party, we have a bushel full of plans now. I have noticed that we have got so many plans in our caucus that we have a bushel now, full of plans, on homeland security, on edu- cation, on technology, and energy. You can go to our Web site that we will show later and find all of those charts. Madam Speaker. Members can look at all of the plans that we have. I want to make one final point before I kick it back to my friend. This comes down to leadership. After September 11, and I am sure we all remember those difficult days, after September 11th, this country was united and the world was united behind the United States of America.

Even in Europe, at that point, there were European op-eds saying that even in Europe, my friends, they were say- ing that today we are all Americans. Today we are united. We are in such a far cry from that. But the im- portant part was that our President at that point, Madam Speaker, had an enormous amount of political power, and the world was looking at our Presi- dent.

If he would have asked us to walk to work, if that President, if our Presi- dent would have asked us to ride a bike to work because we have to reduce our dependence on foreign oil, we would have all done it. We were sending checks to every nonprofit organization because we wanted to give money. We were giving blood until the Red Cross said we do not need any more blood. The American people wanted to give, Madam Speaker. They wanted to do what the President asked at that point leadership. The best our Presi- dent could come up with at that critical juncture, the most important moment in the history of the United States of America, was go shopping, Madam Speaker, go shopping. That is leadership? Give me a break.

Mr. MEEK of Florida. And buy duct tape.

Mr. Ryan of Ohio. Buy duct tape, get your plastic. Go shopping. That is leadership? Give me a break.

Mr. MEEK of Florida. Mr. Ryan, it is not personal, it is just business. That is the bottom line.

Madam Speaker, I would kind of, when I walk through the halls of Con- gress, walk along the walls if I felt that we were coming to the floor, saying things that just were not true. But the sad part, Madam Speaker and Mem- bers, that everything that we are shar- ing with you is a fact, not fiction. It is sad. Like I was saying to Mr. Ryan, if I was a political consultant, I would say, wow, do you mean to tell me not only do you have to work with the facts that Americans do not have health care, small businesses cannot afford to buy health care, we owe foreign coun- tries money that we have never owed them before in the history of the coun- try?

We don’t have a plan in Iraq as it re- lates to a leave-alone coalition in Iraq? We have troops dying every day. Do you mean States that are red States and blue States are suing us at the same time for the underfunding and the fixed costs that we put on them of Leave No Child Left Behind Act? You mean White House individuals are out- thing CIA agents that might, some of this outing might have gone as high as the highest office of the land maybe? Do you mean to tell me that individ- uals, contractors, have no-bid con- tracts in war and in natural disasters, without accountability, and American taxpayer dollars are being spent with- out anyone having any real concern on the Republican side?

Mr. MEEK of Florida. Mr. Ryan. Where is the over- sight?

Mr. MEEK of Florida. You mean to tell me that anything that the Presi- dent of the United States says that he wants, that the Republican Congress would give it to him; even if it is bad policy, even if it put this country into a record-breaking deficit in a period of 4 years? You mean to tell me, and without naming at least eight other things, Mr. Ryan, that I have all of that to work with, to share with the
American people? I will start with independence. I will start with the Republicans, and I will also share it with some Democrats that may have some concerns.

I tell you this, Mr. Ryan, Democrats will not do if we get our priorities tumbling to do so, not we will say it now but we won't do it later, we will, Madam Speaker, work from day 1 taking control of this House.

And someone may say, you know, why is the Republican majority so important? Well, I can tell you the reason why, and I want to make sure everyone understands. It is important because Democratic Members that are putting forth amendments in committees that are being voted down on a partisan vote, like my committee today and homeland security, dealing with this port security, bipartisan bill we are working on of 100 percent container check, Mr. Ryan, versus whatever we can come up with in a steady kind of philosophies to try to get to some sort of container scan phase-in thing. Now, I am going to tell you, a partisan vote down the line. A 100 percent container check lost, Madam Speaker and Members, two votes.

If Democrats are in control of this House, for those individuals who are objections to a 100 percent container check, and I want to be sure we are clear on this, some businesses may say, well, by slowing down the process of trade. It will back up supplies. We are not ready for that.

You know something? We will never get there, because we have allowed the special interests to stand in front of the will of the 9/11 Commission. The Republican majority has allowed special interests to dictate how this Congress will legislate. That is stomach-turning that we would allow individuals, based on their salary, based on their right, whether it is a Brooks Brothers or a Saint John's, to walk into the office of a Member of Congress and say, this is the amendment language we want.

And individuals go to committee hohum and read right off that piece of paper, Madam Speaker. I am talking about what I know. And the American people around here are counting on us to protect them.

Now, I am going to tell you something. I am telling you. I am going to say it just as clear as my name is Kendrick Meeke. We get a container that ends up blowing up in one of these major ports or while it is in transit going to where we need to have all 300 million of the citizens in our country on the field playing. Right now we are going on with about a quarter of the team, and they have got the referees and 1.3 billion and 1 billion.

We need to make investments in America. We need to put America first. And we need to make sure at the end of the day that we are guardians of the public tax dollar, and so we need to invest that money back into the United States of America that will yield us clean, sustainable energy alternatives that capitalize on America's vast renewable natural resources.

This is what we are talking about, Madam Speaker. We are willing to make the investment as relates to innovation.

Mr. Ryan, you have the Web site, sir. Mr. Ryan of Ohio. www.house-democrats.gov/30something. All of the charts that you have seen here or have seen in the past will be available on the Web site.

But it is important, Mr. Meeke, and I agree with you, to tell the special interests to stand in front of the will of the 9/11 Commission. That is the right direction, I am saying that kind of attitude gets us in the position that we can't do something. And the Congress of the country that says we won't do it. We are leading the country.

Mr. Ryan of Ohio. What you are saying is it is an issue of priorities, and why do we continue to focus down in Washington, D.C., Potomac fever, the government? Everyone in the Republican party is focused on how do we get corporate welfare to the oil companies? How do we subsidize the health care industry, all our friends who donate us billions of dollars? How do we give tax cuts to the wealthiest people?

If you made $10 million in 2003, Mr. Meeke, you got a million-dollar tax break. That is where the focus is. And what we are trying to say here is that we need to focus on port security. So if you were one of these women who made $10 million in 2003 a million-dollar tax break, we want to spend that money protecting our ports.

Mr. Meeke of Florida. Mr. Ryan, the million-dollar tax break came on because of half of and sending to grab China here, this is the million-dollar tax break right here.

Mr. Ryan of Ohio. You have Japan. Mr. Meeke of Florida. Oh, Japan. I'm sorry, I didn't even look. It was red, so just assumed.

Let me just say this, Mr. Ryan. Japan. Little Japan. This is what gave that $10 million person their tax break.

Mr. Ryan of Ohio. That is right.

Mr. Meeke of Florida. Not money we had in surplus. Not money that was there and we had it to spend. This was based on a credit card.

Mr. Ryan of Ohio. And it was another example of lack of focus, lack of leadership, lack of priorities. And look what our friends says again, our guy, Mr. gingrich, who I like.

Mr. Meeke of Florida. The former Speaker of the U.S. House of Representatives.

Mr. Ryan of Ohio. And the father of the Republican revolution. He said, on March 31, "He noted that a congressional watchdog agency recently smuggled a truck carrying nuclear material into the country to test security. Mr. Gingrich says, 'Why isn't the President sending up 16 reform bills?'"

This is the father of the Republican revolution saying to the President, why are you not a good leader? That is what he is saying. Why aren't you leading the country? Focused on oil subsidies? Focused on corporate welfare? Focused on subsidizing the energy companies? Not focused on Katrina. Not focused on the war. This administration has attention deficit disorder of immense proportions. Madam Speaker. They can't focus.

Get this country on the right track. Let's focus and let's get the country moving in the right direction.

Mr. Meeke of Florida. Mr. Ryan, talking about the right direction, I spoke to the fact that we are calling for energy independence from the Middle East in 10 years by developing emerging technologies that work to be able to provide energy for our country, energy alternatives; also to make sure that we make a substantial investment in research and development that is critical in creating cutting-edge technologies that will allow us to develop clean, sustainable energy alternatives that capitalize on America's vast renewable natural resources.
I yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, you are talking fact, not fiction. Anyone who wants to talk about balancing the U.S. budget, the Democrats are the only party in the House, Madam Speaker, that have a right to say that we have done it. We have actually done it.

You have a lot of folks saying, well, we are going to try to cut it in half, and maybe we will get it to a quarter or whatever on the Republican side, the Republican majority with all the power, control of the House, control of the Senate, and control of the Presidency. It should be a smooth-sailing process.

If someone wants to call Democrats names and point fingers, call the former Speaker of the U.S. House of Representatives a name. Call him a liberal. Call him someone who is irresponsible, if you want to name-call. And I challenge Members to come down here and talk about what is good about owing foreign countries money, not because they did something to us, but because this Congress gave the whole country a self-inflicting wound of debt. They have been saying we are going to spend your money irresponsibly, and when we are going to allow these other countries to own a piece of the American economy, the Democrats are the only party in the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise this evening to commemorate the 91st anniversary of the Armenian genocide. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

April 24th marked the beginning of the systematic and deliberate campaign of genocide perpetrated by the Ottoman Empire in 1915. Over the following 8 years, 1.5 million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile.

Last week I was joined by my cochair of the Armenia Caucus and many of my colleagues in Congress on a bipartisan basis in sending yet another bipartisan congressional letter to President Bush urging him to use the word “genocide” in his April 24th commemorative statement. With over 175 signatures, the message is loud and clear: 90 years is too long to wait for justice to be served and proper recognition to be made.

The President should have used the 91st anniversary of the Armenian genocide to promote the U.S. foreign policy that reflects appropriate understanding and sensitivity to human rights, ethnic cleansing, and genocide. But, instead, President Bush, internationally failed to honor his pledge to properly characterize the Armenian genocide in his annual remarks. Despite pleas by Members of Congress and the Armenian American community, and recognition by much of the international community, he continues to avoid any clear reference to the Armenian genocide while consistently opposing legislation marking this crime against humanity.

The Bush administration continues to be influenced by the Government of Turkey by placing parts of our foreign policy in their hands. When it comes to facing the judgment of history about the Armenian genocide, Turkey, rather than acknowledging truth, has instead chosen to trample on the rights of its citizens to maintain its lies. The U.S. cannot continue to submit to Turkey’s shameless threats and intimidation.

Madam Speaker, the U.S. owes it to the Armenian American community, to the 1.5 million Armenians massacred in the genocide, and to its own history to reaffirm what is fact. As we have seen time and time again, the United States has a proud history of action and response to the Armenian genocide. During a time when hundreds of thousands were left orphaned and starving, a time when a nation was on the verge of complete extermination, the U.S. took the lead and proudly helped end these atrocities. In fact, Americans helped launch an unprecedented U.S. diplomatic, political, and humanitarian campaign to end the carnage and protect the survivors.

If America is going to live up to the standards we set for ourselves and continue to lead the world in affirming human rights everywhere, we need to stand up and recognize the tragic events that began in 1915 for what they were: The systematic elimination of a people. The fact of the Armenian genocide is not in dispute.

Madam Speaker, regardless of President Bush’s inaction, I call on Speaker HASTERT to bring the resolution to officially recognize the Armenian genocide to the House floor. The resolution that passed in committee last September, with an overwhelming majority, has over 148 cosponsors. Now is the time to allow Members to reaffirm the United States’ record on the Armenian genocide.

The U.S. Government needs to stop playing politics with this tragic time in history and take a firm stance for the truth. Genocide must not be tolerated.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to call attention to a special interest group, that is the ethanol lobby; we were told that the ethanol manufacturers in this country had unbelievable success and they were able to produce ethanol that exceeded their wildest expectations. Well, they were wrong and they have not been able to turn a profit, they said, and it is time for this country to look at the tariff that we place on foreign import ethanol. If we are going to require foreign imported ethanol to be part of our gasoline oxygenate system, we are going to have to import ethanol at least temporarily until we can increase production in this country.
But I did not come to the floor to talk about gas prices and ethanol, although that is important. I came to the floor tonight to talk about health care. I want to talk about where we are and where I see us going. I would like to spend some time on the affordability of health care because I believe that is the central issue. Whether you talk about a single payer, government-run system or a system that embraces the private sector, affordability of being able to be one of the main drivers that we need to keep in our uppermost consideration.

We need to talk about the uninsured and federally qualified health centers. We will have a bill in the next couple of weeks in the committee that will authorize the federally qualified health center statute. Those are an important aspect of our delivery of medical care in the 21st century in this country. We need to talk about community reformation. We have talked about it a lot in the past 3 years. We have yet to produce a satisfactory result, and it is going to continue to be a part of a major discussion on health care until we get done in this regard.

We have to talk about provider relief and paying our doctors and health care providers what they rightfully earn, and not continue to cut their reimbursement rates year after year in the Medicare system and ask them not to shoulder a greater and increasing burden of the health care costs when, after all, we turn to them to take care of the uninsured at no compensation and then we continually cut their Medicare compensation. That is driving good doctors out of practice and that is wrong. We need to address that.

There has been an explosive growth in information technology in virtually every sector of the American economy. Health care is no exception. We need to make certain that we have the right kind of informational technology at the disposal of people who provide health care.

Of course, you cannot look at the last year with the problem with the large hurricanes, the problems that loom on the horizon as hurricane season is upon us again, and the problems that loom on the horizon from an infectious disease, the likes of which none of us have ever seen in our lifetimes, the specter of the avian flu. We have to talk about preparedness.

When ethicists talk about health care and health care in this country, they always seem to talk about affordability, access and quality. I remember an ethicist that spoke to one of our classes years ago said affordability, access and quality; we have only learned how to couple two of the three at any one time.

Since I do not want to pick the one that is going to be left out, let me concentrate on affordability. We will leave quality and access discussions to other days. And I might add that I trust the American medical system to provide us with the quality that we have come to expect.

We already have a system that is paid for by, to a large degree, by governmental agencies and by the Federal Government with a GDP of $10 trillion to $11 trillion and $1.4 trillion spent on health care. In fact, in the HHS appropriations bill that we passed last December, there was no mention on Medicare and Medicaid alone. So clearly, almost 50 cents of every health care dollar spent in this country arises right here in the halls of the United States Congress. The remainder, the other 40 cents, is largely carried by private insurance, commercial insurance. There is also some amount of that is carried by self-pay. Again, we cannot forget the charitable care that is delivered by hospitals and doctors and nurses all over the country every hour of every day of the year.

The problem that I see if we do not address affordability of health care, the default position on the horizon is going to be a single payer, government-run system. Could that be a bad thing, to vastly expand the public expenditure on health care? I look to our neighbors to the north that have an entirely government-run, single-payer system, and I think it was just in late 2004 or perhaps 2005 that the Canadian Supreme Court ruled that their system, with its long waiting lines, was no longer adequate. In fact, I think the Canadian Supreme Court, their statement was access to a waiting line is not the same as access.

In that system there are the problems with long waits for so-called elective surgeries. Now, an elective surgery may be something as serious as replacement of a diseased hip or fixing a problem that someone has with a ruptured disk in their back or neck. It may even include coronary artery bypass grafting. It may include some things that we may not think of as being entirely elective. I would submit that health care in Toronto would significantly be much better if we had the safety net of Henry Ford Hospital in Detroit, Michigan to take care of some of their excess.

On the other hand, in the United States, if we had a single-payer system with long lines for access to care, I do not think we could count on a hospital on our southern border to bail us out in a similar fashion.

So in short, I believe we need the private sector out there that is necessary and we need to encourage and expand the private sector as far as delivery of health care in this country. Congress can take action by promoting policies that keep the private sector involved in the health care marketplace. Indeed, we have done exactly some of those things in the short 3 years that I have been here.

One of the most significant things I think that has happened in the last 10 years, in 1996 with the passage of the balanced budget, was the allowance for the first time for what is called medical savings account. These were those high-deductible insurance policies where you could put money away towards that deductible into a medical IRA, if you will; allow that money to grow tax free to be a medical nest egg for someone who may need it in future years, or to pay that high deductible out of the medical savings account.

Now, medical savings accounts had a lot of restrictions upon them. But even at that, when they were first offered back in 1996 and 1997, I very quickly and signed up myself for a medical savings account. I made one available in my medical practice to anyone who wanted it, because I saw this as the tool for the future. It put the decision-making for health care decisions back in the hands of the health care consumer. I thought that was such a powerful concept.

Even though at the time medical savings accounts were kind of an untired and untested premise, I thought that concept of putting the health care decision making back into the health care consumer was so important. I was willing to take a chance on that. Mind you, 1996 and 1997 and 1998 was a time we saw explosive growth of HMOs in this country. And more and more medical decision making was being dictated by the chief executive officers of HMOs or medical review boards in an HMO, and I saw this as a wonderful chance to reclaim the health care decisions for myself and my family. I gratefully took that option. I am glad I did because that policy served me very well until I came to Congress.

Now, coming to Congress in 2003, medical savings accounts were not available in the Federal Employees Health Benefit Plan. Again, medical savings accounts had a number of restrictions on them and they were capped. Only 750,000 could be offered across the country, and they were not that heavily subscribed. When we passed the Medicare Modernization Act in November of 2003, we expanded medical savings accounts in a way that I frankly did not think was possible. But kudos to the Ways and Means Committee and Chairman Thomas; they got the job done and vastly expanded the access to health savings accounts not just for recipients of Medicare, but for anyone who wanted to participate in that kind of high-deductible policy, and having a savings account dedicated entirely to their medical expenses.

There are some other improvements that can be made, and indeed there are several pieces of legislation out there currently to allow for a hybridization, if you will, between flexible spending accounts, health reimbursement accounts and health savings accounts. I think those are important steps that yet need to be taken. But with the expansion of health savings accounts in 2003, making them more generally available, and having them, unleashed a very powerful tool for providing insurance to more people in this country.
Madam Speaker, in the year 1994, I had a family member who was no longer able to get insurance off my employer-based insurance. I set out to get an insurance policy for that family member and it was all but impossible to do at any price. I was a practicing physician, willing to write a large check for that insurance coverage, but I could not find anyone who would write a single policy for a young, single, uninsured person.

Well, fast forward 10 years to 2004, the year after we passed the health savings accounts legislation and the Medicare Modernization Act. And that summer you could go on the Internet, you could go to your favorite search engine and type in “health savings account” in the window, click “go,” and it would immediately return all kinds of options to that person for the potential purchase of a health care policy. I do this periodically to see what is available in my State for a 20- to 25-year-old person for a large group plan. And you can get a very reasonable, I do not want to say an insurance company’s name, but a large insurance company that has a color as part of its first and second name; you can get a reputable insurance company’s policy for around $50 a month. Again, a young person age 20 to 25, with a high deductible.

But think of that, a young person getting out of college who wants to, instead of going to work for a large corporation, wants to band together and form a group themselves. They want to do an Internet start-up company or any type of self-directed entrepreneurial-type activity. No longer do they have to turn their back on that as a career option because insurance is not available. They can purchase a policy on their own, a policy that is reasonably priced. Yes, it has a high deductible; but they also have the ability to put money away towards that deductible, do so tax free, and the money grows tax deferred.

And if it is used for a medical expense, it is not going to be taxed under any circumstance. We have another tool at our disposal. And the House has passed what are called association health plans. We have passed this two times a year, every year that I have been in the House of Representatives.

The Senate very recently passed an association health plan bill out of their committee. And this, again, is a powerful tool that allows for small businesses, small businesses of a similar business model, to band together and acquire group health insurance covering a large group. The association health plan is envisioned to be sold across State lines such that a group of Realtors in Texas could band with a group of Realtors in Oklahoma and combine and pool their resources in order to get a lower price on their insurance coverage. Again, a very powerful tool, one we have passed in the House on several occasions. It did finally pass out of the health committee over in the Senate side, and I do look forward to them taking that issue up to the floor of the Senate, passing that successfully, and let’s get to conference and let’s get the differences worked out, because this is something we need to provide to our physicians, practitioners in this country that drives productivity in this country. We need to put this tool in the hands of small business in this country.

When you think of consumer-directed health care, like a health savings account, there has to be some method that the consumer, that the purchaser has of evaluating different hospitals, different doctors. There has got to be a measure of transparency brought into the overall purchase of that insurance plan. Right now there is opacity in the system, and I understand there is opacity in the system because opacity has value. It is perhaps worthwhile for a health care facility, a hospital, surgery center, doctor’s office, to have a little bit of an edge on the feature that they would like to have, so that it is a little bit hard to figure out what something costs. But we need to move and make an honest effort to provide the information that the health care consumer needs to make a well-founded, consumer-oriented decision. After all, we are asking for consumer-oriented health care. We can’t very well deny the consumer the opportunity to be able to evaluate two plans side by side, two hospitals side by side, one being on the insurance side and the other in doctors’ practices side by side. They need the ability to do that.

Finally, a concept that has been around as long as I have been here, and, I suspect, longer, is the concept of tax credits for the uninsured or the underinsured, a voucher system, perhaps, if you will, just helping someone who didn’t make enough money to be able to pay for insurance, helping them pay for insurance with an HTPC-type tax credit, like it was the health care bill, not refundable. That is at the beginning of the tax year that money would be made available to that person.

Some of the proposals that are out there would fund $1,000 for an individual, $2,000 for a family. A lot of people will say, well, you can’t buy much in the way on the health insurance market for $3,000 for an individual. But if you go to the health savings accounts Web sites, you certainly can find a plan that is available that would allow someone to purchase insurance coverage, again, for well under $1,000 for an individual, perhaps for 6- or $700 a year, and to begin to put money away towards that high deductible. And I think that is a worthwhile productive, a worthwhile activity.

And I do look forward at some point to this Congress or the next Congress taking up the concept of tax credits for the uninsured because I believe that will, over the long term, all three of the concepts taken together, health savings accounts, association health plans and tax credits for the uninsured. Mort Kondracke in an editorial in the Roll Call Magazine really 2 years ago estimated that you could cut the number of uninsured by perhaps 13 million by those three entities alone. I actually think the number on his estimate on health savings accounts is a little low, because we have seen, over the last 2 years, a large number of people select that type of health insurance, such that now there are over a million people enrolled in health savings accounts. The vast majority of these are individuals over the age of 40, but a substantial number of people who would not be regarded as high-income. Probably 40 percent of people earn under $50,000 a year. So it is not just for the healthy and the wealthy; it is a program that does have high utility for Americans across the spectrum of all age groups and all earning capabilities.

As far as the uninsured is concerned, the U.S. Census Bureau, and it seems like this number is higher every week when I read it, right now between 43- and 45 million people who are estimated to be uninsured. New, this number is a little bit tricky because it does include people who are uninsured for any portion of the year. So someone who is uninsured for 6 months a year, but has insurance for the balance of the year is going to be counted uninsured for the entire calendar year.

Does it count people who are perhaps in this country without the benefit of a valid Social Security number, people who are perhaps in this country without the benefit of a valid visa or immigration papers? And the fact is that it does, and it is going to be difficult to provide coverage to someone who breaks the law by entering this country illegally.

But that doesn’t remove the fact that there are a lot of people in this country who lack health insurance. One of the things that causes it, of course, is the high cost of health insurance. And when I talk about the affordability of health insurance, I acknowledge that for every dollar that health insurance premiums go up, a certain number of people are going to be excluded from the rolls of the insured. And we have done things that cause the cost of insurance to inexorably go higher and higher, and as we do that, we are going to drive more and more people away from the ranks of the insured onto the rolls of the uninsured.

Is it just the big things that is not often talked about in context with uninsured individuals is the concept of federally qualified health centers. Now, the President talked about federally qualified health centers on at least the last two occasions when he delivered his State of the Union Address, and I believe the last time he was here he said he wanted to see a federally qualified health center in every poor county in the United States.

I submit that is a worthy goal, and I want to make sure it there are some counties such as in my district back home in Texas that you wouldn’t necessarily record as poor, but they have areas of
poverty within them that are as large as counties, and indeed as large as some States back East, and these populations would benefit from access to a federally qualified health center.

Now, we are going to be taking up the bill that authorizes more federally qualified health centers within the next few weeks in the Energy and Commerce Committee. I suspect it will come to the floor perhaps the latter part of June during Health Care Week. This is a worthy exercise and one that the committee needs to take up, and indeed the whole House needs to take up. I hope there are some improvements that we can make upon the system.

One of the things I learned last year with the large number of evacuees that came to my district from Louisiana, to my district in Ft. Worth, Texas, it takes a long time to set up a federally qualified health center. And if you have a large number of displaced persons who, by virtue of the fact that they are low-income, by virtue of the fact that they had to leave their homes under the worst possible of conditions, and it is taking some time to get them set up in a new life, or perhaps they are just in the process of having to be displaced, in my district, it takes too long to set up that federally qualified health center structure to be able to help individuals like this in the time frame where they need help. So, some of the framing of the federally qualified health center application process, I believe, would really go a long way towards helping these individuals. Backstop it. Make certain that within 2 years time all of the other regulations that surround federally qualified health centers have to be complied with, but ease up the rules just a little bit in an area that is desperately medically underserved to allow the setup and startup of one of these centers in a timely fashion.

We have to provide that degree of flexibility. Otherwise, we are only driving up the cost of health care in the hospital emergency rooms in the area, in the doctors’ offices in the area, where they are going to see more and more uninsured patients and deliver more and more uncompensated care, which they, in turn, will have to pass that cost off to other patients and other health care consumers.

But on a federally qualified health center is it allows a patient to have a medical home even though the patient does not have insurance, and that is the least expensive way of delivering health care to that group of individuals. Again, it keeps them out of the emergency room. It keeps them from accessing health care at the most expensive entry point into the health care system. It allows them to enter in at the level of the medical office or medical clinic, as opposed to the emergency room. This is a worthy exercise and one that the committee needs to take up, and I hope there are some improvements that we can make upon the system.

The good news, Madam Speaker, is there have already been kind of already come to that agreement. And I go back again to the federal qualified health center template. We have already decided within the federally qualified health center structure what procedures have to be done and what conditions have to be covered, what benefits have to be offered in the federally qualified health center structure. And if we could take that template as a starting point and come to agreement amongst ourselves, Republican and Democrat alike, stop the tennis match of my mandate is more important than your mandate; stop the arguing over this process, and simply come to an agreement, here is an insurance company that is good enough to be sold to America’s uninsured, it covers the things that should be covered, it doesn’t add a lot of additional expense for things that might be considered as optional; and then allow American insurance companies to compete to sell to that segment of the market, I think we would find that that is a very powerful tool and one that, quite honestly, we do need to explore. And we need to explore it in this Congress. We don’t need to wait. The guys an hour ago were talking about how different things are going to be a year from now.

Well, it does not need to wait for a year from now. This is work that we can do today, this month, this year. And I submit that it is good work and one that we must take up in this Congress.

Madam Speaker, when I was originally talking about this, the concept of liability reform is one that we visited on the floor of this House many, many times since I took office in the beginning of 2003. I believe before and I still believe now that we do need a national strategy for medical liability insurance reform.

And I am from Texas. Texas has done a great job with medical liability reform. We have done a great job with putting a cap on noneconomic damages and has, I think, built upon and strengthened some of the earlier programs such as the California program of the Medical Injury Compensation Act of 1975. I think the Texas compromise of 2003 really built on that earlier experience and is a very valuable program. In fact, it is delivering cost savings on liability insurance for the doctors of Texas. One of the unintended consequences was that it really brought the cost of liability down for self-insured, not-for-profit hospitals. They have been able to make more investments in capital and equipment and nursing personnel than they thought possible because of the cost savings they have gotten off of the Texas medical liability reform that was passed in 2003.

Now, in this House we passed H.R. 5, which was a major medical liability reform bill, in 2003. And when we passed that bill, Madam Speaker, the Congressional Budget Office scored that as a savings of $15 billion over 5 years’ time. Now, it is not just the lower cost of liability insurance that they are talking about and doctors passing that cost on to their patients. No. The real savings they have gotten off of the perceived reduction in what is called defensive medicine: I do not think this person has this condition, but I need to
do this test in case I am wrong and this case comes into court and I want to be certain that I have got this evidence to back up my decision-making process.

A study done back in 1996 at Stanford University estimated that out of the Medicare program, the cost of defensive medicine in 1996, that was 10 years ago, the cost of defensive medicine for Medicare in this country was nearly $30 billion a year. I submit that that 10-year study that was done back in 1996, if we were to do that study today, would find that dollar figure to be actually much higher. CBO did not score it as high, but still acknowledged that there was significant savings to the Federal budget every year if the Congress, House and Senate, would pass meaningful, meaningful medical liability reform.

The problems of the expense of defensive medicine and the high cost of the medical liability system as it exists today means that we are taking money out of the health care sector of our economy and pushing it off to somewhere else. And that somewhere else is too often paying a contingency fee for a trial lawyer. And as harsh as it is to say it, we can no longer afford that kind of money. We can no longer afford to divert that kind of money in order to continue the medical liability system that we have in this country. We need a fairer medical justice system than we possess today.

The bill I will offer, H.R. 5, back in 2003, again basically put a cap on noneconomic damages. It capped noneconomic damages at $250,000. I believe it was a good bill. I voted for it in 2003. I voted for it in 2004. I voted for it in 2005. In fact, I will vote for it again if we bring it to the floor of the House again this summer. But when you look at the Texas bill that was passed in 2003, it actually structured itself a little bit differently. Yes, there is a $250,000 cap on noneconomic damages, but that cap exists for the physician, for the hospital, and for a second hospital or nursing home if one is involved. So the total aggregate cap is $750,000. I would have been concerned back in 2003 if someone had said this is the way we are going to go about the cap, that was too high, that that would not bring the cost of medical liability insurance down, that that would not reduce the cost of defensive medicine. But, in fact, the story in Texas is that it has brought costs down.

I will give you an example. In 2002 when I was running for office the first time, we went from 17 insurers in the State of Texas, medical liability insurers, 17 of them in the State of Texas at the start of the year, 2 in the State at the end of the year. And the problem was the high cost of medical liability and the draining of those insurance companies by lawsuits.

The effect of passing that bill in June of 2003 and then the subsequent constitutional amendment that was required to allow that bill to become law in September of 2003, by the middle of 2004, less than a year later, we had gone from 2 medical liability insurers in the State of Texas back up to 13 or 14, and they had come back into the State without an increase in rates. That is important. Even if you just pretend from 17 insurance companies down to 2, you have not got much in the way of competition. You pretty much have to take what they say as the going rate. So getting those insurers back into the State of Texas was critical as far as keeping doctors involved.

I remember an event that I went to during the fall of 2002 when I was running for Congress, and a young woman who was a radiologist came up to me and said, “I really hope you get something done on medical liability. I have lost my insurance, not because of a bad case but simply my insurer left the State of Texas and now I cannot get liability insurance, and as a consequence I am about to lose my practice. I am not practicing radiology.” Because, obviously, she cannot without the protection of a medical liability insurance policy. So the State of Texas had paid for her medical education. The State of Texas had subsidized her during her residency, she went to the University of Texas at San Antonio. And now just a few years later, she was out of medicine altogether and raising her children. I am sure she was very happy in that role, but at the same time, what a waste of that woman’s talents. What a waste of that woman’s training that she would not be able to practice radiology in Texas simply because her insurer left the State and she could not get someone else to cover her. That is the kind of very stark reality that we were up against in Texas in 2002. We were one of the top crisis States as designated by the American Medical Association of that year.

Fast forward to June of 2003, a major medical liability insurance company passed. Again, it capped the pain and suffering damages at $250,000 for the doctor, $250,000 for the hospital, $250,000 for a second hospital or nursing home if one was involved, and very quickly there was a turnaround, the insurers coming back into the State, hospitals saving money. Doctors from Texas Medical Liability Insurance Trust, my old insurer of record, the savings now, the accumulations, savings, from when that bill was passed to this point in excess of 20 percent savings on their medical liability policies. These are policies which, by the way, were going up by 10 and 20 percent every year for the 2 or 3 years that preceded that event.

So I think the Texas plan is a good one, and I like to sing its praises every time that I come to the floor of the House. I think any medical liability reform that we pass in this House, we could do worse than to base it off of the Texas plan and the Texas compromise. The Texas plan would like to see us champion that concept over in the Senate and see if we could not get their attention with the tri-curtated cap and perhaps get a bill that we could get to conference that way.

But one of the critical things about medical liability insurance issues, people say, you are from Texas and if you have solved the problem in Texas, why don’t you solve the problem in Texas and just apply that to all 50 States? And I will tell you why. Because that bill is under attack every legislative session in Texas. There are special interests. And, yes, addressing the doctors, that say you are not taking that work on your side as well as our side. There are special interest groups that want to roll back that legislation. But there are other issues as well.

During my first term, my first year in Congress, we took a visit up to the ANWR in Alaska. And coming back from ANWR we came through Nome, Alaska. Nome, Alaska is a pretty remote place out there. So you can just imagine that when a big plane with a big load of Congressmen and a big deal in Nome, Alaska. They wanted to have a chamber of commerce-type lunch for us, which they did. And when they learned that there was a Congressman who was a radiologist in the plane, all the medical staff got real excited and all 19 doctors on the medical staff of the Nome, Alaska hospital came out to that lunch that we had.

And one of the doctors who was there said, “Boy, I sure hope you get that medical liability law passed up in Congress, because we cannot afford the medical liability policy for an anesthesiologist here at the hospital; so we need your help and we need you to get this done so we can afford to have an anesthesiologist.”

I said, “Well, gosh, what kind of medicine do you practice, sir?” He said, “I am an OB-GYN, just like you.”

“An OB-GYN. How in the world do you practice obstetrics and gynecology? How do you deliver a baby without the availability of anesthesia? Forget a labor epidural and pain relief during labor. What do you do if you have to do a C-section?”

And he said, “Congressman we get that woman onto a plane and we get her down to Anchorage as fast as we can.

Anchorage, an hour and a half away from Nome, Alaska. And I am not entirely sure about this, but I believe there is a significant amount of bad weather in Nome, Alaska. I do not want to upset the chamber there, but I believe there is a significant amount of bad weather in Nome, Alaska, particularly in the winter months. How do we further the cause of patient safety by requiring that this doctor put his patient on a plane and send her to Anchorage to get a C-section done with the care of an anesthesiologist?” That system makes no sense.

Another opportunity I had was to visit with someone who was in charge of the residency program of a large New York hospital. I trained at Parkland Hospital, but I was aware of their
training program, and certainly it is a good second to Parkland Hospital in Dallas. But this individual was in charge of the residency program. And I said, “How has the liability issue affected your ability to recruit medical students? How is your OB-GYN residency there in New York?”

And she said, “Well, it is a real problem, and currently we are accepting students that 5 years ago we would not have. In other words, they have lowered their standards in that OB-GYN residency, because medical students coming out of medical school with huge debt do not feel that they can take on the expense and the trauma of a large liability policy when they start their practice, so they just do not go into OB-GYN.

These are our children’s doctors. These are our children’s doctors that we are talking about. How are we going to train a generation of medical care in this country when we are allowing that system to continue? It truly is unconscionable, and it is time for this Congress to correct that. Both the House and the Senate need to take action to have a President who has pledged to sign this bill if we will get it to his desk, and I believe that we must do that.

On the concept of physician payment. I will say that we spend a good amount of time in this body discussing health information technology and pay-for-performance scenarios. We talk about them frequently. But we do not address a serious problem that has been plaguing America for the past 10 years, and that is the issue of the continuing erosion of physician payments under the Medicare system.

Currently, physicians are paid under what is called the sustainable growth rate, or SGR, which provides for a payment cut of 4 percent for every year, year over year, to a cumulative total of some 26 percent. And that has a negative effect upon the number of doctors who continue to provide services for Medicare patients.

Now, I have done a lot of town halls around in my district, and I have heard a lot of discussion about prescription drugs. But I have also had a lot of people come up to me at the end of a town hall and say, “How come I turned 65 and I have got to change doctors?” The reason they have to change doctors is that their physician has evaluated the Medicare reimbursement schedule and has decided not in their best interest to continue to provide care for Medicare patients because of this continued erosion of provider reimbursement rates that goes on year over year. Doctors look at that and they think, well, if this is not going to reverse that at least temporarily this year. But it is very difficult to plan. It is very difficult to hire. It is very difficult to justify equipment purchases if you have got to factor in a pay cut of 4 to 5 percent every year for the foreseeable future.

Now, we passed a bill called the Deficit Reduction Act right at the end of the year, but it turned out we really did not pass it until January. Within the Deficit Reduction Act was a provision to keep the doctors from having that negative 4.4 percent update; in other words, just hold payment rates at a level amount and not decrease it.

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The effect of not passing that bill in December and allowing January 1st to hit without addressing the problem meant that every physician in the country who does Medicare got a letter from CMS, the Center for Medicare and Medicaid Services, saying your rates just went down 4.4 percent, or our reimbursement to you just went down 4.4 percent. My fax machine lit up, because it was over the holidays and doctors wanted to get word to me, saying here is the letter I accept to my patients, Congressman. I will no longer be able to provide your care after the first of the year because Medicare has again cut my rates.

So doctors not just in my district, but across the State and some even across the country, called me and notified me that they were going to drop their coverage of Medicare patients.

The problem is that these are doctors who are in the peaks of their career. These are doctors who have established practices, the doctors who come to a diagnosis the quickest, the doctors who spend the least time in the operating room, the doctors who are at the pinnacle of their medical expertise, and they are being driven out of the system. The problem is if you drive out your first tier of providers, it is only going to cost you more in the long run.

So when we talk about things like pay for performance, I cannot help but think if we run off our top tier of providers, we are going to have to pay a lot more to get less performance in the future, and it is incumbent upon us to take up that legislation, to take up that concept and pass legislation that will once and for all fix the problems with the sustainable growth rate and make not our provider community face that 4 to 5 percent pay cut every year, year over year.

A concept derived by the Medicare Payment Advisory Council, so-called MEDPAC, was for consideration of what is called the Medicare economic index, which calculates the true cost of health services, and the reimbursements would be based upon a formula which factored in the actual cost of delivering that care, a very powerful concept and an idea whose time I believe is long since overdue.

Another issue that we spend a lot of time talking about here on the House floor and over in committee is the concept of increasing health care technology. This is appropriate for Congress to be considering this. It is an important issue, and it is difficult for small doctors’ offices with one, two, three and four providers in an office, to justify the kind of expense that would be required to purchase that off-the-shelf health care information technology.

A lot of times a hospital would be willing to partner and help offset some of that, because the hospital benefits from that. But they are not a great help in the 21st century. They are not really protecting anyone from any malfeasance, and they are preventing getting this technology into the hands of people who need it the most.

The other thing that we have to consider is we have to assure physicians, providers, hospitals, that they are not going to run afoul of some statute in the HIPAA legislation, the patient privacy legislation. Finally we need to concentrate on some coding uniformity so that people can function in these systems and know that they can use them and that they are not only helping their patients, they are helping their practices, they are helping their bottom line, they are helping their hospitals.

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When the hurricane was out there churning in the Gulf, the first hurri- cane Katrina, you just knew it was going to be bad news. It was a hurricane unlike anything that any one of us had seen before, and there is no way in this day and age that it could be a win-win situation all the way around, but we are going to have to change some Federal regulations to allow that to happen.

One of the things that I talked about when I originally started this evening was that we needed to touch on pre- paredness. When you talk about pre- paredness, looking back over the last year, the twin hurricanes of Katrina and Rita that hit Louisiana, Mississippi and then Texas and Louisiana later in the year, it is impossible to talk about preparedness without thinking about some of the lessons that we learned.

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One of the things that I talked about when I originally started this evening was that we needed to touch on preparedness. When you talk about preparedness, looking back over the last year, the twin hurricanes of Katrina and Rita that hit Louisiana, Mississippi and then Texas and Louisiana later in the year, it is impossible to talk about preparedness without thinking about some of the lessons that we learned.

When the hurricane was out there churning in the Gulf, the first hurri- cane Katrina, you just knew it was going to be bad news. It was a hurricane unlike anything that any one of us had seen before, and there is no way in this day and age that it could be a win-win situation all the way around, but we are going to have to change some Federal regulations to allow that to happen.
Where my district office is in Fort Worth, at the Tarrant County Resource Center, they immediately made provisions to take in 80 individuals. We set up pallets and cots well into the night on Wednesday night and started receiving medical care on Thursday.

A small Baptist camp in Denton, Texas, Camp Cupus, opened its gates up and received some 130 people who had driven in buses all night, in two buses all night, from the Superdome in Louisiana when they finally got out of there.

Probably one of the most heart-warming stories in the North Texas area was the way that the Dallas County Medical Society really rallied around and got their members out to provide care for these individuals as they got off the buses. There are about 3,600 members of the Dallas County Medical Society. When they heard the buses were on the way up from the Superdome, we were right on top of Labor Day weekend, so most people were clearing their offices early, making plans for a holiday weekend.

The Dallas County Medical Society sent out a blast fax to all its member physicians, and 800 doctors showed up to provide care. They cut off urgent care to these people that got off the buses who had been displaced from Hurricane Katrina; people who had chronic medical conditions, who had been off their medications for 3 or 4 days, yet, who with their chronic medical condition were about to have an acute decompensation of hypertension, diabetes, congestive heart failure.

So as these people came off the bus, as the evacuees, they were interviewed. If they thought they were ill enough to have to go to the hospital, they were taken to the hospital, to Parkland Hospital there in Dallas. If they simply needed a shower and a meal and a refill on their medications, that was provided for them.

Of the 17,000 people who got off the bus in those first hours that evening, less than 500, I think the number is actually in the range of about 300, were actually hospitalized at Parkland Hospital, a phenomenally small number when you consider that these were people who had been in the worst of conditions for the past 3 or 4 days, again many of them ill with chronic medical conditions who had been off their medications for 3 or 4 days. Very, very few people who were identified early and sequestered off in another facility. But, again, the hand sanitizing that was done by providing low cost hand sanitizing solution to every person within the Reunion Arena was critical. Care, triage care, urgent care, medical care, 800 doctors showed up and provided for them.

In these situations, where you have got a lot of people who have been wet from a storm and then housed in the Superdome and then got wet again when the Superdome flooded, on a bus for hours, you can just imagine the bacteria and viruses find that an environment they can thrive upon. Diseases like the Norwalk virus, where gastrointestinal illnesses, epidemic diarrheas are very, very common in those situations. They had very, very few people who became ill.

Nonetheless, the doctors were by and large able to identify early and sequester off in another facility. But, again, the hand sanitizing that was done by providing low cost hand sanitizing solution to every person within the Reunion Arena was critical. Care, triage care, urgent care, medical care, 800 doctors showed up and provided for them.

An entirely different story just a few days later occurred when people who had been in the worst of conditions who had been off their medications for 3 or 4 days, yet, who with their chronic medical condition were about to have an acute decompensation of hypertension, diabetes, congestive heart failure.

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As a follow-up, I have been to the City of New Orleans twice since Hurricane Katrina hit. The first time was in October. I was there as a guest of one of the hospital administrators who wanted me to see, he had come before our testimony to testify in Washington and he wanted me to see firsthand myself the destruction that is there.

Even if October, two months after the hurricane hit, there is work to be done that realistically will carry on for years. It is a phenomenal task that is ahead of the people of Louisiana, the people of New Orleans, the people of Mississippi and the people of the United States of America as we help that part of the world recover.

I do want to share one other good news story. We toured Charity Hospital and saw the degree of devastation there, and there is a lot of work to be done by the Charity Hospital in order to recover. Across the street at Tulane Hospital, which is a private hospital, they had invested insurance money, they had invested new capital and were well on their way to having the HCA facility there at Tulane, and it is my hope that more of those will follow the Tulane model and make that investment, invest those insurance dollars that they receive and bring their facilities up and on line quickly.

We did have hearings. The other side complained this evening about over preparedness all down the line, and it is a valuable instruction for all of us, especially when we talk about the specter of the avian flu which could be facing us here in this country as early as late August or early September.

When you look at the spread of that illness in bird populations across Southeast Asia and then the Middle East and then in Eastern Europe and now in Europe, clearly there is a concern about preparedness all down the line, and it is a valuable instruction for all of us, especially when we talk about the specter of the avian flu which could be facing us here in this country as early as late August or early September.

I must stress that this is still a disease in animals, a disease in birds, but there is a lot about it that is not known. Felines in Germany have contracted the disease. Whether or not that is because they have come in contact with animal waste or whether they have eaten animals that is diseased, no one
really knows. It does appear to be a different disease in felines than you would expect the avian flu to be in humans if it were to mutate to a human form.

We have a lot of work to do as far as bolstering our vaccine manufacturing capability within our shores, within our borders. It needs to happen in this country. We need some liability relief to allow that to happen quickly, but we also need to protect and indemnify our first responders.

Those 800 people that came to the Reunion Arena parking lot from the Dallas County Medical Society for Katrina victims may have an entirely different view on the situation if they are being called to come attend a large number of casualties from a disease that might well be an infectious disease that they could catch. They will need to have the availability of anti-virals. We will need to have the availability of vaccines. But if the vaccines are not validated and untested, we need to have the ability to indemnify those first responders or their families if the first responders are harmed by the vaccines.

The disease knows no boundaries. It does not respect any Governmental jurisdiction. If it does arrive on the upper part of the North American Continent it will spread through the lower parts to the United States.

Can anyone guess how quickly? Suffice it to say that the conditions are a little bit different here than in Southeast Asia and the Middle East. Contained outbreaks that have been sporadic and what sporadic it likely be much more effective over here on this continent.

But that is not to say that we could not face a very serious problem. It would be economically disruptive if nothing else if large numbers of the poultry population had to be taken off line. But a very serious potential human tragedy if the virus changes in its ability to infect not just bird populations but humans as well.

But in summary, Madam Speaker, we have got a lot of work ahead of us as far as health care is concerned over the balance of this year. I know that the leadership takes this responsibility very seriously. Certainly I want to make certain that the leadership and indeed every Member of Congress knows that those of us who have a background in health care stand ready and willing to help in this regard.

The concept of affordability of health care is one that I just cannot stress enough, because if we do not attend to the affordability of health care we may end up with a default position that none of us really cares for.

And with that, Madam Speaker, I yield back.

RECESS

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

Accordingly (at 11 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Cole of Oklahoma) at midnight.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. Dreier, from the Committee on Rules, submitted a privileged report (Rept. No. 109-411) on the resolution (H. Res. 783) providing for consideration of the bill (H.R. 4975) Lobbying Accountability and Transparency Act of 2006, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. Millender-McDonald (at the request of Ms. Pelosi) for today and Thursday, April 27, on account of attending to important personal and business matters.

Mr. George Miller of California (at the request of Ms. Pelosi) for today after 5 p.m.

Ms. Moore of Wisconsin (at the request of Ms. Pelosi) for today.

Ms. Ros-Lehtinen (at the request of Mr. Boehner) for today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders hereafter entered, was granted to:

(The following Members (at the request of Mr. Ryan of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DeFazio, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Mr. Emanuel, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Mr. Stupak, for 5 minutes, today.

Mr. George Miller of California, for 5 minutes, today.

Mr. Owens, for 5 minutes, today.

Mr. Blumenauer, for 5 minutes, today.

Mr. Cummings, for 5 minutes, today.

Ms. McKinney, for 5 minutes, today.

(The following Members (at the request of Mr. Mack) to revise and extend their remarks and include extraneous material:)

Mr. Ramstad, for 5 minutes, today and April 27.

Mr. Jones of North Carolina, for 5 minutes, April 27 and May 2 and 3.

Mr. Mack, for 5 minutes, today.

Mr. Kennedy of Minnesota, for 5 minutes, today.

Mr. Brady of Texas, for 5 minutes, April 27.

Mr. Bishop of Utah, for 5 minutes, April 27.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:


S.J. Res. 28. Approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

ADJOURNMENT

Mr. Dreier. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute a.m.), under its previous order, the House adjourned until today, April 27, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6860. A letter from the Director, Regulatory Review Group, Agriculture, transmitting the Department's final rule—Acreage Reports and Noninsured Crop Disaster Assistance Program (RIN: 0590-AQ29) received March 29, 2006, pursuant to 5 U.S.C. 553(b)(1)(A); to the Committee on Agriculture.


6882. A communication from the President of the United States, transmitting a request for FY 2006 budget amendments for the Army Corp of Engineers; (H. Doc. No. 109-99); to the Committee on Appropriations and ordered to be printed.

6883. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 366(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-20, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Thailand for defense articles and services; to the Committee on Armed Services.

6884. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Glen W. Moorhead III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6885. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Colby M. Broadwater III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.
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. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3496. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area and for other purposes; with an amendment (Rept. 109-440). Referred to the Committee of the Whole House on the State of the Union. [Filed on April 27 (legislative day of April 26), 2006].

Mr. DREIER: Committee on Rules. House Resolution 783. Resolution providing for consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes (Rept. 109-441). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILLHOLLAND (for himself, Mr. MICA, and Mrs. KELLY): H.R. 5196. A bill to amend the Export Enhancement Act of 1988 to establish the Office of Trade Promotion in the Executive Office of the President, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Small Business, for consideration by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA: H.R. 5197. A bill to amend title 49, United States Code, to extend the aviation war risk insurance program; to the Committee on Transportation and Infrastructure.

By Mr. MANZULLO (for himself and Mr. POFF): H.R. 5198. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax of at least $500 to offset the cost of high 2006 gasoline and diesel fuel prices; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. LAHODD): H.R. 5201. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the Secretary of the Department of Veterans Affairs to provide veterans at all Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mrs. MALONEY: H.R. 5204. A bill to authorize the Federal Maritime Administration to provide for the promotion of trade in and foreign flag vessels; to the Committee on Transportation and Infrastructure.

By Mr. BALDWIN: H.R. 5205. A bill to empower States with jurisdiction over coastal ports, waterways, and harbors to establish a regional port authority; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH (for himself, Mr. TAYLOR of Ohio, Mr. BISHOP of South Carolina, and Mrs. MILLER of Michigan): H.R. 5206. A bill to amend the National Capital Transportation Act of 1969 to authorize the Secretary of the District of Columbia to establish a board for the District of Columbia; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH (for himself, Mr. MCNULTY, Mr. CAMP of Michigan, Mr. FITZPATRICK of Pennsylvania, Mr. BUTTERFIELD of North Carolina, Mr. SIMMONS, Mr. LIPINSKI, Mr. UDALL of Colorado, Mr. BACHUS, Mr. EHLERS, Mr. MCCOTTER, Mr. HINCHY, Mr. SWENYER, Mr. ROGERS of Michigan, Mr. DENT, Mr. DOLITTLE, Mr. MCLINTOCK of California, Mr. TAYLOR of Arizona, Mr. MCDERMOTT of Washington, Mr. DIMMER of Oregon, Mr. BARTLETT of Maryland, Ms. CARSON, Mrs. BONO, Mr. FERGUSON, Mr. WAMP, Mr. WAMP, Mr. GORDON, Mr. HINCHY, Mr. HALL, Mr. HOFF, Mr. SCHIFSTEIN, Mr. TAYLOR, Mr. TAYLOR of Georgia, Mr. BISHOP of New York, Mr. BONILLA, Mrs. BONO, Mr. BROWN of Ohio, Mr. BURGESE, Mrs. CAPPS, Mr. CAPUCANO, Mr. CASE, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. COSTELLO, Mr. CUSTODIO, Mr. DAUGHERTY, Mr. DeFAZIO, Ms. DEGETTE, Ms. DRAKE, Mrs. EMERSON, Mr. ENGLE, Ms. ESQUIRO, Mr. FOSSIELLA, Mr. GORDON, Mr. GUGLILOM, Mr. HINCHY, Mr. HORTON, Mr. KENNEDY of Rhode Island, Mr. LAHOOD, Mr. LAINE, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. MATHIS, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MCKINNEY, Mr. NADLER, Mr. NORSWOLD, Mr. OBERSTAR, Mr. OTTER, Mr. OWENS, Mr. PALLONE, Mr. PICKERING, Mr. RANGEL, Mr. ROSS, Mr. RECHTLE, Mr. RUSH, Mr. SCHANK, Mr. SCHWEITZER of Colorado, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMPSON, Mr. STRICKLAND, Mr. SWIRSKY, Mr. TERRY, Mr. TOWNS, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WAXMAN, Mr. WOOLSEY, and Mr. WYNN).
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Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Housing and Urban Development Commission (Kiddie Mac) to certify such facilities for such insurance, and for other purposes; to the Committee on Financial Services.

By Mr. THOMPSON (for himself, Mr. LATHAM, Mr. LEACH, Mr. KING of Iowa, Mr. BOSEWILLI, Mr. OSBORNE, Mr. HULSHOF, Mr. TERRY, and Mr. SCHALLER):

H.R. 5208. A bill to amend the Internal Revenue Code of 1986 to make permanent certain tax expenditures for energy, to amend the Clean Air Act to accelerate the use of renewable fuels, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULL (for himself and Mr. HENRY GREEN of Texas):

H.R. 5209. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 5210. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional personnel in grades kindergarten through grade 12 and to amend title II of the Social Security Act to replace the 60-month period of employment requirement for application of the Government pension offset exemption with the rule that last applied before section 418 of the Social Security Protection Act of 2004 was enacted; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 5211. A bill to improve the quality of life for senior citizens; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Ms. GINNY BROWN-WAITE of Florida, Ms. JIMMIE WATSON of Georgia, Ms. KILPATRICK of Virginia, Ms. KAPLAN of Michigan, Mr. DELAHUNT, Mr. CONYERS, Ms. DELAURO, Mrs. MALONEY, Mr. BERNIE Sanders of Vermont, Mr. CROWLEY, Mr. HONDA, Ms. LEE, Mr. MOORE of Kansas, Mr. KUCINICH, Mr. ROTHMAN, Mr. SANDERS, Mr. WEXLER, Ms. JONES of Ohio, Mr. INSLEE, and Mrs. DAVIS of California):

H.R. 5212. A bill to reduce sexual assault and domestic violence involving members of the armed forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victim services, and strengthened provisions for the protection of assailants, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, and Veterans’ Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. DeFazio, Mr. WU, Ms. HOLLER, Mr. BLUMENAUER, Ms. PELosi, Mr. GEORGE Miller of California, Mr. DERWEN, Mr. CARPENTER, Mr. WOOLSKY, Mrs. TAUSCHER, Mrs. CAPPs, Ms. ESCH, Mr. LANTOS, Ms. MATSUI, Mr. CARDOZA, Mr. HONDA, Mr. NOVOTNY, Ms. LEW, Mr. NOVOTNY, Mr. ROYBAL-ALLARD, Ms. LEE, Mr. STARK, Mr. SHERMAN, Mr. BERMAN, Mr. BACA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Ms. SOLIS, Mr. SCHIFF, Mr. BECERRA, Ms. HARMAN, Mr. FINK, Ms. WATERS, Mr. WATSON of California, Mr. HOFF, Mr. VALESKA, Mr. MRS. DAvis of California, and Ms. MILLER-McDONALD):

H.R. 5213. A bill to direct the Secretary of Commerce to provide greater assistance to mitigate the economic losses caused by declining Klamath River salmon and to develop and implement a research and recovery plan for salmon, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 5214. A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ‘‘Hugh L. Carey United States Courthouse’’; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 5215. A bill to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York, as the ‘‘Conrad Duberstein United States Bankruptcy Courthouse’’; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself and Mr. RYAN of Ohio):

H. Con. Res. 390. Concurrent resolution expressing the sense of the Congress that, as a matter of economic and national security, the United States Government should protect and support United States currency; to the Committee on Financial Services.

By Mr. SCHAKOWSKY (for himself, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. HONDA, Ms. MILLER-McDONALD, Ms. JACKSON-Lee of Texas, Ms. LEE, Mr. GEORGE Miller of California, Mr. SANDERS, Mr. BROWN of Ohio, Mr. DOUGGET, Mr. MCCOY, Mr. MCCOLLUM of Minnesota, Ms. BALDWIN, Mr. McDERMOTT, Mr. BLUMENTHAL, Mr. SERRANO, Mr. INSLEE, Ms. KILPICK of Michigan, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. KUCINICH, Mr. CONVYRS, Mr. BAUTZ, Mr. CAPUANO, Mr. HINCHY, and Mr. SHERSTAB):

H. Con. Res. 391. Concurrent resolution expressing the sense of the Congress that, with respect to the designation in April of a National Shaken Baby Syndrome Awareness Week, and for other purposes; 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. CLYBURN:

H. Res. 773. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mrs. KELLY (for herself, Mr. McDERMOTT, Mr. SHIMKUS, Mr. MOORE of Kansas, Mr. JEFFERSON, and Mr. BRADY of Pennsylvania):

H. Res. 775. A resolution expressing the sense of the House of Representatives with respect to the designation of a National Shaken Baby Syndrome Awareness Week, and for other purposes; 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 Ms. ESHOO (for herself, Mr. SHAYS, Mr. HONDA, and Mr. UDALL of Colorado):

H. Res. 780. A resolution expressing the sense of the House of Representatives that King Gyanendra should immediately release all political detainees, restore constitutional liberties, and undertake good faith negotiations with all involved parties to restore democracy; to the Committee on International Relations.

By Mr. PORTER (for himself, Mr. HOEKSTRA, Mr. McKEON, Mr. GREEN of Wisconsin, Mr. KIND, and Mr. CASE):

H. Res. 781. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WAMP (for himself, Mr. BARRETT of South Carolina, Mr. KING of New York, Mr. SULLIVAN, Mr. BROWN of Ohio, Mr. HENSARLING, Mr. ROYCE, Mr. MILLER of Florida, Mr. CARNAHAN, Mr. FERGUSON, Mr. POMPEO, Mr. ARMSTON of California, Mr. TAHFET, Mr. MCCAUL of Texas, Mr. DAVIS of California, Mrs. NORTHUP, Miss MCMORRIS, Mr. BACA, Mr. KINK, Mr. BLACKWELL, Mr. FINNEY, Mr. ROTTMAN, Mr. GALLAGHER, Mr. NUEGEBAUER, Mr. FRANKS of Arizona, Ms. LINDA T. SANCHEZ of California, Mr. HAMMER, Mr. MCHENRY, Mr. BERMAN, Mr. MARIO DIAZ-BALART of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Mr. BACHUS, Mr. SHAWS, Mr. POE, Mr. FRANK of Massachusetts, and Mr. DANIELLE M. LUNOOREN of California):
ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mrs. Davis of California and Mr. Hastings of Florida.
H.R. 202: Mr. Towns.
H.R. 414: Mr. Higgin, Mr. Doyle, Mrs. Maloney, Mr. Weldon of Pennsylvania, and Ms. Wasserman Schultz.
H.R. 550: Mr. Bishop of Georgia, Mr. Boehner, and Mr. Van Hollen.
H.R. 560: Mr. Weldon of Pennsylvania, Mr. Meeks of New York, and Mr. McIntyre.
H.R. 615: Mrs. Cuinn.
H.R. 690: Mr. Clay.
H.R. 732: Mr. Tierney, Mr. Baca, Mr. Bishop of New York, Mr. Case, and Ms. Corbin Brown of Florida.
H.R. 857: Mr. Rothman and Mrs. Kelly.
H.R. 881: Mr. Gordon and Mr. Sweeney.
H.R. 884: Mrs. Bono.
H.R. 916: Mr. Lipinski and Mr. Holt.
H.R. 963: Mr. Evans.
H.R. 968: Mr. Meehan and Mr. Davis of Illinois.
H.R. 997: Ms. Drake and Mr. Barton of Texas.
H.R. 1065: Mr. Porter.
H.R. 1106: Mr. Joe Lieberman of California.
H.R. 1186: Mr. Burgess.
H.R. 1214: Mr. Pastor.
H.R. 1217: Mr. Cardin and Mr. Pastor.
H.R. 1450: Mr. Bishop of Utah, Mr. Wynn, and Mr. McDermott.
H.R. 1548: Mr. Lincoln Diaz-Balart of Florida, Mr. Clawer, Ms. Woolsey, Mrs. Bono, and Mr. Bilirakis.
H.R. 1554: Mr. Viscosky.
H.R. 1633: Mr. Barrow.
H.R. 1632: Mr. Jindal.
H.R. 1689: Mr. Manzullo, Mrs. Myrick, Mr. Ramstad, Mr. Cummings, Mr. Paul, Miss McMorris, and Mr. McIntyre.
H.R. 1687: Mrs. Hinojoa, Ms. Matsui, and Mr. Honda.
H.R. 1704: Mr. Stark.
H.R. 1792: Mr. Cuelalar.

H.R. 1796: Mr. King.
H.R. 1849: Mr. Rangel, Mr. Ackerman, and Mr. McKeon.
H.R. 1994: Mr. Fattah, Ms. Norton, and Mr. Clyburn.
H.R. 2048: Mr. Davis of Illinois, Mr. Thompson of Mississippi, Mr. Brady of Pennsylvania, Mr. Hinchey, and Mr. Weldon of Pennsylvania.
H.R. 2193: Mr. Boren.
H.R. 2231: Mr. Geithland and Mr. Murttha.
H.R. 2328: Mr. Camp of Michigan.
H.R. 2340: Mr. Mehan.
H.R. 2389: Mr. Gallingly.
H.R. 2421: Mr. Rahall, Mr. Bradley of New Hampshire, Mr. Marshall, and Mr. Bilirakis.
H.R. 2454: Mr. Abercrombie, Mr. Price of North Carolina, Mr. Honda, Mr. Moran of Virginia, Mr. Costaello, and Ms. Linda T. Sanchez of California.
H.R. 2562: Mr. Rothman.
H.R. 2571: Mr. Cummings and Mr. Lewis of Georgia.
H.R. 2583: Mr. Boucher.
H.R. 2582: Mr. DeFazio.
H.R. 2689: Mr. CHenes.
H.R. 3049: Mr. Lipinski.
H.R. 3082: Mr. Campbell of California and Mr. Platts.
H.R. 3131: Mr. Salazar.
H.R. 3159: Mr. Snyder.
H.R. 3152: Ms. Eddie Bernice Johnson of Texas.
H.R. 3437: Ms. Kelly.
H.R. 3476: Mr. Cleaver and Mr. Eddie Bernice Johnson of Texas.
H.R. 3566: Mr. LaHood.
H.R. 3585: Ms. Emerson, Mr. Jefferson, Mr. McGovern, Ms. Bordallo, and Mr. Terry.
H.R. 3759: Mr. Hastings of Florida.
H.R. 3787: Mr. Conyers.
H.R. 3856: Mr. Roybal-Allard, Mr. Davis of Virginia, and Mr. Herseth.
H.R. 3858: Ms. Low, Ms. Loretta Sanchez of California and Mr. Rahall.
H.R. 4005: Mrs. Maloney.
H.R. 4006: Mr. Gooden.
H.R. 4045: Mr. Harris.
H.R. 4156: Mr. Moore of Wisconsin.
H.R. 4166: Mr. Bishop of Georgia.
H.R. 4910: Mr. DeFazio and Mr. Blumenauer.
H.R. 4922: Mr. Jefferson.
H.R. 4929: Mr. Gibson.
H.R. 4931: Mr. Larsen of Washington.
H.R. 4941: Mr. Kline, Mr. Boren, and Mr. Westmoreland.
H.R. 4947: Mr. Kilpatrick of Michigan.
H.R. 4937: Mr. Brown of Ohio.
H.R. 4937: Mr. Moore of Kansas.
H.R. 4940: Mr. Hayworth, Mr. Bradley of New Hampshire, Mr. Gingrey, and Mrs. Drake.
H.R. 4945: Ms. Berkley, Mr. Brown of Ohio, Mr. Lrvin, and Mr. Kind.
H.R. 4979: Mr. Frank of Massachusetts, Mr. Lewis of Georgia, Mr. Blumenauer, Mr. Berkley, and Mr. Capuano.
H.R. 4957: Mr. Conaway and Mr. Simmons.
H.R. 4962: Mr. Wu.
H.R. 4961: Mr. Porter.
H.R. 4972: Mr. Manzullo.
H.R. 4712: Mr. Kucinich, Mr. Evans, Mr. DeFazio, and Mr. Mollohan.
H.R. 4716: Mr. Boren and Mr. Hayworth.
H.R. 4739: Mr. Kucinich.
H.R. 4740: Mr. Larsen of Washington and Mr. Salazar.
H.R. 4749: Mr. Rahall.
H.R. 4751: Ms. Emerson.
H.R. 4753: Mr. Gutierrez, Ms. Woolsey, Ms. Baldwin, Ms. Norton, Mr. Sherrerd, Ms. Jones of Virginia, Ms. Kilpatrick of Michigan, Mr. Edwards, Mr. Israel, and Mr. Tiahrt.
Mr. CULBERSON, Mr. TOM DAVIS of Virginia, Mr. JENKINS, Mr. FATTAH, Mr. FORBES, Mr. CRNISHAW, MRS. KELLY, Mr. MANZULLO, Mr. CAMP of Michigan, Mr. HUNTER, Mr. SULLIVAN, Mr. COLE of Oklahoma, Mrs. MILLER of Michigan, Ms. GRANGER, and Mr. BONILLA.

H.R. 5180: Ms. BERKLEY.

H. Con. Res. 224: Mr. BROWN of South Carolina.

H. Con. Res. 274: Ms. WOOLSEY.

H. Con. Res. 328: Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. FORTUNO, Mr. WELDER, Ms. HARRIS, Mr. KENNEDY of Minnesota, Mr. GOHMERT, Mr. YOUNG of Alaska, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 383: Mr. TERRY, Mr. BROWN of South Carolina, Mr. ADERHOLT, Mr. GRIJALVA, Mr. WESTMORELAND, Mr. TOM DAVIS of Virginia, Mr. WELDON of Florida, Mr. HOKSTRA, Mr. MANZULLO, Mr. SMITH of Texas, Mr. SULLIVAN, Mr. POE, Mr. KINGSTON, Mr. PUTNAM, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. WAMP, Ms. PYRE of Ohio, Miss McMorris, Mr. KOLBE, Ms. FOXX, Ms. SESSIONS, Mr. BARTLETT of Maryland, Mr. GARRETT of New Jersey, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. BOREN, Mr. HIGGINS, Mr. LIPINSKI, Mr. WAXMAN, Ms. LORETTA SANCHEZ of California, Mrs. BLACKHURD, Mr. KING of Iowa, Mrs. KELLY, Mr. MCHENRY, Mr. SODERL, Mr. REYNOLDS, Mr. ROGERS of Alabama, MRS. WILSON of New Mexico, Mr. GINGREY, Mr. KELLER, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. FLAKE, Mr. SHIMKUS, Mr. WICKER, Mr. CHABOT, Mr. FITZPATRICK of Pennsylvania, Mr. WILSON of South Carolina, MRS. DRAKE, Mr. OSBORNE, Mr. LARSON of Connecticut, Mr. NEUENBAER, Mr. WOLF, Mr. POLEY, and Mr. GOODLATTRE.

H. Res. 158: Mr. HOLT, Mr. BROWN of Ohio, Ms. DELAUNO, Mr. FITZPATRICK of Pennsylvania, Ms. JACKSON-LEE of Texas, Ms. HART, Mr. DOGGETT, Ms. MATHUI, and Mr. ALLEN.

H. Res. 295: Mr. HASTINGS of Florida.

H. Res. 323: Mr. ALEXANDER, Mr. FRANK of Massachusetts, and Mr. MARSHALL.

H. Res. 449: Mr. DICKS.

H. Res. 521: Mr. GEORGE MILLER of California.

H. Res. 638: Mr. BACHUS and Mr. BLUMENAUER.

H. Res. 688: Mr. MELANCON, Mr. PALLONE, Ms. BEAN, Mr. GORDON, Mr. UDALL of Colorado, Mr. POMEROY, Mr. FORD, Mr. HONDA, Mr. SMITH of Washington, and Mr. SALAZAR.

H. Res. 729: Mr. GORDON and Ms. ZOR LOUVEN of California.

H. Res. 753: Mr. BASS, Mr. SCHWARZ of Michigan, Mr. FORTENBERRY, Mr. SNYDER, Mr. BRADLEY of New Hampshire, Mr. THOMPSON of California, Mr. DAVIS of Tennessee, Mr. MELANCON, Mr. BOSWELL, Mr. SALAZAR, Mr. CHANDLER, Mr. BURTON of Indiana, Mr. BLUMENAUER, Mr. INSLIE, Mr. FARR, MS. BRAN, Mr. MCDERMOTT, Mr. MICHAUD, Mr. MARKEY, Mr. GORDON, MR. HONDA, Mr. HENCHY, MS. SLAUGHTER, MS. SOLIS, MR. HASTINGS of Florida, Mr. OSERSTAR, Mr. WYNN, MR. DICKS, MR. TIAHRT, MR. HOYER, MR. DELAHUNT, MR. FRANK of Massachusetts, MR. LEWIS of Georgia, MS. BALDWIN, MS. HOOLEY, MS. DIETZ, MS. LINDA T. SANCHEZ of California, MS. LORETTA SANCHEZ of California, MR. BROWN of Ohio, MR. FOSSELLA, MR. GENE GREEN of Texas, MR. WEINER, MR. BISHOP of New York, MR. CUMMINS, MR. ENGEL, MS. TAUSCHER, MR. HARMAN, MR. CARNANAN, MR. KIND, MR. OLVER, MR. GEORGE MILLER of California, MR. CARDIN, MR. KILDER, MR. FILNER, MR. PALLONE, and MR. GILCHEEST.

H. Res. 759: Mr. GRIJALVA, MR. ABERCROMBIE, MR. MCGOVERN, MS. BORDALLO, MTS. MCCARTHY, MR. HONDA, MR. CROWLEY, MR. FARR, MR. FATTAH, MR. ROYCE, MR. GEORGE MILLER of California, MS. KILPATRICK of Michigan, MR. ENGLISH of Pennsylvania, MS. WATSON, MS. LEE, MR. MEKES of New York, MR. LEWIS of Georgia, MR. MILLER of Florida, and MR. PITTS.

H. Res. 769: MR. WOLF, MR. MORAN of Virginia, and MR. FORBES.
The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray:
Eternal Spirit, the giver of every
good and perfect gift, we rejoice in the
mystery of Your power and grace. You
overwhelm us with Your faithfulness,
Your mercy, and Your love.
Today, remind our Senators that
they are stewards of Your generous
blessings. Empower them to seize the
many opportunities to be used as in-
struments of Your will. Make their
faithfulness inspire others to glorify
You, the fountain of all that is holy
and true.
Help each of us to be responsible
managers of the different talents You
have provided for the good of human-
ity.
We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the
Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the
United States of America, and to the Repub-
lic for which it stands, one nation under God,
indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time
is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a
period for the transaction of morning business for up to 30 minutes, with the
first half of the time under the control of the Democratic leader or his des-
ignee, and the second half of the time
under the control of the majority lead-
er or his designee.

RECOGNITION OF THE MAJORITY
LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will
begin today’s session with 30 minutes
allocated for morning business. At the
conclusion of morning business, we will
return to the pending supplemental ap-
propriations bill. I hereby provide for debate to run equally in relation to
Senator GREGG’s border security
amendment, along with Senator REID’s
amendment on border security. We will
vote on both of those amendments be-
ning at 12 noon today. I encourage
Senators to come forward with their
amendments. If Senators are consid-
ering amendments, please notify the
managers as soon as possible. They will
then be able to line up an orderly proc-
ess.
It is my intent to have votes
throughout the day on amendments,
and I hope Senators agree to reason-
table time agreements to allow us to
work through as many of these issues
as we can during today’s session.

SUPPLEMENTAL SPENDING
REQUEST

Mr. FRIST. Mr. President, yesterday
the President made clear that he will
veto any supplemental spending bill
that exceeds the administration’s re-
qust. I thank and applaud the admin-
istration and recognize their deter-
mination to stick to true emergency
spending. I will support the veto, if
necessary, to keep Federal spending
under control. Families live within
their means; so should Washington.
The President has taken a strong
stance on a necessary, must-pass piece
of legislation that we know will bolster
our national security, support hurri-
cane recovery, and border security ef-
forts as well. We need to work swiftly
and in good faith to meet the Presi-
dent’s request, but we need to focus on
the necessary spending.

The President submitted his request
for $92.2 billion in emergency spending
in late February. The House passed the
supplemental in March. This legisla-
tion needs to be on the President’s
desk before Memorial Day. We intend
to do just that.

We need to support our troops who
are currently in the field fighting to
protect us, and we need to support our
fellow citizens who are working hard to
rebuild and recover their homes and
communities on the gulf coast. Both
are extraordinary responsibilities. We
should not in any way, with either of
these issues, play politics in succeeding
on these critical efforts. Nor can we af-
ford to encumber this must-pass legis-
lation with unnecessary amendments.
It is always tempting for people to
come forward and get their own
projects or interests attached to these
must-pass spending bills. On this bill,
we encourage people not to do that.

In order to keep within our spending
limits, we are encouraging Senators
who may have legitimate emergency
spending requests to find offsets for
those amendments in order not to drive
the overall top line of this bill higher
and higher.
For example, the amendment I co-
sponsored with Senator JUDD GREGG in-
creases emergency spending for border
security, but it is offset within the bill,
and I think that is how we should ap-
proach issues as much as possible.

Time is limited. We must finish this
legislation. I hope within the week, so
we can quickly get on to a conference
with the House and get it to the Presi-
dent for signature. These are emer-
gency funds and the troops need these
funds overseas. By pulling together, I
am confident we can move this legisla-
tion forward and get the critical work
of the American people done.
I yield the floor.
Mr. REID. Mr. President, in Nevada, the average price of a gallon of gasoline is $2.97. We know it is $3.10 a gallon elsewhere. And in other places, it is higher than that. That 45-cent increase has caused tremendous pain in Nevada and around the rest of the country. The prices are going up and up and up. Talk to any Senator about the price of gasoline.

I watched the evening news last night and they had a segment where they talked about the booming business of pawnshops since the price of gas has gone up. It showed people there pawnning antique watches. One man was pawnning a watch he had that was 100 years old, which was his grandfather's. Why? He had no money to get back and forth to work. They are also pawnning guitars and guns. One man even went in and pawnned his car. He got to drive it away and the title to the pawnshop. That is the price of gasoline as reported on the national news.

It is not just Nevada, as indicated in the national news. Talk to any Senator; they have similar stories. The average price of gas in California is $3.14. In New York, it is $3.09. Here, in the District of Columbia, it is $2.99. In Illinois, it is $2.96. Those are average prices. Unfortunately, gas prices are expected to soar and increase at least another quarter by this summer—expected to soar and increase at least another quarter by this summer—that is, if nothing goes wrong. There doesn't appear to be any relief in sight.

That is especially true if this President and this Republican Congress have their way. Yesterday, the President mentioned, in his four-way plan, that I don't come here to the floor every day just to say things about the President, that I don't agree with him, because there is nothing else to talk about. I come here because I believe I have an obligation to the people of Nevada and all the people in this country to call it the way I see it.

We went to the White House yesterday. I thought what the President did in dealing with immigration was significant. I heard myself on the morning news calling the President—President—President.
Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. Every day I get something called "A Look at Today's News," such as immigration and homeland security. But the news is rubber-stamped red.

Is the Senator aware that the L.A. Times headline today reads, "Bush's Proposals Viewed as a Drop in the Oil Bucket?" Is the Senator aware that the Washington Post headline today is, "GOP Backs Boosting Taxes on Oil Companies' Profits," and the New York Daily News headline is, "Midterm Elections Fuel His"—meaning the President's—"Sudden Flip-Flop," and the Hill newspaper, about which the Senator has already commented, headline is, "Oil Industry Prepares $30 Million Fight Back"? Is the Senator aware of these headlines?

Mr. DURBIN. I am aware of that. I know the Democratic leader is also aware that two of our colleagues came to the floor yesterday and asked for an emergency consideration of measures to deal with this right now, things that could make a difference.

Senator MENENDEZ of New Jersey came to the floor and asked that we have the money so that the gas can be given back to consumers across America that is being charged them now at the pump.

Senator CANTWELL of Washington came to the floor and asked for consideration of an antigouging amendment so we can say that if oil companies are found guilty of gouging, they will be asked to pay the price in the courts and through the regulatory agencies.

The Senator from Nevada realizes that despite the best efforts of our colleagues, both of them were ruled out of order. The obvious question is: If we can't consider those measures on this bill, how soon will the Republican leader of the Senate move to legislation that will respond immediately? The idea that we will get to this in 2, 3, 4, 5 months is not acceptable where I live. Families I know and businesses I know cannot wait. They expect this Congress to respond.

I know the Senator from Nevada realizes within our caucus there will be many other proposals that might deal with this issue. Senator NELSON of Florida has come up with a proposal as well to deal with this issue. We had Senator STABENOW come to the floor.

Why aren't we dealing with this on an emergency basis? It is truly an emergency across America when it comes to our economy.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. Mr. President, is the Senator aware that the profits these massive international companies that are controlling the cost of gasoline and fuel oil in this country are theirs only if one ignores the corner service station or convenience store that pumps gas, does the Senator realize they only make about 4 cents a gallon on each gallon of gas, even though the consumer may be paying $3.20 for that gallon of gas?

This is all a gouge, an obscene gouge by these massive international corporations. Even the people who retail the product make no money. Is the Senator aware of that fact?

Mr. DURBIN. Mr. President, I am aware of it, and I feel sorry for the people who run these gas stations. One can imagine what their customers say when they come in to the store. They are outraged over the increase in gasoline prices, angry over this situation and the impact it is going to have on their lives. And, of course, they try to take it out on the first person they see, and that happens to be an innocent bystander, the person running the gasoline station.

What troubles me as well, instead of moving toward energy independence, we have resistance for putting in place facilities so that alternative fuels can be used by the American people.

Senator OBAMA of Illinois, my colleague, has introduced legislation to put E-85—that means it is a fuel you can use in your car that is 85 percent alcohol fuel, 85 percent ethanol, cheaper than petroleum-based gasoline. The oil companies have been very slow to put those facilities in the gas stations even across Illinois, the largest producer of ethanol in the Nation.

What: Senator OBAMA has pushed for—and I agree—is that we need to have the oil companies opening up opportunities so that consumers can at least fight back.

If you have a car or a truck that can burn this environmentally friendly and energy-efficient ethanol, then you ought to have an option to fill your tank that way. Sadly, they don't. The oil companies have been very slow and dragging their feet in giving consumers that choice. Why? Why? Why don't the oil companies make the ethanol and, as a consequence, they don't want to promote a product from which they cannot profit. That day is over. We have to move toward alternative fuels.

Isn't it amazing that the country of Brazil decided more than 10 years ago they were not going to be held hostage to foreign oil and they would become energy independent. Making that decision with the right leadership at the top, they were moving soon to the day where they don't have to worry about foreign dictators pushing them around like chumps when it comes to oil supplies.

How did they do this? They went to alcohol fuels. They said: We can fuel an economy with home-grown energy. We can do the same thing in America. How important is it? Take a look at the morning paper, the Washington Post, and you will see a story about Iran. The man who runs this country of Iran is a very strange man. He makes pronouncements about the world and history which are nothing short of bizarre. Yet he sits on top of 70 million people and some of the largest oil reserves in the world.

What did he say about the pressure from the United States to stop him from building nuclear weapons?

Other Iranian officials said the Islamic republic would hide its nuclear program and curtail its oil production if foreign governments took harsh actions against Iran for failure to restrict its nuclear activities.

In most places, this is known as blackmail. President Bush would tell a leader of Iran would say to us: If you put pressure on us to stop building nuclear weapons, we are going to hold back your oil. You think $4 a gallon is expensive? How about $5? That is the kind of showdown we face because these petro-dollar-based puppet dictators around the world have us over an oil barrel.

When are we going to change? When we need to go back to the drawing board. We need to have a new direction, a significant change in direction if we are going to become energy independent in the near future and if we are going to see gasoline prices come down before they cripple the American economy.

I know of what I speak. If you go to O'Hare Airport, you can see the signs of the United Airlines, now emerging from bankruptcy. It was a painful process. Workers and retirees gave up a lot to get through bankruptcy. And the major reason that airline went into bankruptcy? The cost of fuel. Other airlines face the same situation—reducing their workforce, reducing their pay, reducing retirement, reducing health benefits because the price of fuel went up. While they are suffering, ExxonMobile has recorded breaking profits.

What is wrong with this picture? Where is the fairness? Where is the equity? Where is the President? We need...
voices here that speak to these oil company executives about a new course of action.

Gasoline prices across America are intolerable. We can go through community after community, and you can see it when you go home, as I did this last week in the President's home state of Texas. The President was in Houston, and while he was there, 49-year-old John Natarewski was killed in a car crash involving a car from Mexico. People understand this one. They understand there is a failure in leadership. If we lament the fact that people don't get up and vote and don't seem to care about the state of our Government, it is because when they are in trouble, the Government is not there.

The simple speech made by the President yesterday is not the answer, but it is the beginning, I hope, of a dialog, a bipartisan dialog, about a new direction. To give a speech on Earth Day about hydrogen-powered cars is an interesting, long-term concept. It is certainly not a near-term or medium-term answer to producing our dependence on foreign oil. Some people wonder: Are we doing anything to help America solve our problems? One thing we must do is develop our resources where we have them and where we can. We cannot sit by and be naysayers about developing what we have that we can use, so we don't have to buy it from others.

In this bill, we require 8 billion gallons of ethanol be included in the gasoline line by 2012. This provision will help ethanol displace 2 billion barrels of foreign oil over the next 6 years.

There are others on the other side who say the President proposed nothing to help the farmers of the United States and the ranching community. I just discussed with you what the Energy bill will do with reference to ethanol, and the new market we are creating for the products of our farmers, makes them wealthy, gives them alternatives to sell their product so they can be used to ultimately go into the tanks of our automobiles in lieu of crude-oil derived gasoline. We provide several incentives in this bill for new nuclear power that has prompted nine utility consortia to plan at least 19 new nuclear powerplants in the immediate future. We had zero, we are already moving toward 19, and some think it is 22.

The bill encourages wind, solar, and geothermal sources. Our incentives will bring more than 14,000 megawatts of wind energy that could be on line by the end of next year, which is enough energy to power roughly 5 million homes for 1 year. Those are the things we did. Those are the things that would have all been front and center had Katrina not hit us and taken away all of the possibility thinking of and put us in that tank that came as a result of that enormous hurricane which we are still recovering from. But all of the things I am discussing are there, actually taking place, as the United States changes because of that new energy bill.

The oil and gas prices continued to climb after the Energy bill was passed, and a lot of that was due to the hurricane I have described. We still have two refineries that are down because of the storm. This accounts for 5 percent of our refining capacity. We have lost about 1.5 million barrels of oil per day because of damaged oil rigs. That is a whopping 22 percent of our domestic production.

So for all of those who wonder: Did anything happen that could have caused the problems we are having that might have been otherwise? Obviously if we look at Katrina and say something very bad happened. We didn't have to have that. Things could have been better.

Let me talk about the global aspect and the rising global demand that has driven up the prices of oil across the globe. Oil is a global commodity. Nobody knows what a barrel of oil is worth as it comes out of the ground. Nobody knows what it is inherently worth. Let me tell you: I guarantee you, and I am saying that what do they buy it for? They buy it for what they think it is worth, and they bid it, and that is what it is worth. So oil is worth what people pay for it. Regrettably, they are paying more and more because they are worried about the world situation and whether oil supply is credible, whether it is going to remain reliable. So they bid it up higher and higher.

Problems in producing nations such as Venezuela, Nigeria, and Iran have sharply driven up this price, along with this great, new, voracious appetite on the part of China and India. They are entitled—they are entitled, just as we are—to use this oil, and they are buying it up, bidding it up, causing the supply and demand to have the impact I am describing with all of you here this morning.

There are some things we can do to try to ameliorate this problem, and yes, some of them are very difficult. Most of it we can't do much about, unless we either wean ourselves off foreign oil, which will take several years to do, or dramatically increase our own production of oil. There are too many on the other side of the aisle, not everyone but most on the other side of the aisle here in the Senate and in the House who refuse to acknowledge that we must produce more of our own wherever we can.

Let's talk about what we can do. President Bush proposed four things yesterday, and I endorse every one of them. Every one of those is now out there. I am not saying the market will do, or everyone to look at, and they have already had a positive effect. He wants an aggressive investigation of fraud and manipulation. We mandated a similar investigation in the Energy bill, but I absolutely supported it. Let's talk about what we can do. President Bush proposed four things yesterday, and I endorse every one of them. Every one of those is now out there. I am not saying the market will do, or everyone to look at, and they have already had a positive effect. He wants an aggressive investigation of fraud and manipulation. We mandated a similar investigation in the Energy bill, but I absolutely supported it.
The President wants to do another thing. He wants to repeal certain tax breaks that are in the Energy bill. He says they are unnecessary for oil companies. I agree. Actually, I thought they would do some good, but the President has convinced me and many of my colleagues that these tax items are not in the bill.

So it will be available to those who are purchasing oil to be used as we have been describing it here: for the marketplace—put to use in refineries and be used by the large companies, to the great advantage of the American people. So let me propose this idea: Let's let the oil companies make up the difference. That is what we ought to do.

Senators, I suggest we are on the right track. The President's suggestions are good suggestions, and we can come up with some more. But in the meantime, we ought to tell the Americans the truth: There is no quick fix, and it is easier to blame than to produce energy that is our own, then what we would have had available is at least 1 million barrels of oil—American owned—that we could use every day, and it would be added to the inventory that we had available elsewhere, and for the United States it would be a dramatic reduction in the amount of oil we would have to buy from others.

We have to wake up. There is nothing to be damaged. You can go look at ANWR and see what we would be doing with new drilling, new approaches to drilling, if we would get that done. It is regrettable that we won't produce our own and we will sit and talk and blame, and in particular, the other side will blame the Federal Government and the Republicans. These Senators understand that today's gasoline prices are driven ever increasing by long-term speculation on global production. They understand that a strong signal on supply can drive prices up today and down tomorrow. They know a vote to develop ANWR will have an immediate impact on oil prices, which in turn will have an immediate impact on gasoline prices.

Look at what happened to the energy markets yesterday after the President announced his four-prong plan. Energy prices fell. Yet these same Senators fought against ANWR, fought against OCS production, and have consistently fought against new energy production anywhere for 25 years. These policies they know will ease our price and supply problems.

We have worked in the committee and marked up, gotten ready for a vote. Last week 181 on natural gas, and a bill that will develop oil and gas 100 miles off the coast of Florida. Democrats have threatened to filibuster the bill when it comes to the floor. It shows there is no desire to produce even what is our own.

The President has convinced me and many of my colleagues that these tax items are not in the bill. I am happy to take the lead, along with those who write the tax laws, and see if we can repeal and eliminate the deep-water drilling tax relief that is in the bill.

The President also recommended and announced that he will temporarily halt the filling of SPR, a move I hope will free up about 12 million barrels of oil this summer, meaning we won't use it for the Strategic Petroleum Reserve. So it will be available to those who are purchasing oil to be used as we have been describing it here: for the marketplace—put to use in refineries and be used by the large companies, to the great advantage of the American people. So let me propose this idea: Let's let the oil companies make up the difference. That is what we ought to do.

Senators, I suggest we are on the right track. The President's suggestions are good suggestions, and we can come up with some more. But in the meantime, we ought to tell the Americans the truth: There is no quick fix, and it is easier to blame than to produce energy that is our own, then what we would have had available is at least 1 million barrels of oil—American owned—that we could use every day, and it would be added to the inventory that we had available elsewhere, and for the United States it would be a dramatic reduction in the amount of oil we would have to buy from others.

We have to wake up. There is nothing to be damaged. You can go look at ANWR and see what we would be doing with new drilling, new approaches to drilling, if we would get that done. It is regrettable that we won't produce our own and we will sit and talk and blame, and in particular, the other side will blame the Federal Government and the Republicans. These Senators understand that today's gasoline prices are driven ever increasing by long-term speculation on global production. They understand that a strong signal on supply can drive prices up today and down tomorrow. They know a vote to develop ANWR will have an immediate impact on oil prices, which in turn will have an immediate impact on gasoline prices.

Look at what happened to the energy markets yesterday after the President announced his four-prong plan. Energy prices fell. Yet these same Senators fought against ANWR, fought against OCS production, and have consistently fought against new energy production anywhere for 25 years. These policies they know will ease our price and supply problems.

We have worked in the committee and marked up, gotten ready for a vote. Last week 181 on natural gas, and a bill that will develop oil and gas 100 miles off the coast of Florida. Democrats have threatened to filibuster the bill when it comes to the floor. It shows there is no desire to produce even what is our own.

The Massachusetts delegation continues to block the Weaver Cove liquefied natural gas facility, a facility proposed for Fall River that would provide 400,000 mcft of natural gas per day. That is enough to fill the price and supply pressure for most of New England.

Another example is if you don't want to produce energy that is our own, then you ought not be complaining about the fact that prices continue to rise because of shortages in global markets. Instead, today some on the other side propose a tax holiday. I find it interesting that it is Democrats who want to temporarily repeal the gasoline taxes since it was they who voted over the years to increase that same tax.

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The President has convinced me and many of my colleagues that these tax items are not in the bill. I am happy to take the lead, along with those who write the tax laws, and see if we can repeal and eliminate the deep-water drilling tax relief that is in the bill.

The President also recommended and announced that he will temporarily halt the filling of SPR, a move I hope will free up about 12 million barrels of oil this summer, meaning we won't use it for the Strategic Petroleum Reserve. So it will be available to those who are purchasing oil to be used as we have been describing it here: for the marketplace—put to use in refineries and be used by the large companies, to the great advantage of the American people. So let me propose this idea: Let's let the oil companies make up the difference. That is what we ought to do.

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cars to move the ethanol from the Midwest to the Northeast and down into Texas, where it can be blended into the gasoline.

Since it requires a special base form of gasoline, the ethanol-to-MTBE switch makes it difficult for importers to import gasoline from overseas to relieve these price pressures, because outside of Europe there are few foreign refineries that can actually make this base form. So that means tighter fuel supplies that cannot readily be remedied by imports.

We talk about the cost to us as Americans. According to the Energy Information Administration, we are already paying about twice as much for fuel today as we did in the summer of 2002. On the whole, our country is spending $212 million more per day for gasoline than we did last year, a half billion dollars more per day than 4 years ago. It is incredible.

What do we do about it? The chairman of the Energy Committee noted some of the steps, and noted some of the steps the President has advanced. But our first effort today is to conserve, to increase our conservation and efficiency efforts.

The PRESIDING OFFICER. The time of the Senate has expired.

Ms. MURkowski. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURkowski. We must do the simple things first. Conservation, efficiency, make sure the tires are inflated, our cars are in tune, drive less, reduce the air conditioning—those small things that will make a difference. We have to move quickly to increase our fuel efficiency, continue to expand the use of renewables such as wind, geothermal, biomass, oceans, solar—all of those that are available. But we must increase our domestic supplies of oil and natural gas, and the first place we start is up in ANWR. We have the ability to do it. We have demonstrated that we can. Opening ANWR would produce up to 1 million barrels a day of additional oil for 30 years to meet the world demand and drive the prices down.

People are saying it is not going to make a difference today, and they are correct. But we didn’t get to this place in 1 day. We are anticipating is the need down the road. Anyone who thinks in 5 or 10 years there are not going to be anymore hurricanes or supply disruptions or production impediments is fooling himself. So let’s plan for the future. Let’s plan for our long-term domestic energy security by doing what we can in this country. The first place to start is by opening ANWR to limited oil exploration and development, and doing it in an environmentally sensitive and balanced manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. 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. ALEXANDER. Mr. President, I ask unanimous consent for the order for the quorum call to be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I understand the remaining time on the Democratic side is not needed and may be yielded back.

Mrs. MURRAY. Mr. President, I yield back the remaining time on the Democratic side.

CONCLUSION OF MORNING BUSINESS
The PRESIDING OFFICER. At this time, morning business is closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006
The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, which the clerk will report.

The assistant legislative clerk read as follows:
A bill (H.R. 4939), making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:
Gregg modified amendment No. 3594, to provide, with an offset, emergency funding for border security efforts.
Harkin/Grassley amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.
Reid amendment No. 3604, to provide, with an offset, emergency funding for border security efforts.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I yield to myself 15 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, there will be a rare opportunity about noon on the Senate floor. There will be a chance for the American people to have for themselves a handy list of big spenders, something they can put on their blogs, something they can put in their newsletters, something they can put in their dinner table, something they can read to friends. There is a lot of talk around here about who is responsible for the fact that the Federal Government is spending more money than it ought to. We are about to see a good example of who is responsible for that, if things go true to form, because we will have two amendments before us. One is by the distinguished Senator from New Hampshire, Senator Grassley, and one by the distinguished Democratic leader, Senator Reid. Both of them are border security amendments.

There will not be very many votes in this body, I suspect, against border security. I want to speak about border security because the Gregg amendment is important. I want to maintain our current level of security on the border, which is a minimum level of security. I am proud to cosponsor that. And the Gregg amendment pays for it by taking money from other parts of the President’s budget. That is the Gregg amendment.

The Reid amendment, as I understand it, which we will be voting on side by side, does identically the same thing on border security the Gregg amendment does, except it pretends that money comes out of thin air, that it grows on trees, that it comes from nowhere. It is the thing we see time and time again around here, whereby someone comes up with an essential, good idea but with no way to pay for it. So we print the money, make it up, and the runaway spending goes on and on.

I wish to talk this morning a little about those two issues—first, border security, the subject of the Gregg amendment and what I believe is essential that we adopt it as part of the supplemental appropriations bill that is before us. I also want to talk about the difference between how it is paid for so the American people can get ready to make their handy list of big spenders because the purpose for the Reid amendment will be on a handy list of big spenders. It may be a Federal responsibility. Immigration is our job. Border security is our job. It is a job that has been neglected for a long period of time.

At least to the credit of the majority leader, he has forced this Senate to deal with this issue and we are in the middle of it and we ought not rest nor go home again until we deal with the issue of border security. There are a lot of other issues that do not have to deal with immigration. How many temporary students do we want here in the United States? We have 572,000 of them today. They are an important part of our country, contributing to our standard of living. When they go home, they usually spread our values and our good will better than any foreign aid ever has. We have about half a million people who are here each year and we give them new temporary worker status. It is important to have them here as well, important to maintain a vibrant, growing economy, we need more workers. We have an important debate to have about what to do about the 10 to 12 million people
who are illegally here, and what I think is the most important part of the whole immigration debate and that is how do we make sure those who are not citizens of this country are, for the most part, becoming Americans so we do not leave this country a large enclave of people whose allegiance is to some other country.

We are a big country, 300 million people. We have about 30 million people, or 10 percent of us today, who are noncitizens—about two-thirds legally here and one-third of those illegally here. But we need to make sure that for the most part, people who are here who are not citizens are learning English, are learning the laws of this country, are learning about our founding documents and are willing to take the oath which foresews allegiance to where they came from and adopts allegiance to this country.

There are many important debates about immigration, but there is nothing more important than border security. Border security is the first issue before us because it is based upon the bedrock principle of the American character which is the rule of law. Most families who have come to this country are immigrant families. Almost all of us descend from those. Most of those families, in addition to wanting to make a dollar, wanting to improve their lives, wanting to gain freedom, wanted to come to a country where there is the rule of law. They did not want to live in some other country where some potentate could snatch you out of the American way, throw you in a cell, take away your life. They expected they would be free to make contracts with whomever they wanted, but they expected the contracts would be enforced. They wanted to come to a country where they have second amendment rights to own a gun, but they expected they wouldn’t be allowed to show that gun around.

This has been a country with the rule of law, and we have been ignoring that for the last number of years by looking aside while millions and millions of people stream back and forth across our borders illegally while millions of other people patiently wait in line, testing to their good character, learning at least eighth grade English, passing a test on American history, waiting for 5 years, and preparing themselves to take an oath where they foreswear their allegiance from where they came and pledge allegiance to the United States.

Those people are bypassed by those people running back and forth across the border. It is unfair to them. Principally, it is an offense to the principle of the rule of law. There may not be anyone in this Chamber who does not agree with the principle of the rule of law and that is secure and control our borders. If we believe that, we ought to do it.

I am growing increasingly to think that Senator Isakson is right as he suggests that the first thing we ought to do in this debate is secure our borders, perhaps allow the President to certify they are secured, and then begin to deal with temporary workers and other issues that come up.

In any event, we want to secure or borders. That is why the Gregg amendment is so important. Senator Gregg has proposed we provide $1.9 billion in emergency funding as a critical investment in border security in this supplemental appropriations bill which is before us now before this is an integral component of the war on terror.

Key critical capital improvements that are part of this bill include: No. 1, stemming the tide of illegal aliens entering the country; No. 2, ensuring that terrorists and weapons of mass destruction are not capable of slipping through our arguably porous borders; No. 3, decreasing the illegal drug flow. The subject matter of the debate, the bill before the Senate, is an emergency appropriation of $2 billion to secure our borders.

The subject matter of the debate, the bill before the Senate, is an emergency appropriation of $2 billion to secure our borders. This is an integral part of the war on terror except that the border is on our southwest border and not somewhere in the Middle East. It is at home. It is part of what we ought to be talking about.

Here are a few examples of exactly what the Gregg amendment, which I am proud to cosponsor along with others, would do. These are improvements necessary to secure our borders. For example, we want to improve the fleet of aircraft. The P-3 fleet which serves as our border security’s primary air surveillance is over 40 years old. 20 years beyond the average life of this type of plane. Last month, the entire fleet was grounded due to safety issues uncovered during a routine inspection. The entire fleet needs to be overhauled to extend its service life.

Example No. 2, outdated vehicles. Nearly 1,700 vehicles are virtually unusable due to the wear and tear of the desert, extreme environments and hard use, forcing border patrol agents and investigators to use vehicles with a high breakdown rate.

Example No. 3, lack of sufficient patrol boats. There are not enough patrol boats, rod, resulting in fewer patrol boat hours than we had in 1998, about half the number of hours needed to meet the mission requirement.

Next example, lack of sufficient patrol aircraft. We currently detect 3 out of every 100,000 border smugglers. Of the boats detected by a patrol aircraft, we stop 75 percent of them. More aircraft are needed to act on intelligence regarding human and drug smuggling activities.

Next, unmanned aerial vehicles. We have only one unmanned aerial vehicle operating along our southwest border. In 7 months it has assisted in the apprehension of over 1,000 aliens. Yesterday morning it crashed while surveying the Arizona border. The department indicates that up to 18 are needed.

Armed helicopters is another example. So the $2 billion increase in border dollars will replace—or repair, when that is sufficient aeria vehicles, aircraft, helicopters, and boats. The money will also be used to improve law enforcement communications.

The point I am seeking to make is that these essential capital improvements on border security, the $1.9 billion this year, which is in addition to the amount of money that Senator Gregg and this Congress added to the budget in the last two budgets, will help capital improvements necessary to merely maintain our current capacity to enforce our borders. There is no need to pass any kind of immigration bill unless we have both the authority and the money to secure the borders.

We would want to send a clear signal to the American people that before we establish a system of temporary workers and confirm our system of student visas and put into place other applications to help people legally here because the American people should make sure we are doing our job of ensuring that border is secure.

Let me talk about the money. There are a great many urgent ideas expressed in the Senate. That is what we are for: Let ideas percolate, ideas that need resolution, debate them and solve them. It is a wonderful system. The more I travel and see the rest of the world, as I have over my lifetime, the more I admire the system we have, much as it often is.

The No. 1 issue that might light up the switchboards would be border security. I judge No. 2 would be runaway Federal spending. That is why I say it is important for those paying attention to this debate to be ready to make a list of big spenders. For those who believe in voting for a good idea but then getting the money out of a tree or up off the ground or out of some imagi- 

nation is why we have a big Federal deficit. We vote for a big idea, and then we do not pay for it.

Senator Gregg pays for it. He does it by saying we will take the $1.9 billion from the $75 billion in funding provided for the Department of Defense in title I, chapter 3, and title II, excluding military construction money, Senators Cochran, Stevens, and Frist all believe we have the sufficient flexibility to support our needs in Afghanistan, Iraq, as well as our needs along the border.
The President has said he will veto a supplemental appropriations bill that just ballooned to the sky, that goes over $92.2 billion. The letter came last night, and it does not say “advisors predict” or “someone said.” It says the President “is not going to do” anything over $92.2 billion. I intend to support the President if he does have to veto. I hope we will be fiscally responsible.

The Democratic amendment takes $106 billion and adds another $2 billion to it. This good idea, border security. The Gregg amendment says let’s pay for it out of funds we have, keep it within the budget.

At noon today, we will have a chance, No. 1, to vote for border security. That is essential. Both amendments do the same thing. The second thing we have a chance to do is compile for the country a list of big spenders, those who believe in taking the money out of the air somewhere, printing it in a private press. You can do a lot of talking, but if you do not offset the dollars, you are a big spender and you go on the list.

Perhaps one should be proud of being on such a list. I would rather be with Senator Gregg, which is why I am co-sponsoring his amendment rather than the Democratic leader’s amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield 15 minutes to the Senator from New York and 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, sitting here listening to my colleague from Tennessee reminds me of that old story about the boy who kills his parents and then stood before the judge and asked for mercy because he was an orphan. I don’t like the unbelievable narration we have just heard.

The other side of the aisle has been expert in running up the largest deficits we have ever had. We had a balanced budget, we had a surplus 5 years ago. We were on the right track economically. We were fiscally responsible. But the combination of this White House and this Republican majority has blown all of that to smitherens.

This President has never vetoed anything and now we finally get a veto threat on an emergency supplemental. This President has used emergency supplements in order to avoid the budget realities that would confront anyone who knows elementary arithmetic about how much we are spending that we do not have.

With all due respect to my colleague, this is a rather strange argument to be making at this point in time as though none of the history of the previous 5 years had occurred.

The debate between these two amendments is a worthy debate; however, it is an unnecessary debate. The President sent a budget to this Congress just a few months ago. It could have had much of what is in this emergency supplemental in the budget. They chose not to do so because even they are getting a little embarrassed about the link we are all swimming in these days.

What this supplemental appropriations bill does is provide vital support for our men and women currently serving in Iraq, Afghanistan, and elsewhere. This supplemental provides body armor, tools to defeat improvised explosive devices, the so-called IEDs that are killing and maiming young Americans every single day. This supplemental provides money for training for the Iraqi security forces. Maybe, finally, we will have a government in Iraq that knows how to do that. They certainly need to get the message that we are not there for the long term unless they start defending themselves and providing security for their own people.

These funds are to replenish the money we are spending in our military to make sure our young men and women who are bravely serving us have the resources, the equipment, the tools they need to do the job we sent them to do.

The bill also includes funds to continue the rebuilding from Hurricane Katrina. As we approach yet another anniversary of their failure to supervise and monitor expenditures from this administration, we know how much more needs to be done to rebuild New Orleans and the gulf coast region.

Here we are, about to have a vote in a few hours on an amendment—really, two amendments—as to whether we are also going to face up to our responsibilities along our border, and how we are going to pay for that. Both the Gregg amendment and the Reid amendment recognize the critical need for increased border security.

I have long maintained it is unconscionable to think that in our post-September 11 world we still do not know the identities of people who enter our country, stay illegally in our country, and may or may not exit our country. Over the past several weeks, we have seen agreement in the Senate that securing our borders must be a top priority and a major component of whatever immigration reform we consider.

Now, there are those who are, frankly, misguidid and demagogic in their claims that all we need is border security. We know that is not the case. Senator KENNEDY, who is in the Chamber at this moment, has been a leader on immigration reform for decades. He knows if you do not have comprehensive immigration reform, you do not deal with the challenges we confront.

The other side—tax cuts which we can’t afford, spending that should be under control. But it is an odd moment indeed that all $1.9 billion to strengthen our borders. These funds would be used to replace and upgrade law enforcement communications, provide Border Patrol agents with air and land vehicles, expand air operations for Customs and border protection, invest $100 million in sensor technology and other advanced technology that will help our Border Patrol agents be more effective.

If we can succeed in securing our borders, something that we have not yet succeeded in doing, we can turn our attention to a nation and focus our energies and our resources on other credible threats against our homeland.

I commend Senator REID’s efforts to direct resources to strengthening our borders. I know he would agree with me that obtaining these additional funds should not be mistaken for comprehensive immigration reform. We still need comprehensive immigration reform that secures our borders, creates a better set of agreements and understanding with our neighbors to the south as to what they are going to do to stop the flow of illegal immigrants through their countries, particularly Mexico, and imposes and enforces tough sanctions against employers who hire illegal immigrants to labor, these people would not be risking their lives if there wasn’t a job waiting for them at the other end of their dangerous journey; make sure we don’t disadvantage people who have waited legally for their opportunity to come here to join a family member and to get a job that has been promised.

We need to do something to help alleviate the financial burden on local communities—not just along the border but, frankly, in New York—that are paying health care and education and law enforcement costs because this Federal Government can’t figure out how to run an immigration system.

Yes, we need an earned pass to citizenship to bring out of the shadows the 11 or 12 million hard-working immigrants who are here and give them a chance through paying back taxes, going through a background check, learning English, and waiting their turn to become legal. We know what comprehensive reform looks like. And border security is absolutely paramount, but passing the Gregg amendment is not the end of immigration reform. I hope everyone understands that.

My colleague from New Hampshire agrees that we need to increase border security, but he would cut needed funds for our troops in the name of border security. The Gregg amendment would take money from troop pay, body armor, and even opportunities to improve improvised explosive device funds. That is a false choice, and it is a wrong choice.

I do not believe that we should be engaged in deficit spending. That is why I have voted against many of the provisions that have come from the other side—tax cuts which we can’t afford, spending that should be under control. But it is an odd moment indeed that all
of a sudden my friends have found a conversion experience and they want to take money from our troops to secure our borders. I will take that comparison any time. I will be on any list that you now decide you want to do border security when you have been presenting budgets for 5 years after 9/11.

We need to get serious about defending this country and the men and women who serve on its behalf. We shouldn’t be cutting funds for our troops in the name of border security. It is wrong to cut funds for body armor or for efforts to defeat IEDs. It is wrong to cut money from Iraqi security force training when they are finally about to have an Iraqi Government, something we have all been waiting for. It is wrong to cut the defense health program which provides medical assistance to troops on the battlefield. And it is wrong to cut the death gratuity which assists the families of fallen soldiers.

If I sound a little passionate about this, it is because I am. I find this a false choice to score political points. And I think it is wrong.

The most important obligation of our Government is to provide for the security of the American people. Border security is an urgent need. It should and must be paid for by this Congress. But our security and our values are not served by choosing between protecting our troops and protecting our homeland, nor by playing support for our men and women in uniform against our need for border security. The Gregg amendment undermines both. I urge my colleagues to support the Reid amendment.

Do we need to get back to fiscal responsibility? You bet we do. Let us talk about it, but let us not even discuss increasing even more taxes for people making more than $1 million a year. Let us talk about that when we are spending $10 billion a month in Iraq and Afghanistan. Let us talk about that when we borrow $50 billion a month from foreign lenders, such as the Governments of China, Japan, South Korea, Saudi Arabia, and India.

How do we protect our security against an increasingly dangerous world? How do we stand up to threats from unstable regimes and from competition from China and elsewhere for scarce natural resources when we can’t even get our own fiscal house in order because the other side of the aisle and the other end of Pennsylvania Avenue are addicted to tax cuts for the wealthy regardless of the costs for anything else, regardless of the costs for our country?

We need an energy policy that moves us toward energy independence. We get rhetoric and we don’t get priority on that. We are living on borrowed time and borrowed money. We are one accident or one terrorist attack away from oil at $100 a barrel—not just $75. We have no leadership. We are not asked to sacrifice anything. The only people who sacrifice on a daily basis are the young men and women wearing our uniform.

Now we are standing up here with a straight face, saying we are going to cut money from Iraq and Afghanistan because we are going to cut the IED research program, we are going to cut the death gratuity so we can score political points and act all of sudden as if we have become fiscally responsible. I am sorry, I find that a sad amateurish view of what should be expected from each and every one of us.

I hope we will begin to seek common ground and try to figure out how we get ourselves out of the dangerous situation we are in today. All one has to do is pick up the morning newspapers or turn on the news. It is beyond me why we would want to have a political debate pitting border security against the needs of our men and women in uniform.

There are other ways to pay for this. There is money for construction that could be postponed until a real budget emerges. There are other kinds of options. But, no, we are going to have a simple and straightforward, urgent requirement that we should be stepping up to meet.

I hope we will support the Reid amendment and do what is right by our troops and our border needs, and then let’s get down to a serious discussion of what is long overdue in this Chamber about where this country is headed.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the Chair to let me know when there is 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. KENNEDY. Mr. President, I ask your permission to comment about what is really at play here at noontime in the Senate; that is, a choice between meeting our responsibilities to the service men and women who are serving bravely and gallantly in Iraq and Afghanistan and also meeting our responsibilities to protect our country at our borders. Everyone has made public statements on many different occasions, and she spelled out the choice as clearly and as passionately as I have ever heard the case made. I thank her for her excellent and eloquent comments.

Mr. President, we are getting closer to a decision time on this particular amendment. Just to review very briefly where we are on the issues that are before us, I think all of us in this Chamber understand that we are making progress on an extremely difficult and complex issue, which is, the issue on immigration reform.

There are strong emotions, strong feelings, and strong beliefs on a variety of different aspects of immigration reform, but one which I believe has total support in this body is that what we do need to do is be able to control our borders, and to be able to do that, we have to be able to make the investment which is going to be necessary to secure our borders.

Many of us believe that just in and of itself trying to establish just a border or just a fence in one part of the country is not going to do it.

We have to make sure that we do is look at history. We understand that 10 years ago, about 40,000 illegals were coming into the United States. Since that time, we have spent over $10 billion on border security, we have increased the number of border guards by 300 percent, and now we have some 400,000 coming into the United States.

It is going to take tough border security, but it is going to take something more in terms of law enforcement in this country for those who are eligible to work and to work out those who are ineligible and also to be able to develop a program of earned citizenship for individuals who are here because they want to provide for their families, to work hard, to play by the rules and to serve in our Armed Forces. They are prepared to pay a penalty, and they are prepared to go to the back of the line and wait their turn for up to 11 years before they would even be eligible for citizenship.

Immigration reform per se will continue along, and we will get back to it here in the Senate, but there is broad agreement on doing more in terms of our border security. There is some different in how that should be shaped, but we ought to recognize that we need the resources, we need the $2 billion which is before the Senate. What is completely unacceptable is the tradeoff between trying to deal with and seal our borders and to see a reduction in funding for our forces in the armed services in both Iraq and Afghanistan. A number of us have worked very hard to increase in more protective humvees and the up-armoring of the humvees over the last 3½ years.

I serve on the Armed Services Committee. We have had 12 different estimates from the Defense Department on the requirement for up-armored humvees, and after each and every time, they have raised the requirement in order to protect the troops.

We have added resources, both in the Armed Services Committee and here on the floor, to ensure that we are going to provide the best protection that the humvees can provide when they are up-armored. Now we are faced with an amendment which would reduce the resources for up-armoring humvees, something I believe is completely unacceptable. The tradeoff is completely unacceptable. We need both.

We have read and Americans have understood that we need to do a great deal more on armor for our troops. We are all familiar with the stories of American servicemen going through
dumpsters in Iraq to get strips of steel and metal and strapping those onto their vehicles because we weren’t providing sufficient body armor either to individuals or to the trucks that are used in convoys over there. Nonetheless, the proposal that is being offered by the Senator from New Hampshire would reduce the funds available for the kinds of protective armor which is so essential for individuals and for their vehicles.

The President, as we have heard from General Abizaid, and as we have heard from the commanders in the field, is the primary threat to American service men and women. Who of us has not watched the news virtually every single night and not seen the smoking ruins of some vehicle where young, brave, courageous American men have lost their lives? Those are primarily destroyed by IEDs.

I have not defined the kind of research into IEDs necessary in order to master the technology so our servicemen will have a defense. In the very beginning, IEDs were being set off with simple signals, but we were unable to jam them because it interfered with our communication with our servicemen. We have an opportunity. We have sent men and women to the Moon and brought them back, but we are unable to develop the electronics to set off the IED before it can hurt our troops coming down. We don’t understand the problem. I believe that we haven’t utilized to the extent we should the entrepreneurship, the ideas, and the innovation in the private sector in terms of electronics to be able to advance this whole area of technology.

We have finally established a very interesting important task force to try to bring in the best minds in defense and the private sector together to solve this problem. But we are going to be cut off for border security. What possible sense does that make?

Those are a few of the very top priorities but there other priorities that will be affected, including training the Iraqi security forces to upgrade their skills so they can stand up and Americans can stand down. This amendment would cut that program, as well as training programs in Afghanistan.

Why in the world, if we have made assessments that these programs are just as necessary, that are included in the supplemental, is it possibly justified to say: Well, those areas are of enormous importance and con-sequence.

Family support counseling: We have read about the explosion in the number of divorces that have taken place among our service men and women who are returning from Iraq. It is now four or five times the national average of those in their generation because of the stress experienced by these individuals, both those who go to Iraq and, sadly, those who are left behind. So we provide assistance in terms of family support counseling, which is so important, so necessary.

And all of us are familiar with the stories of children who are missing their father and may have difficulties in school. We also hear of the families who have deep feelings in adjusting to the fact that parents are away for a long-time, come home for a brief time, and then are sent back to Iraq: come home for a brief time, and then are sent back to Iraq again. This puts enormous pressure on families who see powerful potential dangers to the lives and the well-being of their loved ones. So the resources in here to help with support counseling are very important. This amendment would reduce those services.

This amendment would also reduce the help and assistance, particularly, for patient transportation, medical services, and rehabilitation services, particularly for those severely wounded. The fact is, we have made some progress in improving our advanced technology for helmets, so we have less injuries to the brain and to the head than we have seen in previous wars. And we have also made improvements in body armor. But as a result we have seen the extraordinary trauma in the extremities, and man servicemen have lost their limbs—legs and arms. We have some special provisions in this legislation to give greater focus and attention, direction and support, to programs that deal with these injuries. I do not understand why, if we are talking about getting $2 billion for border security—which I strongly support—we ought to put at risk any of these programs. That is what this amendment would do. I know we have to do something to protect our borders. We know we need to make the improvements which are outlined in both the amendments of Senator Reid and Senator Gregg, which are areas I certainly support, but we should not do it at the cost of these essential programs which are absolutely necessary for those individuals who are fighting on the front line and risking their lives every single day in a dangerous part of the world, and their families.

It is the wrong choice to make, to put any of these programs at risk in order to support the $2 billion. We ought to be able to support that. We ought to add that and it should be a part of this Nation’s obligation for the future.

I just remind ourselves of a recent excellent report by a Nobel laureate, Professor Stiglitz, at Columbia, whose estimate is that this war in Iraq—just in Iraq—is going to cost $1 trillion—$1 trillion. Senator Gregg estimating it will cost $1 trillion. We are being asked here for just about $2 billion to provide vital support services to those men and women who fight this war. It seems to me we have seen extraordinary expenditures already to date. I had my reservations, and I opposed going to this war, and I still believe it has not enhanced our national security. The security of Americans, but, nonetheless, what I am sure of is that it does not make sense for us to see a reduction in these programs that are so vital for our service men and women.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield to the Senator from Tennessee 5 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I do not suppose there is a row of seats in the U.S. Senate that produces more passion and eloquence than the back row on the other side of the aisle. I enjoyed listening to the Senator from New York and the Senator from Massachusetts on this subject. I was especially struck by the Senator from New York, who spoke about budget deficits and talked about history and talked about an ocean of red ink and made a very impassioned speech. Then, when she got to the end of her speech, she volunteered to be on a list of big spenders that is going to be created at noon, which will be those who vote for the Reid amendment.

The Gregg amendment and the Reid amendment are identical. They are about border security. All the Reid amendment does is they took the Gregg amendment, which is a carefully structured approach to try to help maintain our border security on the southwest border, just at its present level, and they just struck out “Gregg” and they wrote in “Reid” and they did something else: they struck out the way to pay for it. So they are going to pay for it from thin air. They are going to set up for it and confiscate the money.

There was talk about a brazen smoke screen. That is a brazen smoke screen. That goes on all the time here. I am on the Budget Committee. The Senator from New Hampshire is the chairman. We sat in the Budget Committee and voted down—I think it was 17 “no” votes—as the Democrats sought to add $128 billion over the next 5 years. Then the debate moved to the floor, and they tried to add $273 billion over the next 5 years.

So I guess it is all right to be fiscally irresponsible, but at least you ought to stand up and say: Yes, I am the one doing it. I am the one who has the good idea and then does not want to pay for it. That is exactly what the Reid amendment does.

The Senator from New York said: Oh, there must be other ways to pay for it. Why doesn’t she suggest one? Why doesn’t she cut something? The amendment does not cut anything. This is a supplemental emergency appropriation for the war on terror. The war on terror is mostly in Iraq
and Afghanistan in the Middle East, but it is also along our southwest border. I believe the Senator from New Hampshire believes that, and I believe most American people believe that. I believe it is appropriate to include that with the additional money that we are appropriating to support our men and women in uniform.

So the false choice—the false choice—is to stand up and say: We want to support border security, but we have no money to pay for it. That puts you in the position of a big spender. So as it stands today, the Gregg amendment is the responsible amendment. And the Senator, I am sure, will speak, as I have spoken earlier, on exactly what it does to help maintain our current infrastructure.

The Reid amendment is the identical amendment, except it is a smoke-screen. There is no way to pay for it. So as to the list of those on the Reid amendment, those votes will be a handout to big spenders, which can be taken to your blog, which can be taken to your dinner table. And when somebody says: Who is it in Washington who keeps coming up with these good ideas but then never pays for it with real dollars? As a result we have run away spending, then you will have a list of people who do that.

This is not about the last 5 years. It is not about the next 5 years. It is about today's vote: the Gregg amendment, which is the border security paid for amendment; or the Reid amendment, which is the same amendment not paid for.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the very concise and accurate summation of this amendment, its purposes, and how it would affect spending by the Senator from Tennessee. I do think it is appropriate to respond even a little further on this issue.

The purpose of this amendment is to basically give the people who are defending our borders—the border security agents, the Customs agents, the Coast Guard—the tools they need to do their job right, which includes the airplanes, the unmanned vehicles, the boats, the cars, and the helicopters. That is clearly a critical element of our national defense in the fight in the war on terrorism. It has to be done now.

For example, the Senator from Tennessee noted that the one unmanned vehicle on the southwest border crashed—it is fairly ironic it would crash this week, but it crashed this week—so we now have none. We need to replace that. We not only need to replace it, we have to add about three or four more. It costs money, and this amendment would accomplish that. We know that has to be done if we are going to secure our borders under control.

With the proper capital support, with the proper technical support, and with the proper number of people on the border, we can bring the border under control.

We are on a path to do that. We added 1,500 agents. We are going to add another 1,500 agents this year. We are adding them as fast as we can hire them. It is a little difficult because they are high-quality people, and we get about 40,000 applicants for every 1,500 we can hire, so it takes a while to ramp up. But with this capital support, we will have to accomplish that, and we will have the border under control, in the near term. But this argument coming from the other side: Well, you should not pay for this initiative, is just plain wrong. We are a country which, if we are going to remain strong and vibrant, has to be fiscally responsible and set priorities.

Now, it was my priority, quite honestly my personal priority, that we pay for this by taking out of the emergency request that came up from the Defense Department, those funds which really are not clearly emergencies. They go more to the core operation of the Defense Department, but I think they were put in the emergency because they thought it was maybe a way to push this initiative, and they have to worry about them in their basic underlying budget.

I suggested the modernity initiative, which is about $3.5 billion and would essentially have paid for this initiative in the Border Patrol, be taken out and replaced by the Border Patrol needs which are an emergency. They are an emergency. The planes are not flying. The UAV crashed. We do not have enough boats. The cars aren’t running. The facilities are not there. It is an emergency. The Defense modernity is something we need to do, but it should be done and built out over the basic defense budget. There are a couple of other items in this emergency supple-mental that also fall into this category, such as the V-22 Osprey purchase.

But I went to the people who understand defense spending around here, and I said: How should we pay for this? I went to Senator STEVENS. My staff talked to Senator WARNER’s staff, Senator COCHRAN. And they said they would rather pay for it the way the amendment has been structured with basically an unidentified across-the-board cut, to even out across the board but an unidentified reduction to the overall number, giving the Defense Department the flexibility to find those dollars within the $530 billion they will spend, $2 billion. So to come down here and allege that these funds are going to come out of the needs of the people who are on the front lines in Iraq or Afghanistan is pure poppycock, pure. And to make that representation is hyperbole and waving a red flag, which is totally inappropriate because if they read the amendment and they recognize how the amendment was structured, they would know that would never happen. They do know it would never happen. They are down here just trying to get attention for their position and make an excuse for why they are not willing to pay for their proposal.

The fact that it will not happen is because when you line up Senator STEVENS and Senator WARNER and Senator COCHRAN on one side, and you put the folks who are saying the opposite on the other side, I tend to come down on the side of those three Senators as knowing more about what we are going to do and what we need in defense than necessarily the critics of this amendment. These are the people who have stood by our Defense Department for nearly 25 years, when we say we are going to do something about the border patrol needs, Coast Guard needs, Customs needs in the area of capital assets—such as planes and helicopters, unmanned vehicles—we are going to do the right thing and try to prioritize so that goes to the top of the list or close to the top of the list of our national priorities, and so it is paid for and is not put into debt. The choice, as Senator ALEXANDER has reflected, is: Are you going to pay for it or aren’t you going to pay for it? Are you going to be a big spender or are you going to be somebody who is fiscally responsible?

The amendment I have put forward is a fiscally responsible amendment which will have no negative impact on any soldier who is in the field or on our operational capabilities in Afghanistan or Iraq. That representation clearly is inappropriate and wrong. I take a little bit of umbrage at it.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. I wonder if, through the Chair, I might ask the Senator from New Hampshire a question. Typically, a piece of legislation that is paid for has a better chance of making it all the way through to the end than a piece of legislation that is not paid for; is that not correct?
Mr. GREGG. The Senator is absolutely correct. We have attempted in the past to get these capital funds for the Border Patrol without paying for it, and the language has been dropped as it worked its way through the process. But, sir, this is a priority we should be willing to pay for. As responsible governors of the purse of the American people, we should pay for it rather than just put it on the debt.

Mr. ALEXANDER. There is some talk about a brazen smoke screen on the one side. I suggest the brazen smoke screen might be to first stand up and say we are going to have more border security but we are not going to pay for it, and then turn around 30 seconds later and claim to be the guardians of fiscal responsibility. You can’t do that. That is a smoke screen.

Another way to have a brazen smoke screen might be to stand up and make an impassioned speech and say: Let’s spend $2 billion for border security without paying for it, knowing full well that many amendments that are not paid for then get lost somewhere in the process and never are passed. And then the American will people say: What happened over there in the Senate? I saw them say they were for border security, but the money never came through.

The American people want us to maintain the border, pay for it, and do it. The Gregg amendment does it. The amendment offered by the distinguished Democratic leader does not.

Mr. GREGG. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the final 10 minutes of debate before the votes at noon be equally divided between the Democratic leader and the majority leader or their designees, with the final 5 minutes reserved for the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum and ask unanimous consent that the time be applied to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to speak for 5 minutes on the amendment.

The PRESIDING OFFICER. There is only 3½ minutes remaining.

Mrs. HUTCHISON. If the 3½ minutes is not taken on our side, I will ask unanimous consent for that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of Senator GREGG’s amendment. I appreciate the position as chairman of the Appropriations Subcommittee on Homeland Security, which has done so much to try to beef up our borders. Senator GREGG has been a leading proponent of strengthening our borders with Mexico and Canada.

I think this amendment is a very positive and productive one, adding $1.9 billion to homeland security and trying to do the things that would make access to our country and numbers secure. The US–VISIT Program, which sometimes stifles legitimate commerce on our borders will be provided $60 million. This will be used to integrate the biometric databases so they will work better and we will know who is in our country and allow people who are legitimately in our country to be able to go back and forth. It adds funds for Customs and border protection. It adds money for construction of new stations, checkpoints and tactical infrastructure, Immigration and Customs enforcement.

I think this is an issue everyone in America is absolutely behind. We want to have control of our borders. I have had meetings with Hispanic-American leaders, and I have had meetings with small business people who are on the border, as well as throughout our country. Everyone believes that as a sovereign Nation and for the security of our country, we need to control our borders. We have 160,000 other-than-Mexican aliens entering our country from all over the world last year through the Mexican border. This is unacceptable for a sovereign country not to know who is in our country, particularly when al-Qaeda puts out the word that if you want to penetrate America, go through the southern border.

It is not good for Mexico. Mexico knows there are people coming through their land. They know all the way through Mexico, sometimes as a criminal element, and they are doing so to get to the United States.

So it is very important that we pass the Gregg amendment. What is different about the Gregg amendment from the Reid amendment is that it is offset, it is an agreed-to offset, with a reduction in spending in other parts of the bill, in order to pay for this effort to secure our borders, and strengthen our national security.

I think it is so important that we are focusing on the Coast Guard to upgrade their patrol aircraft, their ships, and their patrol boats. The whole Gulf of Mexico is a very vulnerable area, and we need to secure the coast, as well as the land border areas.

I urge my colleagues to vote for the fully offset Gregg amendment that will beef up our border security at a time when we all know this is a first priority.

I yield the floor.

Mr. LEAHY. Mr. President, for those of us who have served in the Senate for the past 5 years, the irony of the amendments before us today is inescapable. Had the Bush administration fulfilled its promises over those years and lived up to its rhetoric about bolstering our Nation’s border security, there would be no need for the emergency supplemental spending amendments proposed by the distinguished chairman of the Homeland Security Subcommittee of the Appropriations Committee and the Democratic leader. The administration’s failure on this front has not gone unnoticed. In December of 2005, the 9/11 Commission’s Report Card gave the Bush administration a ‘D’ grade for its efforts on border security, and specifically, for its failures in fostering international collaboration to improve border security. This is particularly disappointing in light of the grandiose statements in February 2001 in which the President heralded a new era of cooperation with President Vicente Fox on immigration and border security.

For all its talk and swagger about security, the Bush-Cheney administration has not lived up to its public promises. Just last month we heard about nuclear material being successfully smuggled across the border in a brazen operation. Not long after that bombshell, a U.S. Citizenship and Immigration Services employee, Michael Maxwell, testified before a House subcommittee about an astonishing culture of corruption and misdirected priorities in the agency within the Department of Homeland Security charged with processing immigration applications. For an administration that has regularly touted its commitment to national security, it is incomprehensible that the type of behavior Mr. Maxwell testified about was occurring in one of our most critical border security agencies.

You do not have to take my word for it. You can read the New York Times to see criticism of this administration’s competence when it comes to border security. Take just one day’s worth of reports from the Washington Times, one of the most conservative papers in the country. On Tuesday, that paper ran a front page story in which it reported that U.S. law enforcement officials say that “[h]undreds of Mexican nationals who wear government-issued uniforms, carry official identification cards and are authorized to work are helping smugglers move tons of drugs into the United States.” This follows numerous reports of uniformed incursions into the United States.

On page 3 we read that the Homeland Security Department’s inspector general has completed a 22-month investigation “into Syrian nationals suspected of practicing to hijack a plane during a Detroit-to- Los Angeles flight.” The inspector general’s public summary says that the Department needs to better coordinate information on suspicious passengers, and on the conflicting jurisdictions of the FBI and Federal Air Marshal Service that can
compromise investigations of in-flight incidents. Because the 40-page inspector general report is classified, its detailed contents have not been made public, but it involves an incident from June 2004. According to the paper, the suspects traveled with cash, but that immigration officials had failed to report to the airport to detain them.

Then on page 13, Tuesday’s Washington Post reported that high-ranking Iranian officials have, on a routine basis, been using expired visas to enter and exit the United States. The report cited a recent raid by immigration agents on a high-ranking Iranian official traveling in and out of the United States on a routine basis.

The three incidents I have just described are all possible border security scandals reported in just one newspaper in the past week. Just as gas prices for American consumers have doubled during the Bush-Cheney administration so, too, have the number of undocumented immigrants within the United States doubled during that same period. That is 10 percent of the American people that the same Government Department that so mishandled Katrina and its aftermath is in charge of border security. Nor will any of us forget that after 9/11 the immigration authorities were still sending cordial correspondence to dead suicide hijackers.

In Congress, we have met the President’s calls for increased border enforcement with authorizations across the board. Indeed, we have often acted, as we are now, to provide additional authorities and resources that the administration did not request in order to try to force progress on border security. The administration, however, has used the end of fiscal year to gain. Despite the funding mandates of the intelligence reform bill that provided for 2,000 new Border Patrol agents annually, the President’s budget request for 2007 would have provided enough funding to add only 210 Border Patrol agents. That is 10 percent of what Congress mandated, and not a single new agent would have been assigned to help protect our northern border.

What the President has said and what the administration has done couldn’t be more different. He has talked about border security, but his priorities in the budget proposals he has sent to Congress shows that his administration values tax cuts for the rich over robust border security.

It is incomprehensible that almost 5 years after the horrific attacks of September 11, only 6 percent of shipping containers entering U.S. ports are screened. Despite the recommendations of the 9/11 Commission and despite Coast Guard recommendations that $5.4 billion is needed for port security over a 10-year period, the Republican Congress has appropriated only $800 million in grants during the last 5 years. I commend Senator BYRD for the port security additions he has made over time and to this bill. Following its failed effort to approve the Dubai Ports deal, the administration has recently made a big show of arrests of undocumented workers at one company. Ironically, those recent raids emphasize how little this administration has done over the last 5 years in terms of increasing the number of immigration investigators than that. But even the 1,500 new investigators the administration has recently added, while a hollow promise from the Bush administration. On closer scrutiny, it is clear that the funds to pay for these agents do not exist. The administration’s budget also fails to specify whether any of these funds is allocated to the northern border.

The President’s budget priorities for fiscal year 2007 raise other serious concerns, including a proposal to eliminate grants dedicated to port security. This short-sighted proposal inexplicably shortchanges what we know is already a critically vulnerable aspect of our border security. It is difficult to reconcile what this President says about border security with what his administration does or does not do.

The lack of effectiveness of this administration is represented by many Americans by the Department of Homeland Security’s failures to prepare for agents arriving in the aftermath of Hurricane Katrina. It was a disgrace and a human tragedy. It has been 6 months since the hurricane hit. We know that 1,604 lives were lost, but approximately 1,840 individual deaths are ongoing or “whereabouts unknown.” These numbers are astonishing. Is it possible that more lives were taken by Hurricane Katrina—a storm that we knew was coming for several days before it hit—than on September 11, 2001, when we were attacked without warning? What is being done to locate these persons and discover if they are living or if their lives were taken in the storm? It is no surprise that Congress is required to force action on border security when we consider how the Bush administration has performed.

I support the additional funding for border security in these amendments, though I do so with the regret that the lack of leadership on this critical issue has brought us to this point. Many of the items are the types of expenditures that we are now categorizing as “emergency spending” because of more than 5 years of funding delays. Increasing immigration inspectors makes them part of our regular budget and spending priorities as they should have been.

I conclude by commending the Democratic leader for his amendment. He has recognized a serious concern with the way that the alternative amendment was drafted. Both amendments contain the same funding. Both provide for funding for border patrol vehicles and surveillance technology. Years ago it was a Vermont agent who helped develop remote sensors for border patrol purposes. Both contain almost $800 million for helicopter replacement and other air patrol and surveillance needs. Both contain $800 million for the Coast Guard vessels, aircraft, and equipment that is needed. Some of the other inclinations are less essential but I will not quibble with the subcommittee chairman or the Democratic leader who both include the same items and dollar amounts.

The difference between the amendments is a significant one, however, as the Democratic leader has explained. He supports, we all support, increased border security. Both amendments ensures that these additions are not paid for by taking funds from the emergency funding recommended for the needs of troops in Iraq and Afghanistan or from the veterans who were killed by Hurricane Katrina in the gulf region. We should not be cutting pay and benefits for our National Guard, Active Duty and Reserve troops. We should not be cutting Iraqi security force training funding. We should not be cutting the Joint Improvised Explosive Device Defeat Fund that is intended to protect our troops from the scourge of deadly IEDs that threaten them in Iraq. We should not be cutting but should be improving health programs for our troops and, sadly, the death benefits for their families. I agree with Senator RIEP and will support his amendment to better secure our borders and years of neglect but will do so without shortchanging the needs of the troops whom the President has committed to fighting in Iraq, and that we all authorized be sent to Afghanistan.

Mr. BYRD. Mr. President, the Senate will vote today on two amendments to authorize $1.9 billion in critical resources to enhance our border security. I will vote for both amendments.

Last month, the Senate began debate on immigration and border security legislation, part of which would authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. The legislation would authorize the hiring of additional immigration enforcement agents and detention officers. It would also authorize implementation of new technology and unmanned aerial vehicles. However, the immigration bill is just an authorization bill. If you are serious
about border security, you must approve real dollars.

Yesterday, the administration sent Congress a Statement of Administration Policy on the pending emergency supplemental bill. I will ask that the statement be printed in the RECORD. In this statement, the President warns that he will use his line-item veto power to veto the bill if it exceeds $94.5 billion. He opposes providing disaster aid to our farmers impacted by drought and hurricanes. He opposes funding for 31 States to repair highways that were damaged by Hurricane Katrina. He fails to endorse critical investments in port security.

By threatening to veto the bill if it exceeds $94.5 billion, he forces the Congress to make very difficult tradeoffs. By endorsing additional border security funding while capping the bill at $94.5 billion, the President is supporting cuts in his own request for the Department of Defense, or for aiding the victims of Hurricane Katrina.

I think this tradeoff is unnecessary and unwarranted. That is why I will vote for the Reid amendment. However, Chairman GREGG has done an excellent job in crafting the $1.9 billion package of border security investments. If the only way to get the additional border security is to accept the President’s position requiring offsets, then, in this case, I will vote for the Gregg amendment as well.

I ask unanimous consent that the before mentioned statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 698—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

(Sponsors: Cochran (R), Mississippi; Byrd (D), West Virginia)

The Administration supports expeditious passage of H.R. 698, the Fiscal Year 2006 Emergency Supplemental for the Global War on Terror and Hurricane Relief as requested by the President. The Administration commends the Senate Armed Services Committee for continued support for our ongoing military and intelligence operations in the Global War on Terror (GWOT), other international activities, and hurricane relief and reconstruction. The Senate reported bill also included $2.3 billion in emergency funds for pandemic influenza preparedness and prevention included in the President’s request.

The Administration wants to work with Congress to secure enactment of pandemic influenza funding before October 1, 2006, and believes this is an appropriate vehicle to ensure the funding is available when it is needed.

However, the Senate reported bill substantially exceeds the President’s request, primarily for items that are unrelated to the GWOT and hurricane response. The Administration is seriously concerned with the overall funding level and the numerous unrequested items included in the reported bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on critical national priorities while maintaining fiscal discipline. Accordingly, if the President is ultimately pre-
The Senate is also urged to eliminate other unrequested and unnecessary funding and programmatic waivers in the bill, such as that included for the National Aeronautics and Space Administration, private historic residences, USDI debris removal and rural development programs, Job Corps construction, National Civilian Community Corps, Army National Guard/Reserve, training activities, and grants for Federal law enforcement.

Other Items

The Administration understands that an amendment may be offered to add additional funding for border security efforts. The Administration believes that such funding can significantly complement comprehensive immigration enforcement by providing enhanced border security and increased interior enforcement efforts and creates a temporary worker program that does not provide amnesty and allows new citizens to fully assimilate into their communities. The Administration looks forward to working with Congress to ensure that any additional funding provided for these purposes is targeted to address enforcement challenges on the Nation’s borders most effectively.

The Administration strongly opposes the Committee’s agricultural assistance proposal, totaling nearly $4 billion. The 2002 Farm Bill was designed, when combined with crop insurance, to eliminate the need for hoc disaster assistance. In 2005, many crops had record or near-record production, and U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

The Administration appreciates the Committee’s support for the President’s proposed funding to rebuild a National Oceanic and Atmospheric Administration facility, assess fisheries, and provide mapping to assist debris removal. However, the Administration strongly objects to the additional $1.1 billion provided for the Department of Commerce. Providing direct income assistance would constitute preferential treatment for fishing industry participants, who are already eligible for other sources of assistance. The Committee’s proposal provides substantial funding for non-emergency needs such as a promotion campaign for seafood.

The Administration urges the Senate to remove a provision prohibiting the use of funds to implement a final rule regarding foreign control of U.S. airlines. The Administration is committed to working with the Congress to address concerns with the rule.

The Administration objects to restrictions on the Bonneville Power Administration’s (BPA) ability to use a portion of its secondary revenues to pay down debt owed to the Treasury. The Administration’s proposal is consistent with business practices and would provide BPA with more financial flexibility to meet its long-term capital investment needs.

The Administration appreciates the Committee’s support for the Administration’s previous request for pandemic influenza prevention and preparedness activities and looks forward to working with the Congress to ensure this funding is allocated in the most effective manner possible to achieve our preparedness and prevention goals.

Constitutional Concerns

The language under the heading, “State and Local Law Enforcement, Office of Justice Programs,” purports to require that the Attorney General consult with Congress prior to making grants. Because this provision would infringe on separation of powers, it should be modified to be permissive.

In addition, Section 2503 of the bill purports to require approval of the Committees prior to the obligation of funds. This provision should be changed to require only notification of funds. Any other interpretation would contradict the Supreme Court’s ruling in INS v. Chadha.

Mr. FEINGOLD. Mr. President, I support the increased funding for border security that has been proposed by the Gregg and Reid amendments. This funding for replacing and upgrading the equipment and vehicles that we need to protect our borders is vital to our security. Of course, border security alone will not solve all illegal immigration, and I am committed to working toward comprehensive immigration reform. But providing much needed resources to those who are working to secure our borders is a critical part of guaranteeing our national security and dealing with our broken immigration system.

Although both amendments would provide this funding, only Senator GREGG’s offset. The spending of this Republican-controlled Congress has been out of control, and it is beyond time to rein it in. The Gregg amendment is a start. The 2.75-percent cut to the defense portions of this bill will not come out of important items to protect our troops. I would never consider supporting any measure that threatened their safety. This is supposed to be an emergency funding bill, but there are billions of dollars of non-emergency items in the boosted defense portion of this bill that have nothing to do with protecting our troops and have no business in this supplemental—items that can be cut to pay for the real border security needs funded in both amendments. Some examples include the unrequested funding for V-22 Ospreys and C-17s and the clearly nonemergency Army modularity program. Our spending on our national security is also completely imbalanced, with almost all resources going to DoD and very little to other important national security priorities such as border security and the U.S. Coast Guard. The Gregg amendment brings back some balance to our spending.

Mrs. BOXER. I rise today to express my opposition to the amendment put forward by Senator GREGG to the emergency supplemental appropriations bill—an amendment to provide additional funding for border security at the expense of our Armed Forces.

While I certainly support the goal of providing an additional $1.9 billion to secure our Nation’s borders, it is completely unconscionable to cut funding for our military men and women at a time when they are risking their lives in Iraq and Afghanistan.

Let me explain how Senator GREGG’s amendment would hurt our military.

The Gregg amendment cuts Department of Defense programs included in this bill by almost $1 billion, such as funding for the military personnel account—which provides pay and benefits for Active-Duty, Guard and Reserve troops—and the Defense Health Program, which is responsible for providing our troops with medical assistance.

Funding for the training of Iraqi security forces is included, as well. We know this mission is critical to our troops in Iraq and to bring home our brave servicemembers. The bill also includes funding for the Joint Improvised Explosive Device Defeat Fund, which provides assistance to troops seeking to eliminate IEDs, the leading cause of death for U.S. troops in Iraq.

Furthermore, the Death Gratuity Fund, which provides assistance to the families of fallen soldiers, is included in this bill.

Senator GREGG’s amendment seeks to secure our borders but does so by reducing much-needed funding for the men and women fighting for our country every day. This is unacceptable. While I oppose Senator GREGG’s amendment, I am pleased to support Senator Reid’s amendment. The Reid amendment also provides nearly $2 billion in additional funding for our Nation’s border security but without dangerous funding cuts that would harm our troops.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 48 minutes remaining.

Mr. DURBIN. Mr. President, the news this morning tells us Secretary of Defense Donald Rumsfeld is in Iraq. That is a good thing. It is a good thing for the leaders of our Government to be in touch in the field to let them know we are on their side. I am glad the Secretary is there. I know when he visits there, he often learns things—things that help us wage this war more effectively.

Do you remember not so long ago when Secretary of Defense Donald Rumsfeld had an open meeting with the soldiers in Iraq? He invited them to comment on how the war was going. A member of the Tennessee National Guard stood up and said: Mr. Secretary, why as a soldier do I have to dig through a dump to find a piece of metal to put in my humvee to protect me and my fellow soldiers? Why has it come to this?

It was a moment of great embarrassment for the Secretary. It was a moment of embarrassment for our Nation. We ask these young men and women to take an oath to defend this country and risk their lives in uniform for us every day. We stand and sit in the corner of this Chamber on Capitol Hill with all of the protection around us, and they wake up every morning putting on a uniform knowing it may be their last day on Earth.

Now take a look at this amendment. This is a cloud bank at this amendment. This amendment is designed to give us better control of our borders, and we need it. Our borders are out of control. There are 500,000 illegal people crossing...
them every year, at least. We know that has to change, not just because of the immigration issue, a terrible challenge to America to get it right, but because of security. So we all support, on both sides of the aisle, more resources at the borders, more people, more technology. It is critical to stop this illegal flow of immigration.

It is a serious problem, and we should take it seriously. That is why the Democratic leader, Senator Reid, has offered this amendment, an amendment which provides the resources for the border. He says it is an emergency; it should be treated as such. I couldn’t agree with him more.

But listen to the other side of the aisle. Senator Gregg on the Republican side said we can only pay for border security at the expense of soldiers in the field. He takes the roughly $2 billion out of the military account to make our borders stronger. That is not fair to the soldiers. It is not fair to the men and women who are risking their lives every day in Iraq and Afghanistan.

We know we have failed them many times. This administration has failed to provide the body armor these troops needed. Senator Cardin of Connecticut had to offer an amendment to allow ordinary American families to deduct from their taxes the cost of body armor that they would buy for their soldiers which they sent overseas. I have met them in Illinois, families who wrote me: I got tired of waiting for the Army to give my son protection; my wife and I bought it ourselves.

Another one said: We had a little potluck supper at church to raise money for body armor for our soldiers.

Think about that. We know about these humvees. They were death traps for entirely too long. They were not well protected. We know what happened. We had helicopters in the field that didn’t have good defense devices, and they were shot down.

Now the Republican side says let’s take more money away from the defense of our soldiers so our borders are more secure. What a terrible choice to ask of this Senate, but what an easy choice for many of us.

I am not going to take money away from these soldiers. This Senator voted against this war in Iraq, but I have voted to give this President and this administration the tools they have asked for to wage this war for one basic reason. I thought to myself: What if it were my son or daughter, would I want to make them buy body armor? They have asked for it. We will have improved border security, and many of us welcome that.

The vote tonight is stark choice we are being given. Support Senator Reid’s amendment, which declares it an emergency to have strong enforcement at the borders but not at the expense of our men and women in uniform who risk their lives while we stand in the safety of this Capitol Building.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. Reid. Mr. President, I have the greatest respect for the chairman of the Budget Committee, the distinguished senior Senator from New Hampshire, but he is absolutely wrong on this issue. I heard his impassioned statement that this is no problem; anybody who sees a problem, they haven’t read the bill.

The amendment is written in English. It is very clear:

The aggregate amount provided by . . . chapter 3 of title 10 of this Act may not exceed $67,062,188,000.

The amendment takes $1.9 billion from this bill. It seems rather unusual to me that on an emergency appropriation bill—this bill—everything in it is being paid for, like everything else in this bill—by the American taxpayers. This, I am sorry to say—like most of what has been paid for in the past 5 1/2 years in the Bush administration—is being paid by my children, their children, their children’s children. Deficit spending and suddenly there is a concern about this.

Our concern is that money that should go to our gallant troops in Iraq and Afghanistan will not go to them if the amendment that has been offered by the Senator from New Hampshire is adopted.

What are these cuts? They are cuts to the military personnel account, operations and maintenance, Iraqi security forces training, the improvised explosive device defeat fund, defense health program. What are these programs? No matter what my friend from New Hampshire says, the $2 billion has to come from somewhere, and this is what is in this bill:

Military personnel account: This includes hardship pay for those in the line of fire—I think people in Afghanistan and Iraq who are serving in our military qualify for that—and family separation pay for those who are forced to serve in combat zones away from their families.

Is this what we want, for men and women currently serving in Iraq and Afghanistan not to get this pay I have outlined?

The operations and maintenance accounts provide resources for the day-to-day needs of our military. This money allows our forces to conduct operations against insurgents in Iraq and Afghanistan. It includes money for nuts-and-bolts activities—the airlifts, the transportation, and other logistical missions. It also provides for the Commander’s Emergency Response Program which gives resources to commanders on the front lines to support joint and combined operations.

If a commander in the streets of Baghdad wants to put up a power line that was knocked down, this account gives them tools to do that. Is this what we want to cut? I hope not.

The joint improvised explosive device defeat account: Explosive devices every day are a threat to our forces in Iraq. This account directs money helping our troops to spot these IEDs and defuse them. These people in Iraq are very ingenious. We figure out a way to stop them from using a certain method, they figure out a way to go around that. We need to stay ahead of them. We are not doing a very good job of that, and cutting money from this account isn’t going to help. Our troops need resources so they can keep up with these new enemy tactics. This account will help them do that.

Defense health program: This is money for health care for our troops—and their families—who are serving today in Iraq. It is their health care.

The choice here is pretty direct: If the amendment offered by the Senator from New Hampshire is adopted, we will have added border security.

Mr. President, I will use my leader time now. If the amendment offered by the Senator from New Hampshire is adopted, we will have improved border security, and that is important. If there were ever an emergency, this is it. If my amendment is adopted, we will have increased border protection. But with my amendment, we pay for it as we do everything else in this bill—in this bill. I think it is rather unusual to have the majority coming to the floor now suddenly with qualms of conscience about these expenditures that have been run up by President Bush and his administration—trillions of dollars, not billions, trillions.

I am not willing to vote to cut the military personnel account, operations and maintenance, Iraqi security forces training, explosive device defeat fund, the defense health program, or the death gratuity fund. I am not willing to cut those programs. I want border security. It is important. I was 3 weeks ago today on the border. If there ever was an emergency to do something, it is this program. I don’t make any apologies for saying this situation on the border is an emergency.
It is an emergency, like other matters in this bill. I hope that on a bipartisan basis we will vote to give the troops everything they need and also do a better job of protecting our borders.

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader.

Mr. FRIST. Madam President, in a few moments we will begin the votes on these two amendments. I wish to say right up front that I applaud and congratulate Senator JUDD GREGG, chairman of the Appropriations Subcommittee on Homeland Security, for having as the very first amendment on the request an amendment that focuses on border security, on national security, on tightening the borders that we all know are too porous. It shows good leadership. It shows priorities in this being the first amendment to tighten the borders and strong border enforcement.

Actually, the first step was taken last year by Senator GREGG, when we were on this floor, under his leadership, and funded an additional 1,400 border guards, as well as 1,800 detention beds, a strong statement recognizing the importance of addressing border security. This is step two today in addressing more the capital expenditures, the equipment, and the infrastructure that we know those border guards require to guard that border.

A key element of our security, of our global war on terrorism, indeed, is securing our Nation’s borders, and this amendment that next major step in that direction by providing $1.9 billion for improving that border infrastructure.

The Democratic leader just mentioned he had been on the southern border. I have been on the southern border. It doesn’t take long to witness for every one person detained and stopped, there are two or three people who sneak around that border, and that is as many as 2 to 3 million people a year who come to this country. We don’t know who they are, why they are here, or what their intentions are. For this particular amendment, there are a number of things we have talked about over the course of the morning. It will provide needed funds to upgrade an outdated P-3 aircraft fleet that is used for surveillance along our borders. When you are there and you look at that 1,900 mile border, you know how important it is to have those surveillance aircraft to be able to look down and identify along that long expanse of people coming across illegally. It will provide needed funding for a number of unmanned aerial vehicles operating along our southwest border. As we talked about already today, it is amazing that we only have one UAV, unmanned aerial vehicle, which has worked very effectively, but—I said we have—we had, because literally that aircraft crashed yesterday morning while serving along that Arizona border.

The amendment will provide additional resources for continued construction of the border fence—the fence itself, the physical structure—near San Diego.

This first amendment also sets what is a very important standard framework, a fiscal spending framework as we begin debate on this emergency funding bill. The initiative included in the amendment put forward by our side of the aisle—we initiated this amendment for the tightening of border security—is paid for in the bill itself, and that is a very important framework which I hope we can continue to use for absolutely necessary emergency spending as we look at the rest of this bill. Securing our borders is the first step for any action we need to take in terms of more comprehensive reform of immigration, an issue we debated for 2 weeks on the floor beginning about a month ago and an issue we will come back to. But border security is first, it is foremost. I feel strongly that we need to look at workplace enforcement and interior enforcement and a temporary worker program as well, and we will come back to that later. But now is the time for us to say forcefully that we are serious about tightening that border, and we will provide the resources, the personnel, and capital infrastructure to do just that.

Madam President, I ask unanimous consent that it now be in order to ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. Mr. FRIST. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3594. 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.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in family.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

VOTE ON AMENDMENT NO. 3594

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3594 offered by the Senator from Nevada, Mr. REID. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent. I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in the family. I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Roll Call Vote No. 95 Leg.]
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Mr. COCHRAN. I move to reconsider the vote.

The amendment (No. 3604) was rejected.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3616, 3617, 3618 AND 3619, EN BLOC

Mr. MCCAIN. Madam President, I ask unanimous consent the pending amendment be set aside and I send four amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments numbered 3616, 3617, 3618, and 3619, en bloc.

The amendments are as follows:

AMENDMENT NO. 3616

(Purpose: To strike a provision that provides $74.5 million to states based on their production of certain types of crops, livestock and dairy products, which was not included in the Administration’s emergency supplemental request)

On Page 229, strike lines 5 through 14.

AMENDMENT NO. 3617

(Purpose: To strike a provision that provides $6 million to some cane growers in Hawaii, which was not included in the Administration’s emergency supplemental request)

Beginning on Page 224, strike line 23 through line 10 on page 225.

AMENDMENT NO. 3618

(Purpose: To strike a provision that provides $15 million for a seafood promotion strategy that was not included in the Administration’s emergency supplemental request)

Beginning on page 138, line 24, strike all after the “... through ‘fisheries’ on page 139, line 2.

AMENDMENT NO. 3619

(Purpose: To strike the limitation on the use of funds for the issuance or implementation of regulations by rulemaking decisions related to the interpretation of “actual control” of airlines)

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

Mr. MCCAIN. I thank my colleague from Virginia.

AMENDMENTS NOS. 3620 AND 3621, EN BLOC

Mr. WARNER. I ask that the pending amendments be laid aside and I be allowed to send to the desk two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3620 and 3621, en bloc.

Mr. WARNER. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3620

(Purpose: To repeal the requirement for 12 operational aircraft carriers within the Navy)

At the appropriate place, insert the following:

SEC. 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

AMENDMENT NO. 3621

(Purpose: To equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan)

On page 126, between lines 12 and 13, insert the following:

AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN

SEC. 1405. (a) FINDINGS.

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, and to avoid inequities among similarly-situated United States Government civilian personnel on official duty abroad, other agency heads do not possess such authority.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—(1) During any fiscal year, the head of an agency may, by rule, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty in Iraq and Afghanistan.

(2) The Secretary of State shall by regulation establish a uniform system of allowances, benefits, and death gratuities.

(3) The Secretary of State shall carry out such regulations by rulemaking decisions related to the interpretation of “actual control” of airlines.

(c) CONSTRUCTION.—(1) Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency to order the removal of personnel acting on this piece of legislation: Each month there is a delay on a decision—the decision being not acting on this piece of legislation—costing the Navy $30 million in operations and manpower funds, funds that are sorely needed elsewhere by the Navy.

It puts an extraordinary burden upon the sailors who are proudly attached to the ship. "... and disease..."—I regret that ship can no longer perform its primary mission. And it puts a burden on their families. There have to be adjustments in their new assignments—moves, transfers, and all the other personnel actions that are essential to maintain our fleets throughout the world.

Madam President, as I said, I rise today to offer an important piece of legislation related to our Navy and national security.

The Department of Defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the Quadrennial Defense Review the global war on terror has dramatically broadened the demands on our naval combat forces.

In response, the Navy has implemented fundamental changes to fleet deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have
provided appreciably greater combat power than 4 years ago.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy’s broader mission of maintaining global maritime security requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we in the future ensure maritime dominance 15 years and further in the future; investment to modernize our aircraft carrier force, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the National Defense Strategy. Carefully considering this conclusion, we must weigh the risk of modernizing and expanding our Navy. Accordingly, I am encouraged by and strongly endorse the Navy’s vision for a larger, modernized fleet, sized and shaped to the world’s dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long.

To this end, I offer this amendment which would eliminate the requirement for the nuclear combat forces of the Navy to include not less than 12 operational aircraft carriers.

Therefore, I urge the Senate to act favorably upon this amendment. At this time I will not seek the yeas and nays. I will defer to the manager that at such time as he believes it is appropriate that this matter be brought up.

Now, Mr. President, to the second amendment. I have taken a great interest, along with other Senators—and it came into clear focus on my last trip to Afghanistan and to Iraq—that we simply have insufficient infrastructure in place among those Departments and agencies other than the Department of Defense. We are ever so proud of the courage and the dedication of the men and women in uniform who each day are assuming risks to see that the people of Iraq and Afghanistan have a government of their own choosing and take their place alongside other democracies in our world community.

But they need help, those military people. The Iraqi people need help. The new government is making considerable progress towards its formation needs help. We need people experienced in agriculture, people experienced in commerce, people who can help them devise a code of military justice, a framework of laws, the whole framework of infrastructure that must be put in place to support these emerging democracies.

I first learned of this need in testimony before the Armed Services Committee and, indeed, in other public appearances. I have talked to them personally.

I subsequently have had two brief meetings with the President of the United States on this subject. I am very pleased to say that he is in full support of this legislation, which legislation devised by the Office of Management and Budget enables the various Cabinet officers to give additional incentives and even to accept all of the risks and hardships of being transferred to Iraq to perform missions to support our military, to support the formation of the new government by the Iraqi people.

Madam President, as I said, I rise today to propose an amendment along with Senators LUGAR and CLINTON that will equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the U.S. Government serving in Iraq and Afghanistan.

Many civilian agencies and Departments already have provisions to provide pay, allowances, benefits, and gratuities in danger zones. How, otherwise, can we do it? This amendment applies to those currently without such authorities.

Over the past few months, the President has explained candidly and frankly what is at stake in Iraq and Afghanistan. The free nations of the world must be steadfast in helping the people of these nations to attain a level of democracy and freedom of their own choosing.

It is vital to the security of the American people that we help them succeed such that their lands never again become the breeding ground or haven for terrorism as was Afghanistan for Osama bin Laden and al-Qaeda.

We have seen how terrorists and insurgents in Iraq did succeed to stop Iraq’s democratic progress.

They tried to stop the transfer of sovereignty in June 2004; they tried to stop millions from voting in the January 2005 elections; they tried to stop the formation of the new government by the Iraqi people.

I subsequently have had two brief meetings with the President of the United States on this subject. I am very pleased to say that he is in full support of this legislation, which legislation devised by the Office of Management and Budget enables the various Cabinet officers to give additional incentives and even to accept all of the risks and hardships of being transferred to Iraq to perform missions to support our military, to support the
to each of them that we need to get the entirety of our Federal Government engaged in our efforts to a greater degree.

The Department of Defense concurs. I was struck by the 2006 QDR that which aptly states that:

Success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.

I would add that General Abizaid, when he appeared before our committee this year, stated in his posture statement:

we need significantly more non-military personnel with expertise in areas such as economic development, civil affairs, agriculture, and law.

I fully agree. I, along with five other Senators, heard the same sentiments from our field commanders and diplomatic officials during a trip to Iraq and Afghanistan last month.

The United States has a talented and magnificent Federal work force whose skills and expertise are in urgent need in Iraq and Afghanistan. We must provide our agency heads with the tools they need to harness these elements of national power at this critical time. I have spoken about this publicly on previous occasions. I have written to each Cabinet Secretary asking for a review of their current and future programs to support our Nation’s goals and objectives in Iraq and Afghanistan, and I have spoken to the President about this. I will ask to have a copy of one of the letters printed in the RECORD.

The aim of this bill is to assist the U.S. Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and gratuities among all federal departments and agencies of our government. It is essential that the heads of all agencies who have personnel serving in Iraq and Afghanistan have this authority with respect to allowances, benefits, and gratuities for such personnel.

In my conversations with President Bush and the Cabinet officers and others, there seems to be total support.

The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of an amendment. The urgency is now, absolutely now.

Every day it becomes more and more critical that the message of 11 million Iraqi voters in December not be silenced, and that we can include this in the supplemental appropriations bill. The urgency is now, absolutely now.

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so recently stated the need for unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad." In the years since the passage of the Goldwater-Nichols Act of 1986, “jointness” has promoted more unified direction and action of our Armed Forces. I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive-44, titled "Management of Interagency Efforts Concerning Reconstruction and Stabilization." dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive. Now that the directive has been issued, I am writing to inquire about this for its full implementation. In particular, what steps have each federal department or agency taken to implement this directive?

I ask for your personal review of the level of support being provided by your department or agency in support of our Nation’s objectives in Iraq and Afghanistan. Following this review, I request that you submit a report to me no later than April 10, 2006, on your current and projected activities in both theaters of operations, as well as your efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome any current or emerging organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am
Sincerely,
JOHN WARNER,
Chairman.

Mr. WARNER, Madam President, I yield the floor.

Mr. KENNEDY. Mr. President, I thank the chairman of the Committee on Armed Services for his kind words about aircraft carrier named for my brother. The chairman has long been a friend of my family, and his support is deeply appreciated and reciprocated.

All of us in our family are proud of the U.S. Navy’s John F. Kennedy, and to her many years of outstanding service to our country. The keel for the carrier was laid on October 22, 1964, in the chairman’s home State of Virginia. She was christened on May 27, 1967, by President Kennedy’s daughter, Caroline, when she was just 9 years old, the carrier came to be affectionately known to her crew as “Big John.”

In 1983, the JFK was called upon to support U.S. forces during the growing crisis in Beirut. Six years later, at the height of the cold war, F-14 Tomcats assigned to the Kennedy shot down two Libyan Mig-23s that were threatening the battle group.

Afterward, the JFK returned to the U.S. and visited the 1986 Fleet Week for. 4th of July, to the state that my brother was so proud to represent. Soon after that, she was assigned to the Red Sea, and stayed to support Gulf War I in Operation Desert Storm in 1990.

The following year, she was deployed to the Mediterranean Sea and monitored the turmoil in the former Yugoslavia. Later returning to the U.S. for routine maintenance, she was designated as the Receptive Operational Carrier.

In 1996, the carrier made a dramatic visit to the port of Dublin in Ireland.
More than 10,000 visitors were able to tour the ship and learn about her history. I was honored to be there for that visit and awed by the Irish people shown her. Before she left, 16 planes from the JFK took off from the flight deck and performed a thank-you flyover Chicago, Chicago, Illinois, in gratitude for the affection shown by people.

From September 1999 through March 2000, the JFK was back in the Mediterranean, and her aircraft patrolled Iraq’s southern no-fly-zone. In 2002, in the Mediterranean and in the Arabian Gulf, she supported our troops in Afghanistan and Operation Enduring Freedom. She was called on again in 2004 to support U.S. troops in Operation Iraqi Freedom. She was relieved by the USS Harry S Truman. She returned to her homeport in Mayport, FL, that December and last year, she made what may be her final visits to Boston and New York.

It is bittersweet to know she will be retired. The people of Massachussets and the Kennedy family are very proud of her service and know she holds a special place in the hearts of the Navy and the Nation.

Mr. COCHRAN. 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. DAYTON. Mr. President, earlier today, the chairman of the Senate Agriculture Committee, Senator Chambliss, and the ranking member, Senator Harkin of Iowa, held a very important hearing on the biofuels industry. I hope it will be the first and not the last. The biofuels, specifically ethanol and biodiesel, are real, viable, here-and-now alternatives to the ever-increasing cost of gasoline and diesel fuels.

We are in the midst of another price crisis for the gasoline, diesel, and oil upon which our citizens, our industries, and our lifestyles and our entire national economy depend.

Most Americans want their fuel prices to be lower, but they do not want them in fuels in order to make them so. People say, understandably: Solve our energy problems right now, but don’t make us do anything differently. That is why I respectfully disagree with people who say: We do not have a national energy policy. We do. And it is to maintain the status quo for as long as possible.

That is actually a rational policy because our existing energy sources, over 95 percent of which are oil and oil-derived products, coal, natural gas, and nuclear, have been and, in most cases, continue to be cheaper, more available, more convenient, and certainly more familiar than any of their alternatives.

The sources of supplies, their production, transportation, distribution systems, and retail networks are all well established and well protected by everyone who profits from them. Those industries and companies that control those monopolies have enormous and almost exclusive dependence upon their sources of energy have enormous stakes in preserving their control and protecting their profits by destroying any real competitive threats to their energy monopoly.

Nowhere are the stakes higher than in our Nation’s transportation sector. Over 40 percent of total U.S. energy consumption is of oil and petroleum products, and over two-thirds of that oil is used for transportation. Our country now consumes almost 30 percent of all the oil produced in the entire world each year, which means that 20 percent, or one out of every five barrels of oil produced in the entire world, goes into an American car, truck, train, or airplane. Up until recently, oil was the only fuel that those cars, trucks, trains, and airplanes could run on. What a gigantic energy monopoly that is. It is the largest monopoly of any in the world. And like most monopolies, it is profitable for the monopolists and hugely expensive for everyone else. Like every other source of enormous profits and financial power, it is not going to be surrendered voluntarily by the profitable and the powerful.

The huge oil and oil products monopoly is not going to willingly surrender sales or market share or profits, not to a competitor such as the biofuels industry. Like any other established energy monopolies, they may give lip service to those energy alternatives, but they don’t really mean it. That was very clear when the Senate considered its energy bill last year. There were full-page ads in the Hill and Roll Call newspapers, run by the American Petroleum Institute, which smeared the biofuels industry with the same misrepresentations, distortions, and fearmongering that they tried to use a decade ago to defeat a 10 percent ethanol mandate in the Minnesota Legislature.

Back then, the oil industry claimed that biofuels, particularly ethanol, would raise the price of every gallon of gasoline, that the supply would be impossibly low 10 years ago, people’s gas tanks would explode or their carburetors would implode or the cars would be damaged or destroyed. None of those occurred. Yet almost 10 years after Minnesota required every gallon of gasoline sold in our State to contain at least 10 percent ethanol, we were still the only State to do so. Nationwide, the use of ethanol is only about 2.5 percent of gasoline.

It turns out that regular automobile, SUV, and small truck engines not only run very well, with no modifications at all, on 90 percent gasoline and 10 percent ethanol, but they can also, with factory-modified engines, run as well or even better on a blend of 85 percent ethanol and 15 percent gasoline called E-85 fuel. In Brazil, where I visited 2 weeks ago, automobiles run very effectively on 100 percent ethanol.

This week’s U.S. News and World Report’s cover story contains a two-page ad by General Motors touting its flex fuel engines which could run on either 100 percent regular unleaded gasoline, 85 percent ethanol, or a combination of the two. Yesterday, Daimler-Chrysler announced that in model year 2008, 500,000—or one-fourth of its vehicles—are going to be produced with flex fuel engines.

The flex fuel engine is the key to unlocking the gasoline monopoly. With a flex fuel engine, as I have in both my Minnesota and Washington cars, the consumer has a choice at every service station offering both regular unleaded gasoline and E-85 fuel. It is that price competition which will do more than anything else to stop the price gouging and profiteering by the oil and gasoline companies.

For the past 3 years, I have introduced legislation requiring that every car, truck, and SUV sold in this country have a flex fuel engine, with the model year 2005, 2007, 2009—you can pick the year. Some people say that simply isn’t possible, but last year over 70 percent of all automobiles sold in Brazil had flex fuel engines. I met last year in Detroit with General Motors and Ford company engineers. They told us they can design and install flex fuel engines at a production cost of between $100 and $300 per vehicle. They are better engines. However, until now, most American consumers haven’t known about them or ever wanted them.

We in the Federal Government can take one of two positions: We can do nothing and let the markets eventually change manufacturers’ behavior, or we can act to accelerate that transition. It seems clear that our constituents are clamoring for us to make available alternatives to the rising cost of gasoline and other fuels. We have before us right now the opportunity to do so—right now, not 10 years from now with hybrid engines, not 20 years from now with hydrogen engines. They may ultimately be more energy efficient and environmentally friendly, but “ultimately” is 10 years away. Right now, we can give Americans a real energy alternative, the first large-scale, readily available alternative to a traditional energy source in many years, because ethanol—and behind it, biodiesel—is not just a substitute for the gasoline additive MTBE, it is a substitute for gasoline. It is not perfect. No energy source yet is. There are transition costs, production and distribution challenges, and similar susceptibilities to supply manipulation, price gouging, and profiteering as with oil, gasoline, or other fossil fuels. The key is the competition, consumers’ ability to choose the lower priced, better option.
Last week, traveling around Minnesota, I could choose, with my vehicle with the flex fuel engine, between E-85, which was costing about $2.39 a gallon, and regular unleaded gasoline, which was costing about $2.79 a gallon. Both of those prices are significantly lower than they were in Minnesota 6 months or a year ago. Both prices are too high. Americans are being taken advantage of at the gas and the E-85 stations in Minnesota and other places around the country, and this Congress has a choice whether to do something about it or to do nothing.

President Bush said last weekend that his administration would investigate and prosecute price gouging and profiteering at the gasoline pump. I am glad to hear the President say that. I only question whether he really means it because he said the same thing last September when gasoline prices skyrocketed after Hurricane Katrina. Yet as far as I know, there is not a single charge that has been brought against anyone. In fact, the Chairman of the Federal Trade Commission subsequently testified before a Senate committee that no “Federal statute makes it illegal to charge prices that are considered to be too high, as long as companies set those prices independently.”

She went on in her prepared statement to state that an oil company’s “independent decision to increase price is and should be outside the purview of the law.”

As my mother used to say to me, actions speak louder than words. Price gouging and prosecute price gouging and profiteering at the gasoline pump. I urge the President to turn them into actions.

The President yesterday touted his support for biofuels. However, in the last 2 years, he has signed into law cuts of almost $2 billion in biofuel grants. His fiscal year 2007 budget calls for a 57-percent reduction for renewable energy research and development.

Another important action Congress should take this year is to pass a new energy bill. Some progress toward increasing the supply and use of biofuels such as ethanol and biodiesel was achieved in last year’s energy bill but, as a nation, we are tiptoeing when we should be running. A new energy bill should address the transition away from our Nation’s increasing dependence on foreign oil which, even after last year’s legislation, is projected to increase from 62 percent now to 67 percent in 2012. If we are really serious about growing energy independence on oil and its products and not being held captive to rising oil, gasoline, and diesel prices here and around the world, we must act again by passing energy legislation, and we must act this year in doing so.

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.

Ms. STABENOW. Mr. President, I rise today to talk about what is on everybody’s mind in my State, and that is what is happening as it relates to gas prices.

First, we all know there are multiple ways in which we need to address this issue. I was in an Agriculture hearing this morning on biofuels. It is very exciting to see colleagues on both sides of the aisle talking about things we can do in the way of policy to build on what was in the Energy bill that was passed last August in terms of ethanol and biobased fuels.

I know in my home State, we will have five ethanol plants by the end of the year. We already have biobased diesel being used. There are many exciting opportunities to create jobs, to help our farmers create new markets, to address our environmental issues in a sound way that deal with protecting our environment and at the same time, getting us off foreign oil. I believe very strongly, if we work together—and we need to do this boldly and quickly—we can start buying our fuel from Middle America instead of the Middle East. That should be a goal for all of us. I know colleagues on both sides of the aisle share the excitement about moving forward in this way. We have things happening in all of our States.

From my perspective, not only corn but sugar beets can be used for ethanol. Soybeans are part of what we grow in our multitude of different crops in Michigan, and there are a lot of opportunities, not just for fuel but for us to replace oil-based plastic with corn-by-product-based plastic, and to do a number of other things that will move us off foreign oil, which needs to be one of our major goals as a Congress, and certainly working here in the Senate. We have a lot of issues we have to deal with as well. While we move boldly—and I believe we need to move very quickly on the question of real competition—we also have to address what is happening right now without competition. We have an oil industry that has been consolidated down to five major companies. There is no real competition. It is not a regulated utility such as electricity and other basic necessities. Yet it is a necessity. Gasoline is not a luxury, it is a necessity. And, of course, nice increases for this necessity are making it harder and harder for people to be able to afford the product they need to get them to work, to get the kids to school, to be able to till the fields, to be able to do business, or to be able to take that trip up north in beautiful northern Michigan on vacation where tourism is so critical for us.

I want to talk a little bit more about GM. GM executives have indicated, for example, that for every $1 increase in the cost of a barrel of oil, it costs them $4 million more to operate. So this is a question of jobs. From every angle, this is something that needs our immediate attention while we address where we go long term. Nothing would please me more than to be able to drive my American-made automobile into a service station—and by the way, they use flex fuels and E-85 ethanol and a number of products right now—right now—for our automobiles, and we see GM and Ford and Daimler Chrysler doing wonderfully bold things and advertising alternative fuels, flex fuels right now. But nothing would please me more than to see more of E-85 in it that is giving competition to the other pumps where the prices are going through the roof.

It would be one thing if this was just a supply and demand issue, but it is not. We know there are supply issues. It is not about an industry hard hit, an oil industry barely being able to make it because of international factors or because of the hurricanes. No, we are talking about an industry that had over $111 billion in profits last year. We are talking about ExxonMobile with the highest profits recorded in the history of the country. And to add insult to injury for people, that same company pays their top executive more than the revenue of some cities in my State. Yet, at the same time, the policies continue to support tax break after tax break subsidized by American taxpayers to continue to increase the profits of the oil companies. It makes absolutely no sense. It is outrageous that the oil companies are bringing in billions of dollars in profits each year, while families are now paying over $40 every time they fill up their gas tank, and certainly it could be $50 or it could be $60. On average in Michigan right now, it is about $2. That is up $4 from last month and $10 from last year, and we know it is going to be going up and up as the summer goes on.

We also know that, unfortunately, there appears to be no relief in sight. On average, I am told that Michigan families will be paying at least $500 more in the next year for their gasoline.
based on what is happening. Five hundred dollars may not sound like a lot to a lot of people. In fact, Exxon CEO Lee Raymond indicated in an interview with CNN that a single quarter or a single year of profits is “not all that significant,” and that what is happening in the oil industry is not all that significant.

Well, it is significant when it comes to what is happening to people who are working hard every day trying to make it. Five hundred dollars is a house payment. It is the rent. It is a car payment. It is paying for food. It is making sure your kids have the opportunity to go to college, maybe pay for the books that are needed for them to be able to go to college for a year. So it is a lot of money for the average person.

I think it is outrageous that somebody who has been earning the equivalent of $110,000 a day would act like what is happening to average families and that we are going on. Oil companies is somehow insignificant. People in my State don’t know if they are going to have a job tomorrow.

There are policies, unfortunately, that have caused manufacturers in our country to go out of business. I am concerned to say, that maybe we don’t need to make things anywhere in this country, which of course is what has built our middle class. And those folks who have built our middle class and created our way of life and are the consumers who buy our goods so that we can be successful in this country are now feeling that they are getting hit on all sides. They may not have a job.

Health care is going up. They may not have their pension. The cost of college certainly has gone up, based on things that have been happening here, such as taking away $12 billion as it relates to student loans and other proposals to have the cost of college go up.

Now, to add insult to injury, we have an industry that is more profitable than it has ever been, with the highest recorded profits by Exxon Mobile, the highest of any publicly held company ever, and now the American consumer is being told: You are going to pay again. You are going to pay for all of the excesses that are going on right now by making it harder for you to get to work, to take the kids to school, to buy their clothes, to maybe take a little vacation this summer. It is absolutely outrageous.

I want to also make the point that this is not about our gas station owners. I met with some terrific people on Monday who talked to me about how they are helping people literally piece together pennies, helping people who have been longtime customers of theirs, a single mom coming in with kids and the gas station owners trying to help her piece together a few dollars so that she has enough gas in the tank so she can go to work, so she can take care of her kids. I was told by one gas station owner that a gentleman came in with 69 cents trying to figure out how he could get a gallon of gas into his tank. Sixty-nine cents buys a quarter of a gallon. We are now hearing stories about pawn brokers doing great business because people are pawning their TVs, their cars, their jewelry, whatever they have, in order to get enough money to be able to drive to work.

This is in America. We can do better than that in this country. People expect us to stand up and fight for them, not an industry that is gouging the American consumer and raking in billions of profits in the meantime.

I am putting forward an amendment that will address this very thing. People say: What can we do about it right now? We need to look long term. When I began speaking, I said I know we need to look long term. This morning, in the Agriculture Committee, we had a wonderful bipartisan meeting, and there is a lot of excitement about a number of things that we can do together to look long term. We know there are ways for us to move off of foreign oil and to move off of oil period, and we can do that. There is the old saying that if you dig yourself out of a hole, you do it by digging. We need to stop digging. Part of that right now is to stop the continuation of tax breaks that Americans, working hard every day and paying their taxes, are subsidizing all kinds of things. I think we need to turn around and are so grateful that they raise their price at the pump.

In the conference committee right now there is work being done relating to tax cuts. There is an additional $5 billion in new tax breaks for the oil companies. Some of it relates to how we subsidize their foreign activity. They do business with the Middle East and somehow we are going to give them favorable treatment through our tax policy. It is absolutely no sense. It is an insult to the American people. That is on top of $2 billion that was put into the Energy bill that was passed last year in subsidies. It is unexplainable and unacceptable at a time when there are so many other areas where we need to provide tax relief, when we need to address middle-income people bumping up against the alternative minimum tax or small businesses that are trying to make it, and we need to deal with health care costs that need a tax credit—and I am more than happy to support that. But instead of that, we have $5 billion in the conference committee report that subsidizes an industry that is raking in billions and billions of dollars in profits at the expense of the American consumer. I think that is wrong.

My amendment would take that $5 billion and instead put it right back in the pockets of the folks paying the bill. We know on average there is going to be about $500 in additional cost for the average family for the next year as a result of these high gas prices. My amendment will give an immediate $500 rebate to every individual or family, just as we did with the $300 rebate. It is the very same process that was done then, where people were given the $300 rebate when the tax cut was done. We can use that very same mechanism.

It is paying for food. It is making sure your kids have the opportunity to go to college, maybe pay for the books that are needed for them to be able to go to college for a year. So it is a lot of money for the average person.

My amendment would give $500 back to each family or each individual filer so that they are able to help pay the price of this outrageously high-price gas. That is a short-term fix while we get our act together on what needs to be happening to create more competition and more alternatives, which I believe we can do, working together in the Senate. But I believe it is an outrageous situation when we are continuing to add $5 billion in tax breaks to an industry that is causing so much pain for American families.

I am an original cosponsor on a bill of mine called the Oil Company Accountability Act. In total, it would repeal both the $5 billion in committee plus the $2.6 billion that was passed in the Energy bill, for a total of $7.6 billion in tax breaks for oil companies, and provide an immediate $500 tax rebate to families to offset their energy costs.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 3633.

Ms. STABENOW. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes)

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—OIL COMPANY ACCOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. ENERGY TAX REBATE.

"(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $500.

"(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

"(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

"(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $120,000.
(a) GENERAL.—Section 191(d) of the Internal Revenue Code of 1986 (relating to credits for domestic production activities) is amended by striking out the period at the end of such subsection and inserting in lieu thereof the following: 

"(2) Taxpayer.—The term ‘taxpayer’ means the United States for any period which is a large integrated oil company to which section 291(b)(4) of the Internal Revenue Code of 1986 applies."

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credits for foreign taxes paid or accrued by United States corporations which are integrated oil companies) is amended by inserting before the period "," the following: 

"(1) If such integrated oil company is a large integrated oil company, such excess shall be treated as foreign taxes paid during such taxable year by such integrated oil company."

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 616(d)(9) of the Internal Revenue Code of 1986 (relating to the deduction of geological and geophysical expenditures) is amended by striking out the period at the end of such subsection and inserting in lieu thereof the following: 

"(5) Large integrated oil companies.—Such subsection shall not apply to any expenditures incurred by any taxpayer which is a large integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of $500,000,000 for such taxable year."

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. COCHRAN. Mr. President, I make a point of order that the amendment is not in order under the provisions of rule XVI.

Ms. STABENOW. Mr. President, the people of Michigan and the people of the country deserve better than what we are doing right now. There is a sense of urgency. We can make this in order if we want it to be in order.

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard. The Chair sustains the point of order under rule XVI and the amendment fails.

The Senator from Michigan.

Ms. STABENOW. Mr. President, the people of Michigan and the people of the country deserve better than what we are doing right now. There is a sense of urgency. We can make this in order if we want it to be in order.

Mr. THOMAS. Mr. President, I ask unanimous consent that the amendment be in order, notwithstanding the point of order.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard. The Chair sustains the point of order under rule XVI and the amendment fails.

If we come together and we want to act today, if we want to put in place the opportunity for people to have a $500 rebate before Labor Day to help pay for the high gas prices they are paying right now, I think that is a good thing to do. The choice of the majority is not to do that, but we could be doing that if there were agreement. That is very unfortunate because there is a sense of urgency on behalf of every individual, every family right now, trying to figure out what they are going to do, with gas prices that are over $3, $3.20, $3.50—

Mr. THOMAS. $4 a gallon.

The PRESIDING OFFICER. The Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.
AMENDMENT NO. 3615

Mr. THOMAS. Mr. President, I call up amendment No. 3615, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill is read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 3615.

Mr. THOMAS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today’s RECORD under “Text of amendments.”)

Mr. THOMAS. Mr. President, I bring forward an amendment this afternoon to talk about my concern with the process we are going through. We started out with a request for $92.2 billion in emergency spending—$20 billion for hurricane recovery, $72 billion for the war on terror. Then we added $14 billion of additional nonemergency spending.

Our constituents simply can’t run their households or businesses like this, and I think we should not be running our business here, for the country, in that way either. The money we spend, come out of thin air. Of course, it comes out of the pockets of hard-working Americans. We should not take the emergency spending process lightly.

By definition, these dollars are not budgeted, and they should be reserved only for the urgent and dire need for which they were intended. There are some examples, very briefly, of nonemergency items. There are a number of them. Regardless of their merit, and they probably have merit, the question is, Do they belong in this bill? Why are we using this bill to provide $230 million for an Osprey program which is not involved in either Iraq or Afghanistan? We also just enacted a $296 billion highway bill less than a year ago. Yet this bill will add an additional $594 million in additional highway spending that really has nothing to do with any emergency. Why is there an emergency to spend $700 million to move a railroad that, while damaged by Katrina, has already been repaired? It may be a useful thing. Is it an emergency? I think not.

Finally, this is not the right vehicle for spending almost $4 million in farm subsidies or increasing the funding for community development block grants.

Again, these may be legitimate priorities. Perhaps they are. But in my view, this is not the right vehicle, nor the right process. Therefore, I have offered this amendment which will pull out all the extraneous spending and get us back to the President’s request for emergency funds. I understand the way my amendment is drafted it merely strikes the whole bill and replaces it with the original amount in the President’s request. We don’t have any amendments adopted in the interim. I have also modified my amendment to account for Senator Gregg’s security amendment and the President’s revised request with respect to avian flu funding.

It seems to me this is something we ought to consider. Obviously, we have a lot of things to do. But overall, we have a responsibility, a financial responsibility to follow the rules, to go through the processes that are appropriate to do something about holding down spending, not put these items in the budget if they are not emergencies, and we ought not to be using these kinds of vehicles to spend more money when we are in the process of trying to do away with the deficit we have. These issues are out there, and they are out there all the time.

We have all just been home for a couple of weeks. What do we hear about a lot? We have to do something about spending. We have to do something about the deficit.

We do. Still, here we are expanding a request—one, frankly, that the President has threatened to veto. I encourage him to continue to take that position. We ought to deal with those things that are out here that fit this definition of emergency.

I have introduced this amendment, and I hope we can give consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Wyoming for bringing this amendment to the floor. It does go to some of the points of contention that have been raised in the discussions based on whether the President’s request should be exceeded by the Congress.

First of all, the President has threatened to veto the bill, which, of course, he has a right to do. He is setting out another marker that any amount over and above the request of the President would be inappropriate and therefore would subject the bill to a veto.

This is very early in the process of considering the bill for the President, in my opinion, to be threatening a veto. We have clear emergencies confronting the country that require the expenditure of funds for the Department of Defense and our military forces which are deployed in Iraq and elsewhere and engaged in the global war that protect the security interests of our country and the lives of our American citizens. That is the major portion of this legislation.

Another very important part of the bill is to replenish some accounts in the Department of State, where agencies and officers of that Department are engaged in the same kind of peacekeeping activity, diplomatic efforts to avoid conflict, to preserve the peace where it can be preserved and protect the security interests of our citizens.

The third request the President submitted was to provide additional disaster assistance for the Gulf coast States, primarily in the State of Louisiana but also across the Gulf coast. I know that we can disagree on the exact dollar amounts. In the Senate, we are going to have a difference of opinion on some of these issues, but it suits me now to just test the water and see where the Senate is. Do we want to ignore the needs that are clear and important and serious, that are addressed by the funding in this legislation? This amendment takes a lot of money out of the bill. It may respond to some concerns that some have that this bill calls for spending more money than is necessary. The Senate Appropriations Committee reported this bill to the Senate and is recommending its passage. I am hopeful that we can get an early reading. If this bill should go back to the committee, we could reconsider it.

But I think the time is now, when we should come to terms with the realities of this legislation. Either the Senate agrees that these needs are real, that they are urgent, that they are recommended to be appropriated, or not. We had an open discussion in the committee, in public. Any Senator who serves on that committee could offer an amendment to reduce funding. I don’t recall any amendment to reduce funding. There were amendments to add funds to address needs that had either arisen after the President submitted his request and the House had acted early on the legislation or because of information that had come to the attention of the Committee on Appropriations. It was the view of the majority, the vast majority of the members of that committee, that the funding should be included at the amount reported to the Senate.

I am prepared to have a vote. I suggest—I don’t know of any reason why we can’t have the vote now. I can move to table the amendment and ask for the yeas and nays and we will get a vote. I think that is what we will do.

Mr. President, I move to table the amendment of the Senator from Wyoming, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

Mr. President, I will withhold my request until you have made a decision on the vote.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Presiding Officer will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No.
3615. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in the family.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ‘yea.’

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Roll Call Vote No. 96, Log.]

YEAR—72

Akaka  Dominici  Murkowski
Baucus  Dorgan  Murray
Bayh  Durbin  Nelson (FL)
Bennet  Feinsteing  Nelson (NE)
Biden  Grassley  Obama
Bingaman  Harkin  Pryor
Bond  Hatch  Reid
Boxer  Hutchison  Reid
Burns  Inouye  Roberts
Byrd  Jeffords  Salazar
Cantwell  Johnson  Sarbanes
Carper  Kennedy  Schumacher
Chambliss  Kog  Shelby
Clinton  Landrieu  Smith
Cochran  Lautenberg  Stoeve
Cooley  Leahy  Specter
Collins  Levin  Stabenow
Conrad  Lieberman  Stevens
Cornyn  Lincoln  Talent
Craig  Lott  Thune
Crapo  Lincoln  Vitto
Dayton  Martinez  Voinovich
DeWine  Menendez  Warner
Dodd  Mikulski  Wyden

NAYS—26

Alexander  Dole  Isakson
Allard  Ensign  Kyl
Allen  Enzi  McCain
Brownback  Feingold  McConnell
Bunning  Frist  Santorum
Burr  Graham  Sessions
Chabot  Gregg  Sununu
Coberman  Hagel  Sununu
DeMint  Inhofe  Thomas

NOT VOTING—2

Kerry  Rockefeller

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The Senator from Idaho.

SOUND ENERGY POLICY

Mr. CRAIG. Mr. President, I speak today of my strong concern over what I believe are troubling movements in the Western Hemisphere in relation to U.S. energy independence, energy security, and competitiveness of the U.S. oil and gas industry in the region and this country’s political and economic influence in our own backyard.

For all the right reasons, in the past few years we have been appropriately focused on developments in the greater Middle East as we have engaged in a global war on terror and fought in Afghanistan and Iraq. Again, we are absolutely right to be engaged in conflicts in that region. But it is dangerous for any region to have a monopoly on this country’s attention.

At home, in this Senate, we have engaged in many debates regarding U.S. energy independence. This issue was flagged in S.267, the Energy Policy Act of 2005, when Senator Enzi and I agreed to drastically decrease our energy dependence on the Middle East. Now our economy in energy is working in that direction, slowly, because of the phenomenal investment in time it takes to turn something as big as our energy industries of all kinds.

In 2005, the U.S. obtained 41 percent of its total petroleum imports from OPEC countries, which equals 27 percent of total U.S. consumption.

In order to reduce our reliance on Middle East energy sources and strengthen our Nation’s energy security, it is simply to say that our energy sector must be doing business elsewhere. No doubt, the closest, therefore the most economically viable, option should be to turn to our own backyard or should I say “yards.”

Unfortunately, that is hard to do when we too frequently send our oil and gas companies into international competition hobbled by self-defeating laws and regulations that allow our economic adversaries and our competitors to beat us to the punch right at our doorstep.

I must point out that it is certainly ironic that the same people blocking the American public from obtaining resources in our own country, and in the region, are the same people not offering solutions to this need and very rapidly growing demand across the world.

Frankly, the United States has taken our neighbors in the Western Hemisphere for granted. We have hamstring the United States energy sector from seeking energy sources in the region while at the same time allowing the likes of China and Canada and Brazil and France and others to freely seek energy opportunities 50 miles off our coast without competition from state-of-the-art technologies and expertise of our own United States gas and oil industries.

I have here a chart that is phenominal self-explanatory, they say that the Gulf of Mexico is the coast of Florida, Alabama, Mississippi, and Louisiana. Of course, here is the great peninsula or the Panhandle of Florida down to the Keys. Here is Cuba. And literally, within the last 2 years Cuba, within 50 miles off the furthest point of the Keys of Florida, has allowed the nations of China and Canada and Spain to start drilling. It will be possible—or should I say it may be possible—to stand on the furthest Florida Key in the near future and see an oil rig drilling in Cuban water.

Did that happen accidentally? No. Why isn’t an American company, with the best technology that could do it the cleanest, there? Because we simply have not allowed it. And it is simply 50 to 90 miles off our coast.

For example, a February 2005 U.S. Geological Survey reported on a possible deposit in the Northern Cuban Basin—this area shown on the map is all charted off—estimated at 4.6 billion barrels of oil and possibly as much as 9.3 billion barrels. I would remind my colleagues these estimates are almost the same as the kind we are talking about on the Coastal Plain of Alaska known as ANWR, and it is simply 50 to 90 miles off our coast.

So the question must be asked: What is the U.S. doing while foreign countries and companies are exploring right off the U.S. coast in the Northern Cuban Basin, which is adjacent to the U.S. Outer Continental Shelf and contiguous to this country’s Exclusive Economic Zone?

Well, I can firmly tell my colleagues that we are doing absolutely nothing about it. Not one single U.S. company is exploring in these potentially beneficial waters that extend to within 50 miles off the Florida coast. Oh, we are all angst about Gas Lease Sale 181, and it is at least 120 miles off of any coast. But stand on a high place in the lower Florida Keys somehow and you may see an oil rig, and it will not be ours. It could be Red China’s, or certainly mainland China’s. I guess that is the politically correct thing to say about them now. And, frankly, ladies and gentlemen, it is Cuba, and they are drilling in our backyard.

I am certain the American public would be shocked, as this country is trying to reduce its dependency on Middle East oil, that countries such as China are realizing this energy resource. In my opinion, China is using the area off our coast and in the Cuban national waters as a strategic commodity reserve. It is doing this by acquiring exclusive rights in the emerging Cuban offshore oil sector, whereby it seeks to deprive these resources to the United States itself and dramatically impacting our foreign policy in the region.
As the administration recently pointed out in its National Security Strategy, China has quickly become the world’s second largest user of petroleum products. Additionally, the administration’s most recent National Security Strategy appropriately points out that China is challenging trade, but acting as if they can somehow lock-up energy supplies around the world or seek to direct markets rather than opening them up.

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miles out, oh, we have a problem there. No, folks, we have a problem here, and we have a problem in Cuba. We ought to be recognizing it instead of denying it.

Here is the reality. Here is the sale area, the opportunity that Cuba is now exploiting by allowing foreign countries to come in our backyard or, can I say, just across the fence in our neighbor’s backyard. Is it 50 miles off the coast of Key West? Is it 70? Is it 90? It is all right about this. These sales and tests off shore are worry too much about a flat pocketbook because we have not allowed ourselves the foresight that I am trying to suggest our foreign policy in these instances denied. You and I will debate 181 and beyond. But at our back door, and a heck of a lot closer to the coastline of your State than any sale proposed today out of 181, toward the east, 50 miles off of where this moment are test drilling to determine whether in fact there is a supply of oil. Then the rigs go in place. Then the environment issues that you and I are concerned about may well come to be. I hope I am wrong. But I know I am right about this. These sales and test drillings are currently going on.

Mr. NELSON of Florida. This Senator, if I might conclude and compliment the Senator from Idaho, certainly has a commonality of interest with the Senator with regard to countries such as China drilling off the north coast of Cuba and the threat not only to U.S. interests that that portends but also to the interests of Flor- ida. We will debate the question of oil drilling out there in the military area of the eastern Gulf of Mexico, particularly at a time that the people recognize that we ought to be independent of oil, not continuing the dependence that we have.

Mr. CRAIG. I thank the Senator for his comments. Before I yield the floor, whether it is the Senator from Florida or Idaho, the American people are saying to us: A foreign policy that allows China to drill in our backyard is not a very good policy.

I yield the floor. The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to set aside all pending amendments and call up amendment No. 3632.
The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LUTENBERGER, and Mr. BIDEN, proposes an amendment numbered 3632.

Mr. DURBIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that a Federal employee who is absent without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.)

On page 117, between lines 9 and 10, insert the following:

**Nonreduction in pay while serving in the uniformed services or National Guard**

(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

(2) the amount of pay and allowances which (as determined under subsection (d))—

(A) is payable to such employee for that service; and

(B) is allocable to such pay period.

(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted).

(2) During which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

(d)(1) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe procedures necessary to carry out the preceding provisions of this section.

(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(II) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

(f) For purposes of this section—

(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

(2) the term ‘employing agency’, as used with respect to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(I)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

(3) the term ‘basic pay’ includes any amount payable under section 5304.

(c) CLERICAL AMENDMENT. The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

**5538. Nonreduction in pay while serving in the uniformed services or National Guard.**

(d) EFFECTIVE DATE. The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b)) to which such employee was entitled under chapter 43 of title 38 on or before the date of enactment of this Act.

Mr. DURBIN. Mr. President, more than half the men and women serving the United States now in Iraq and Afghanistan are members of Guard and Reserve units. Not that long ago they were working civilian jobs with regular payroll and, of course, performing their responsibilities in the Guard and Reserve on weekends and during summer duty. They then volunteered that they could be activated. They have been. In my State, 80 percent of the Guard units have been activated. They have served this Nation bravely, selflessly. They have done it at great sacrifice to themselves and their families. The period of separation to be away from your family for a whole year, sometimes longer, to be gone when important family events occur, and an additional hardship that comes with this service.

Some of our service men and women find that when they are activated in the Guard and Reserve units, they are paid less by the military than they were receiving in their civilian capacity. So the expenses they incur, the bills they have to pay—whether it is for a mortgage, utility bills, education expenses for their children—continue, even though as they serve our country they receive pay. We are fortunate that many of their civilian employers have stepped up and said: We will protect you. If you will stand up for America, we will stand up for you. We will make up the difference between your pay and what our country in the Guard and Reserve and what you would have earned if you would have stayed here.

We appreciate that. As a nation, we should be grateful, thankful that these companies stand by these men and women when they need it most so that as they worry about the pain of separation and coming home safely, they don’t have to worry about whether the bills will be paid. We create Federal Government Web sites paying tribute to these companies that stand by Guard and Reserve Units. Some of the companies and some of the entities involved include Ford Motor Company, IBM, Verizon, Safeway, the State of California, Los Angeles County, and Allied, TX. The list goes on and on.

There are some 23 different States that have said: If any of our State employees are activated, we will make up the difference in pay. Who else do we say we will do right today with this amendment? Because the largest single employer of Guard and Reserve members in the United States fails to make up that difference in pay. There is one huge employer that will not say to these activated men and women: We will stand up for America, we will stand up for you. If you are going to lose money, we will make up the difference.

Who could that employer possibly be? The United States Government. The Federal Government does not make up the difference in pay for these Guard and Reserve members. Why? If we value their service, if we praise these private entities and State governments and local governments that stand by these men and women, if we say they are setting a great example for America, why aren’t we setting an example as the Federal Government? Why aren’t we making up the difference in pay?

Some would argue there may be a disparity, that you may have two sergeants serving in the same place: one is in the active military being paid less than one who is having a supplemented salary as a former Federal employee, now activated as a sergeant serving overseas. Think about the current disparity, a disparity where this soldier, in private life a few weeks or months before, incurred expenses for his family which he thought he would be able to pay, and now, because he is serving his country, he cannot. I don’t think the difference between a military service and a civilian service will resolve this. They will understand it and be glad they have a fellow soldier standing by them, leaving the comfort and security
of a civilian life to serve our country so well.

What this amendment says is that the Federal Government will stand behind its employees activated in the Guard and Reserve to make up the difference in pay that they don’t have a good rate. It turns out the Department of Defense and this administration don’t care for the idea much, and they usually kill it once it gets to conference.

I am going to give them another chance for this Government to stand behind these soldiers. I hope my colleagues in the Senate will join me, as well as my other colleagues—Senator Mikulski of Maryland, who is a cosponsor, Senator Allen of Virginia, Senators MANchin, LANDrieu, and LAutenberg. We offer this amendment and hope that it will be adopted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. Cochran. Mr. President, this is an amendment, as the Senator points out, which has been before the body before. We have approved it by a substantial margin on a recorded vote. We are prepared to recommend that the amendment be accepted on a voice vote, so we can proceed to that unless there are other Senators who want to be heard on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3632.

The amendment (No. 3632) was agreed to.

Mr. Cochran. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. Sessions. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. Sessions. Mr. President, I am concerned about the increase in gasoline prices. They are indicative of other increases in natural gas and diesel fuel. It is an important national issue that may have been paying $150 for a month for fuel, $200 a month, may be paying $50, $75 dollars more a month than they were several years ago. It is real money out of real working Americans’ pockets. It is an issue we need to confront. We have talked about it on the floor for many years. Unfortunately, we have not done enough to confront the problem and deal with it in a way that actually makes a difference.

We don’t really pass an energy bill that better reflects most people realize, that did a lot of good things. For example, it took us from zero preliminary applications for a nuclear powerplant to now 18. Since last fall, we have had 18 or 19 applications which would reduce the demand for natural gas that we are using so much now to generate electricity. But we failed in a number of important issues. It is a tremendous issue to me, but the strength of the economy and the increase in productivity of our workforce is such that we haven’t seen a surge in inflation across the board as a result of these increasing energy prices. But it could happen. It could be a problem that could rear its head, and would make it adverse. We went through the last spike without serious consequences. But when you absorb this much extra cost, it does have some impact.

Unfortunately, what I have been hearing on the floor is a lot of politics, a lot of blame game from people who oftentimes are the very ones who have blocked key decisions that we should have made that would have made our energy situation far better.

I see my colleague from Idaho. Few people—if not, the question is on agreeing to amendment No. 3632.

The amendment (No. 3632) was agreed to.

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Unfortunately, what I have been hearing on the floor is a lot of politics, a lot of blame game from people who oftentimes are the very ones who have blocked key decisions that we should have made that would have made our energy situation far better.

I see my colleague from Idaho. Few people—who said ANWR drilling and other areas, accounted ANWR drilling and other areas, have steeped themselves in energy issues more than he. When he speaks on this issue, we should listen. He has historical perspective and knowledge of the issues involved. I will meet him and will follow up on some of the things he said.

There is some bipartisan work going on. I am part of the energy security caucus that believes we should treat energy as a national security issue and that we want to—on many different times since. Ninety percent of my colleagues on the other side of the aisle voted against opening up ANWR to exploration. The ANWR region of Alaska is so large, it is as large as the State of South Carolina. The area they want to drill in, propose to drill in, where they have identified huge reserves of oil and gas, is the size of Dulles Airport. That is how small it is. With directional drilling and the scientific skills we have developed, we have a proven track record that oil can be produced safely in these kinds of regions. It is beyond my comprehension that we would deny our Nation these large amounts of oil in the ANWR region.

I will show you what we would have to move CAPE standards to, which is the mileage standards for automobiles, to equal the impact of the ANWR oil and gas. You would have to raise CAPE standards to 39 miles per gallon for cars and 29 miles for light trucks. The amount of oil there is equivalent to the energy that would be generated by a 3.7 million-acre wind farm. It would be the size of the entire States of Connecticut and Rhode Island combined. That is how much energy we are talking about.

Of course, solar energy from solar panels. A fifth of America’s domestic oil could be produced out of ANWR by 2025.

We should have done this 10 years ago. It should be flowing today. We should hold oil producers accountable and make sure there will be no spills. We are producing oil and gas so much safer than we ever have. We are not having a problem, frankly, anywhere with oil and gas spills.

I will say one more thing about this issue. It is very offensive to me when you say to those of us who have advocated ANWR drilling and other areas,
like in the gulf: Oh, you are for the oil companies. You are doing this for the oil companies.

Let me make one thing clear. My proposal to drill in ANWR and the gulf and other areas is for the American people. It is not for the oil companies. It is not for foreign oil. It is not for the American people, to keep our wealth at home. You may say: We care about the environment. Do you care about Lake Maracaibo in Venezuela where they are drilling perhaps thousands of wells or the environmental destruction of the areas for the environment? What about the hundreds and thousands of wells in the Gulf of Mexico off of Alabama, Mississippi, Louisiana, and Texas?

We have to get real here. Ninety percent of the votes cast to block the drilling in ANWR came from our Democratic colleagues. They are the very ones in this Chamber right now who are complaining and blaming President Bush because we don’t have enough oil and gas for the American people. It is not for foreign oil. It is not for the American people, to keep our wealth at home. You may say: We care about the environment. Do you care about Lake Maracaibo in Venezuela where they are drilling perhaps thousands of wells or the environmental destruction of the areas for the environment? What about the hundreds and thousands of wells in the Gulf of Mexico off of Alabama, Mississippi, Louisiana, and Texas?

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So we had some debates about this last year with the Energy bill and a modest proposal came up. I will conclude with this, because I am pushing back a little bit at some of my colleagues who are screaming about the high price of oil and gas. Somebody came out with a proposal to survey the Atlantic Coast where we haven’t surveyed to see if there is oil and gas out there. The religious crowd, the anti-oil production religious crowd opposed that. They opposed even doing a survey to see if we have any oil and gas available, if we ever decided to drill, are some of the same ones who are yelling the loudest about high oil prices.

I thank the Chair for this time. We need to move away from politics. We need to think through this issue carefully and see what we can do to improve the method of production, to improve conservation, and to deal with the scientific breakthroughs and accelerate those so we can confront the problem we face and reduce these high oil and gas prices. I yield the floor.

The PRESIDENT OFFICER. The Senator from Missouri.

Mr. BOND. I ask unanimous consent that I may be permitted to speak as in morning business for 8 minutes to introduce a measure.

The PRESIDENT OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

The remarks of Mr. Bond pertaining to the introduction of S. 2658 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the pending amendment?

The PRESIDENT OFFICER. Is there objection to setting aside the pending amendment?

Mrs. MURRAY. Mr. President, I object.

The PRESIDENT OFFICER. Objection is heard.

Mr. COBURN. Mr. President, is there objection to setting aside the pending amendment?

The PRESIDENT OFFICER. Yes. There was objection to setting aside the pending amendment.

Mrs. MURRAY. We just want to see what it is.
Mr. COBURN. I thank the Senator from Mississippi.
I want to talk first about this. Our country is facing some pretty significant financial difficulties, and we find ourselves with a supplemental bill, as requested by the President. Basically, the whole idea of this supplemental is something the American people should reject. We have been in a war now going into the fourth year. We should have the money for funding this war as part of the regular budget. It should not be in an emergency supplemental. Of what we know about the Katrina results, that should have been budgeted this year as well, but it was not.

It is important for everybody to know why it was not. It is not budgeted because it becomes part and parcel of the debt your children and grandchildren will have to pay, without ever getting on the books of the Federal Government. So when you hear the deficit or the surplus—which it has not been for many, although not since the early 1970s if you were honest in the accounting—you hear the budget numbers this year, for what the budget will be, and it will not count this money. This money will not be paid. No accounting is added to the IOUs that our children and grandchildren will be paying back.

I am thankful for the leadership, in terms of giving us an opportunity this June to talk about budget process reform. Nobody holds the household this way. No business runs this way. This is a gimmicky way under which we can disguise how much we put this country in debt, and it ought not to be that way.

Most people understood that and would agree with it. Yet we find ourselves here. I am not happy we are doing a supplemental emergency bill in that regard.

The second thing is many of the things with Katrina we knew were coming before the budget came through the Senate and the House, and that should not be an emergency. Emergencies are supposed to be reserved for true emergencies, unexpected costs facing the Federal Government. This bill is loaded with things that are not unexpected. We knew the war was going to be expected. We knew some of these costs associated with Katrina and Rita and Wilma were expected. So weress the integrity of our process. It is my hope in June we will be able to do that.

I know this amendment will, in fact, not win when it comes to a floor vote on the Senate floor. But I want to give a little background. During Hurricane Katrina, large sections of the CSX railroad along the gulf coast of Mississippi were damaged or destroyed. One 40-mile stretch of track was completely destroyed. The railroad hugs the gulf coast and stretches from New Orleans and Lake Ponchartrain on the west to Mobile, Alabama. CSX has only two railroad tracks that reach New Orleans from the east. The other passes over Lake Ponchartrain and runs parallel to the I-10 Twin Spans Bridge. Three railroads approach New Orleans from the west. Although the CSX railroad was significantly damaged by Katrina, it was repaired; $250 million in insurance proceeds and I believe somewhere between $30 million and $50 million from CSX to repair it and bring it back up to usable and safe status.

Governor Barber, following Hurricane Katrina, created a commission. My hat is off to him. I think he has done a wonderful job for the State of Mississippi and their response to this. This commission was to review and recommend options for recovery and rebuilding in the State of Mississippi. The report released by the Governor’s commission recommended purchase of the CSX right-of-way in order to create a new east-west thoroughfare, relieve congestion on US 90, and to provide for light rail or rapid transport through Gulfport. The report also proposes to transfer US 90, a corridor directly along the gulf coast, into a scenic, pedestrian, friendly beach boulevard. One of the Commission’s reports also states:

For many years, planners and local leaders have called for the removal of freight traffic on the CSX railway, which runs east-west through the region, roughly 800 feet from the coast.

I actually went to Mississippi and visited this area after the hurricane. You can see the hurricane damage, you can see this road, and you can see the rail.

Numerous news outlets, including the Washington Post and ABC, have stated local developers and planners have wanted this railway relocated for years. I agree with that. I think this is a great development plan for the State of Mississippi to enhance the value of their beaches, their waterfront, and the wonderful coastal assets they have. I do not object to the plans behind this. I think it is very good from a developmental standpoint.

What is unknown at this point is where the existing CSX freight traffic will be transferred. While the Governor’s commission recommends in some areas the relocation of the railroad somewhere north of I-10, which is 3 to 6 miles from the coast, the Commission’s final report pegs the cost of that proposal at $795 million and states the idea is no longer seen as practical.

If the entire railroad right-of-way of Mississippi is purchased by the State, rail traffic is needed on the road. Obama would have to be rerouted northwest from Mobile to Hattiesburg, into Mississippi, and then southwest into New Orleans and Lake Ponchartrain. The additional distance of this route relocating the CSX railroad is approximately 100 miles. There is currently a railroad that runs from Hattiesburg into Gulfport, but if the CSX right-of-way is surrendered, it would not be possible for a freight train traveling along that line to go from Gulfport to New Orleans.

There are a lot of other things I will not go into. I think the principles that...
No, 2, is it an emergency? I would contend that this is not an emergency, especially on the fact that this has been planned and advocated for years in Mississippi in terms of the development—some for safety. Some will argue the railroad line now has 70-plus crossings. But the statistics on safety are that they are at a 5-year low in terms of injury. For 30 years it has been a changing number. It is not an emergency.

The railroad is vulnerable, where it currently lies, to hurricanes. There is no question about that. But so will a five- to seven-lane highway that is going to be put in its place be vulnerable.

The current budget resolution for 2006 explicitly defines what constitutes an emergency, and it should be noted that all of the following five criteria must be in order for something to be considered an emergency: necessary, essential, and violent; sudden, quickly coming into being and not building up over time; an urgent, pressing, and compelling need requiring immediate action; unforeseen, unpredictable, and unanticipated; and not permanent, temporary in nature.

The proposal to move this railroad does not meet the definition of emergency as defined by the Congress. The permanent removal of a railroad to make way for permanent construction of a highway does not qualify as an emergency either, as well. While the railroad may indeed be vulnerable to hurricanes because of its proximity to the coast, it makes no sense to replace it with a highway that is going to be just as vulnerable in its proximity to the coast.

Despite the vulnerability of the railroad, CSX and its insurers quickly repaired the lines such that it was fully operational within months of its destruction.

There is no desire, I believe, by CSX to move this line, and it would be good business sense if CSX thought it was vulnerable to the point it should make a business decision to move the line interior to the State of Mississippi.

According to Gary Sease, a spokesperson for CSX:

"We rebuilt that line across the gulf coast as quickly as possible because it is a critical artery for us, it serves our purposes. It meets our customers' needs. There is absolutely nothing wrong with it."

Furthermore, at a time when it is important more than ever to have freight quickly and efficiently delivered to and from New Orleans along the gulf coast, it is inadvisable to remove one of the only railroads into New Orleans from the east, one of two, thus forcing the remaining freight over Lake Pontchartrain.

Within the emergency spending bill, the railroad funding is provided through the Rail Line Relocation Capital Grant Program which was created in the 2005 highway bill. That program requires the Secretary of Transportation to analyze the effects of the railroad relocation on motor vehicle, pedestrian traffic, safety, community, quality of life, and area commerce. However, the language providing the money for the railroad is sufficiently prohibitive from making judgments as to the effects of the railroad relocation on safety and traffic. We will hear today that hurricane evacuation is a reason to relocate the railroad so it will relieve congestion along U.S. 90 and allow for a better evacuation route in the potential of future hurricanes. They will also say at the same time that the railroad's current location is too vulnerable to future hurricanes. These claims are mutually exclusive and cannot be both true at the same time.

If the current location is too vulnerable to future damage, it makes no sense to build a brand new highway in exactly the same place. It will be wiped out in the next massive hurricane as well.

Both the railroad and the proposed new east-west thoroughfare are located half a mile from U.S. 90 and the Gulf of Mexico. A major interstate highway, I-10, is located only 3 to 6 miles farther to the north. Given that the railroad was completely destroyed by Katrina at least over a 40-mile section, the argument that a new road in its place would be safe is hard to fathom.

I have great respect for the Senators from Mississippi. They are great advocates for their State. They are accomplished legislators. They are experienced beyond all means in the operations of the Senate and how to accomplish the best goals that they perceive for their State and our country.

I have to say that at some point it has to stop. Americans have to ask the question:

No. 1, is something truly an emergency?

No. 2, is it truly the responsibility of the rest of the country to do an economic development project that was on the drawing table long before Katrina and to use Katrina as the justification to have the rest of us pay for it?

I don't believe that is fair for future generations of this country. I don't think it is fair for the process.

I think you can see in the wording of this bill that the very definition of emergency is not met. I think you can also see very clearly that blocking the Secretary of Transportation from making an evaluation on safety was designed because they may fail that test. It is not to stop. Our children and grandchildren deserve for us to preserve the opportunities we have had. We cannot continue to borrow money from their future standard of living so we can do what we want to do today. The heritage of our country is one of sacrifice in the present generation to create opportunity for the future.

This is a good plan for Mississippi; it is just not a plan that the people of the rest of the country—especially on an emergency basis—ought to be asked to do.

If in fact it is brought back through the proper process and channels and looked at by the full committee and this body feels it should be done in a prudent and thoughtful way, that would be far better than putting it into this bill. Mississippi will win if this happens. But the future of our country loses if this kind of thing continues to happen.

This is called an earmark. It is placed in a bill to benefit one specific area and we spend paying for it. It has legitimate value for the State of Mississippi. It is not an emergency. And it certainly will be paid for through lost opportunities for our kids and our grandkids. Think about what $700 million could do elsewhere. How many classrooms can be rebuilt? How many hospitals to serve the poor and helpless can be made available? How much education can we offer up that will create future opportunities and earnings?

The progress we seek to secure for the future is being limited by our own inability to make the hard decisions that aren't pleasing, aren't fun, but that are necessary to secure that future.

If you assume an interest rate on our debt—which is going to be very soon 6 percent—this $700 million relocation will balloon to more than $4 billion by the time we start paying it off. The net present value of this isn't $700 million, it is $4 billion. That is what your grandchildren will have to pay back for what we are proposing to do today.

I respect a great deal the chairman of the Appropriations Committee. He has a very difficult job. Everybody asks and nobody wants to give when they come to see Chairman Cochran. Everybody has a need. He has the job to find the best way to get a bill out of his committee. This particular project just happens to lie within his home State, and he advised me that his best recommendation would be for me to withdraw the amendment. I understand why. But I cannot in good conscience do that because I think and many are willing to debate on the floor something that is truly not an emergency, and truly even though it will offer great benefits for Mississippi in terms of economic development is not something the rest of us in the country should be paying for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
Mr. AKAKA. 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. COCHRAN. I ask unanimous consent the pending amendment be set aside so the Senator from Hawaii can present to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. I thank the Senator from Mississippi for permitting me to discuss my amendment. I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii (Mr. AKAKA), for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. ORRIN, Mr. DODD, Mrs. LANDRICH, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LUTENBERG, Mr. PYONEN, and Mr. JASON, proposes an amendment numbered 3622.

Mr. AKAKA. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $430,000,000 for the Department of Veteran Affairs for Medical Services for outpatient and inpatient care and treatment for veterans)

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

For an additional amount for “Medical Services” for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veteran Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, $430,000,000 plus reimbursements: Provided, That of the amount hereunder, $160,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder, and related further, That of the amount under this heading, $80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code, as commonly referred to as “Vet Centers”: Provided further, That the amount under this heading $120,000,000 shall be available to meet current and pending care and treatment requirements: Provided further, That the amount under this heading shall remain available until expended: Provided further, That the amount provided under this heading shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concur-
Mrs. MURRAY. Mr. President, I am very proud to be in the Senate today to support the Senator from Hawaii, Senator AKAKA, in offering this amendment, the current pending business regarding adding additional funds for our veterans who have served us so honorably overseas every day in Iraq and Afghanistan.

Mr. MCCAIN. Mr. President, parliamentary inquiry: Can the Senator yield to another Senator?

The PRESIDING OFFICER. He cannot yield, but the Senator can be recognized on her own and she was recognized.

Mrs. MURRAY. Mr. President, every day in Iraq and Afghanistan the men and women of our Armed Forces make us very proud. Last year, I had the honor of visiting our troops in Baghdad and Kuwait. I was personally impressed with their commitment and their professionalism. We in this Senate all agree that we support them and we stand by the mission they are committed to. I believe they have been asked to do.

However, they also deserve our support when they come home, when they come home as veterans. We need to make sure they have the health care they need for their transition assistance. They deserve all the things our country promised them when they signed up to serve us.

Unfortunately, today our country is still falling short of meeting those needs funding that is needed to help them with their transition assistance. They deserve all the things our country promised them when they signed up to serve us.

We need this amendment this year because veterans are still facing tremendous shortages and delays in getting the care they need. Veterans today coming back from Iraq and Afghanistan are able to get an appointment initially with the VA, but then they have to wait up to 6 months for a consultation and another 7 months for surgery. So, as a result, we are seeing veterans today take over a year before they get the care they are seeking at our veteran services. A lot of our veterans coming back from Iraq have to wait 18 months to get their disability claims processed. Imagine returning from Iraq and waiting a year and a half before you get the services you have been promised.

We all have met with veterans who have returned. We know many of them are coming back with severe injuries. Many of them are facing tremendous mental health hurdles. Today, the VA is operating on a bare-bones funding. It is doing more and more with less and less. As the war in Iraq continues, our heavy reliance on the Guard and Reserve has affected the VA and utilization rates in our ability to keep our promises to them for their health care and their services when they return.

Last month, the Secretary of the VA came in front of the MiCon VA Subcommittee and testified that VA OIF and OEF veterans accessing VA care was 38 percent higher than expected halfway through this fiscal year. The VA’s OEF veterans accessing VA care was 38 percent higher than anyone predicted, but the VA has the funds it needs to care for our veterans. I personally can think of no better way to honor those who have made the ultimate sacrifice in Iraq and Afghanistan and their families than by taking care of them when they return.

All Senate Members have met with our veterans, their families and spouses, those who serve them. We know the mental health care of our veterans is not being met today. Recent reports have testified that 30 percent of OIF and OEF veterans are accessing mental health services. That is much higher than anyone predicted.

We need to make sure those mental health care services are available. That is why Senator AKAKA is in the Senate today to offer this amendment to provide the VA with $430 million to enhance readjustment counseling and outreach to returning servicemembers, to shore up the VA’s capacity to provide mental health services to veterans needs. I ask this Senate to join us in addressing the current shortfalls we are facing as the system.

Our amendment simply recognizes that caring for our veterans is and should be part of the ongoing cost of war. The bulk of the VA’s readjustment counseling is provided through our Vet Centers, as many Members know. These are storefront facilities that operate independently of the rest of the VA health care system. That supplemental VA care makes them an invaluable resource in reaching many of our returning servicemembers who today may be wary of the VA system or in very remote locations.

Our amendment provides $80 million for these Vet Centers so they can meet the needs they are seeing today. We know in the budget these Vet Centers have been flattened. Over the years, these centers have provided services to over 2 million veterans. So far this year, these Vet centers have provided services to 70,547 OIF and OEF veterans. And these veteran center services include outreach to our returning servicemembers at their demobilization sites. So they are very critical services, and we need to make sure they are funded.

I mentioned mental health a minute ago. I think we all know that men and women who are returning from Iraq and Afghanistan are suffering serious mental health problems. So our amendment addresses that by providing $168 million toward the implementation of the VA’s own mental health strategic plan. That will help serve our veterans who are suffering from PTSD and other debilitating conditions.

We all know, and as I know from talking to our soldiers in Iraq and Afghanistan, many of these soldiers are facing traumatic injuries when they return. We know the cost of that in returning. We have to make sure they get the services they need for PTSD and other mental health conditions because not only should we provide that for them because they need it but because we need to make sure when they come home they get the help they need so they can remain valuable members of our communities.

Finally, the amendment secures an additional $182 million for the various regions in the country that are once again suffering from shortfalls. Despite all of our work last year, and despite our efforts on the floor last year, evidence has continued to mount that demonstrates there is still a need for supplemental funds. The VA medical centers are still millions of dollars in debt. We need to make sure we provide the dollars within the supplemental to take care of that.

So I am proud to stand with Senator AKAKA as we offer this amendment. I hope every Senator recognizes that part of the cost of war is paying for the care of our men and women when they return home. I can think of no more important promise to keep. I urge all Senators to join us in supporting this critical amendment.

Thank you, Mr. President.

Mr. KERRY. Mr. President, I am proud to be a cosponsor of the Akaka amendment to increase funding for the Department of Veterans Affairs by $430 million dollars.

We are offering this amendment on the emergency legislation composed primarily of war funding for two simple reasons. In the first place, this funding is needed urgently to meet the needs of America’s veterans. Second, caring for America’s veterans is a continuing cost of war.

Sadly, the Department of Veterans Affairs continues to have to tighten its belt to meet the needs of its patients. Last year, after warnings from Democrats, the administration was compelled by the gravity of events to admit a shortage of more than $1 billion for veterans health care. Congress made an emergency supplemental appropriation of the needed dollars, but we know now that the Department is still $182 million short. I don’t believe that the VA should have to squeeze budgets to provide patient care. So this amendment rightfully provides $182 million to cover these needs.

Not all the wounds of war are physical. In July of 2004, the New England Journal of Medicine reported that one in six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or posttraumatic
stress disorder. A more recent study in the Journal of the American Medical Association found that 19.1 percent of returning veterans from Iraq and 11.3 percent of veterans returning from Afghanistan reported mental health problems. We know from historic experience that soldiers will return from war having to navigate a range of emotional issues, regardless of whether they are diagnosed with PTSD.

So this amendment will provide $248 million dollars to fund expanded screening and treatment of posttraumatic stress disorder and other related conditions. It will enable the VA to make use of community-based outpatient clinics for PTSD screening and treatment. It will expand innovative programs that link the work of Vet Centers with National Guard units returning from combat.

We must never forget the veteran— that young American who stood up to be counted when their country needed them, and who returned to us and it is our turn to stand with them. I urge my colleagues to stand up and be counted on this important amendment.

(The request of Mr. REID, the following statement was ordered to be printed in the RECORD)

● Mr. ROGERS. The Senator from Nevada has the floor.

Mr. ROGERS. Mr. President, I want to thank Senator ENSIGN for his amendment to the Akaka amendment which he intends to offer. And I was going to be sure she had that opportunity at this time. I am happy to yield to her for that purpose.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON, Mr. President, do I have the floor?

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the desk. The PRESIDING OFFICER. Will the Senator withhold for a moment? The Chair is corrected. The Senator from Nevada is recognized.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

Mr. ENSIGN. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor. Mr. ENSIGN. Thank you, Mr. President.

MOTION TO RECOMMIT

Mr. President, I want to thank Senators MCCAIN, GRAHAM, DE MINT, SUNUNU, and COBURN for joining me in a motion to commit that I will raise in a minute. I believe the Appropriations Committee needs to go back to the drawing board to come up with a bill that does not exceed the President’s request of $94.5 billion in emergency spending. Mr. COCHRAN, Mr. President, I suggest the absence of a quorum. Mr. ENSIGN. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor. Mr. ENSIGN. Thank you, Mr. President.

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The PRESIDING OFFICER. The Senator from Nevada has the floor. Mr. ENSIGN. Thank you, Mr. President.
We are not taking anything away from the committee's jurisdiction. The motion lets the committee make their decisions but within the top line number that the President called for yesterday.

If the Appropriations Committee wants to fund items in this bill that were not authorized by the President, they can do so. But they must pay for it. They must find offsets. That is what this motion does. We were sent here to make decisions, sometimes hard ones. This motion ensures that this Congress makes tough decisions itself rather than heaping debt on to the backs of our children and grandchildren.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. Ensign) moves to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not exceeding $94.5 billion.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I move to table the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll: Mrs. HUTCHISON. Mr. President, the amendment is on behalf of myself and Senator BURNS. This second-degree amendment basically says that the funds available in the Akaka amendment would only be expended if the President requests of Congress such an emergency continuing spending bill.

I certainly understand that the veterans need to have all of the money that would cover their legitimate health care costs. That is exactly what we have done in the underlying appropriations bills from last year and this year. In fact, the Veterans' Administration, after we put $1.5 billion in emergency spending in the health care account last year, is 4.3 percent below last year's spending level. That is because they now have better modeling for what is forecast to be needed in the medical care-medical service area.

In the mental health area that is covered by the Akaka amendment, there is already $2.8 billion from the 2006 budget which is $386 million over the 2005 level. The 2006 medical care account has $31 billion, and that is $1.1 billion over the 2005 level. We have also added supplemental expenditures over the 2006 budget.

I think the prudent thing for us to do is to only provide money to be made available only if the President and the Veterans' Administration request it, and that is exactly what my amendment does.

I ask for support of the amendment. The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I want the Senator from Texas to know that I do appreciate the changes made by her. I believe it is an approach with which we can all live.

A letter was circulated last year to Senators in which the VA assured Senators “that the VA does not need emergency supplemental funds in FY 2005 to continue to provide the timely quality service that is always our goal. But certainly for the remainder of this year, I do not foresee any challenges that are not solvable within our own management decision capability.”

We know that in the end, however, emergency funds were needed. With this modification in my amendment, I expect the President to come forward expeditiously and will not tolerate forestalling and suppression of the facts. Our men and women are depending on us. We will be watching.

I express my appreciation for the second-degree amendment. Following the adoption of that amendment, I will ask for the yeas and nays on my amendment, as amended by the Senator from Texas.

Mrs. HUTCHISON. Mr. President, let me answer the Senator from Hawaii by saying I commend the President and Secretary Nicholson for coming forward after the letter that had been written during our regular appropriations process and saying they did need extra money. And, Congress stepped right up to the plate. We worked together with the Senator from Hawaii, the Senator from Washington, and my colleague Senator FEINSTEIN to provide that money. We always will do that. We will never skimp on veterans' care and, in fact, it is now acknowledged that it is the best health care system in America.

This money Senator AKAKA has proposed will be available, if needed, if the President asks for it. It will certainly be there. I ask for the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to amendment No. 3647.

The amendment (No. 3647) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CRAIG. Mr. President, let me speak briefly on what we have done and why I suggest we do not need to do it. I have the great privilege of being the chairman of the authorizing Veterans Affairs Committee. The Senator from Texas and I have done the right things to shape the Akaka amendment that calls for, in an emergency spending bill, an emergency of $430 million in this fiscal year, and yet, did you hear what the Senator from Hawaii said? Because of what I demanded last year, because of what she demanded, because of what Senator MURRAY demanded, because of what Senator
AKAKA demanded, we now have a much more accurate accounting system, a quarterly reporting system of the Veterans’ Administration. Right now, based on the money we gave them for the 2006 budget, they are 4.3 percent under their spending levels as projected. What does that mean? It means that over $600 million they thought they would spend they are now not spending. So where is the emergency? It doesn’t exist. Why are we doing this? How can you spend more in a program in the last half of the year than the whole program was designed to spend in 12 months? And yet in three of the four programs that the Akaka amendment deals with, it does just that. It doesn’t make any sense. Well, any fiscal sense. It may make political sense. But the reality is this is simply wrong. In the 2007 budget, we increased their spending. It is the largest increase in a single department spending than any of our Government. Why? Because Congress—Democrats and Republicans—are phenomelally sensitive to the needs of our veterans, and I am extremely proud of that.

In no way do I suggest that the Senator from Hawaii is less sensitive. It is why he is on the floor and cares deeply about our veterans and our veterans’ needs, and we work closely together. But I must tell my colleagues, how can we increase budgets halfway through the year by 75 or 80 percent and spend them wisely, responsibly? We cannot.

This money, if it were allocated, will not get spent. That is why the Senator from Texas, who is the chairman of the Appropriations Subcommittee on VA, said only if an emergency occurs.

Right now there is almost $600 million in unspent money that was designated for the timeframe, and there is a $30 million contingency fund already built into the VA, and we know that. That is a fact. It was operated that way. Do the numbers, folks.

If there were an emergency, we have over $1 billion worth of resources to assure that our veterans have what they need.

I will argue all the time for our veterans, but I do believe our veterans expect us to be fiscally responsible, along with meeting their needs. I cannot imagine that there is a veteran out there today who would suggest that in most cases we are not meeting their needs. We brought one of the finest health care systems in the world to the forefront again. We have expended phenomenal amounts of money on it. And this year, the VA budget is bigger than any other budget in our Federal Government, including Defense during wartime. I am talking about rates of increase, not total dollars.

Those are the realities with which we are dealing. I don’t mind standing up and talking about it. Why? Because I can go home to my veterans and say these have been fair and we have been responsible, and I am not willing to listen to the VSOs that ‘you gotta, gotta spend more.’ Is there a limit to how much we should spend? No, there isn’t, apparently.

I hope in the end, even though it has been effectively shaped so it won’t get spent and it won’t get spent because it isn’t needed, that the President, as he should, and the Secretary of the Veterans’ Administration, as he should, will have the opportunity to declare an emergency if it happens and this Congress will know it now because of what we in a bipartisan way did to make sure that what happened a year ago never happens again. We are now reported to quarterly for the first time in the history of the VA. By the last report, they are 4.3 percent under their spending proposal and that $600 million—do the numbers, folks. At a time of major deficits in this country, we are going to spend more of this kind of money? No, we are just going to put it on the books now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that Senator DURBIN be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask for the yeas and nays on my amendment, as amended.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Is there further debate? If not, the question is on agreeing to the amendment No. 3642, as amended. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote ‘yea.’

The result was announced—yeas 84, nays 13, as follows:

[Roll Call Vote No. 98 Leg.]
be appropriated under the Rail Line Relocation and Improvement Program. I was a long time champion of the legislation to create this program, and last year Congress finally passed it. This program was designed to alleviate the adverse effects of rail traffic on public safety and on communities. Now that funds are available for projects that can save lives, such as this one in Mississippi, the program should be utilized.

Many have asked why this qualifies as an emergency project when the rail lines have already been rebuilt. They are oblivious to the fact that this strategic railroad—actually spans the length of a million between California and Florida, handling vital cargo.

The simple answer is that this project is needed to prevent future emergencies. There was no way that CSX could get money from the Federal Government to relocate the line. This project will not be completed until 2008 at the very earliest. Therefore, there was never serious consideration given to not rebuilding the line. The urgency to rebuild for relocations for the benefit of customers along the corridor was paramount. That is why CSX spent private dollars to rebuild the line as quickly as possible. To be clear, no Federal money has been spent to repair the existing line, as press reports lead you to believe.

It ultimately took CSX 143 days to get the line back in condition to serve customers. Six major bridges and 40 miles of track had to be rebuilt or repaired. During that time hundreds of businesses were without service, 300 CSX employees were affected. Millions of citizens, and numerous seaports depend on this critical rail artery for freight and passenger services. The Gulf coast corridor serves as the Southeast’s primary gateway for freight being shipped to the western United States. Even with the new construction and rebuilt infrastructure, this line would still be significantly damaged in another storm given the proximity to the storm surge.

It is also important to mention, there are significant national security and energy security benefits to moving the current line away from the Nation’s highest density of defense—for example, Ingalls, Keesler, Coast Guard, CBC Gulfport, CRTC Gulfport, Stennis Space Center Federal Reserves, and energy—for example, Chevron refinery, fuel transfer pipelines—infrastructure.

The fact is this is not solely a Mississippi project. Remember, the CSX line runs form Jacksonville, FL, to the Port of Savannah before crossing on to Los Angeles. The Federal investment required to relocate the line will benefit Georgia, Alabama, Mississippi, and Louisiana by upgrading tracks within those states. Factually, this is a Southeast United States project, not a Mississippi project.

Our State has not asked for anything that is unreasonable or that the people in this devastated region do not deserve. Mr. President, I know the hour is getting late and Senators have commitments. This is an issue which I feel very strongly about. It is one we have to address to solve the problems which have been created by the CSX transportation rail line across the Mississippi gulf coast. I thank Senator COCHRAN, the chairman of the Appropriations Committee, for taking the initiative to address this issue. I would like to correct several misunderstandings. First, this would provide the funds to relocate the railroad track from right along the coastline, including crossing significant bodies of water in three different places, and it would then be relocated to an area north of there, connecting several railroad tracks. It would run like this, to New Orleans, instead of all the way along the gulf coast. Keep in mind, this is a major corridor that runs from Jacksonville, Florida, all the way to California. This issue needs to be addressed.

Senator COCHRAN and I and our Governor and our officials in Mississippi have tried to be restrained and responsible and reasonable to the best of our abilities. We have made this Congress has been very helpful, the Senate has been very helpful to meet a lot of our needs, but we need to come to terms with this issue. That is why Senator COCHRAN and I and our Governor and our officials in Mississippi have chosen to put it in the supplemental.

Let me make sure you understand that this is Katrina related, No. 1. Some people will say: Look, the old railroad tracks were rebuilt after Hurricane Katrina at the cost of $250 million. But it was not one nickel of Federal dollars in it. It was done by the railroad company and was done with insurance money, because this is a major thoroughfare that serves a lot of communities. This has to get back in business. If we make this move, it will be 2008 at the earliest before it can possibly happen. I wanted that corrected.

There has been some suggestion that it relates to the gaming industry along the gulf coast. It does not, not at all. In fact, they would probably like for it to stay in this area, which forces traffic along Highway 90, along this coastline, instead of moving it off of the coast. By moving, then, the highway which runs right along the coast, it relocates that traffic out of the way of the gaming area. So there is no connection there.

Why do we need this? Let me make it real clear. There are several very good reasons. No. 1, it is exposed. It does run right along the water and has been blown out several times in the past three times. It is there because it has been there for a hundred-and-something years.

This shows what happens every time we have a major blow. This is the track. It is built in marshland, not sand. It cannot stand. It will not stand. So we are going to have to do this repeatedly.

This shows the strength of the hurricane. This is a railroad bridge. Look at how the railroad track is actually bent. This is going to be repeated. It causes economic dislocation. They shut down for 134 days just after this hurricane. That is the timeline.

The second thing is, it is a major thoroughfare. We do not have evacuation capability with the current location, where it is now. We do not have east-west rails where people can get to the north-south lines. We just do not have room enough to do that. We will take a railroad bed and turn that into a five- or six-lane road across the major county that is involved, Harrison County, MS.

It is also about safety. People are killed and injured here every year. On this chart, the circles show deaths and injuries that have occurred. I will just give you the numbers we are talking about. Over a period of 10 years, there have been 147 accidents along this track. There have been 40 people killed in the last 10 years. There are 185 highway and rail crossings that are involved here.

Some people say you should do it through the authorization process. This has been done. Last year, as part of the highway bill, we passed for the first time the National Rail Relocation Act. This sort of thing needs to be done in a lot of places in America, from State to State. We have an authorization, we can do it. This provides the funds through the authorization. But this is about hurricanes, it is about evacuation, it is about safety, and it is about getting track out right along the coastline and moving it north so we do not have this repeated problem.

I ask my colleagues to look at it seriously. There are also going to be some 18 amendments to follow that will knock out various and sundry things in this legislation. That is one of the reasons. This is an important part of the Katrina recovery. We are still going to be able to get into New Orleans with the trackage coming north and move that transportation traffic on farther to the west coast. But I just wanted to rise and speak briefly in support of what is in the bill and against the motion to strike.

I thank Senator COCHRAN for his leadership in providing this opportunity.

Mr. COCHRAN. Mr. President, the Senator has very ably explained the challenge that is faced to restore and rebuild and recover in terms of transportation assets on the Mississippi coast, but this applies and will have an effect across the breadth of the area of the gulf coast, so it is compartmental, including Louisiana, Mississippi, as well as Alabama.

Somewhere cavalierly noted the other day that this is like the bridge to nowhere—this is the railroad to nowhere. It is a transportation corridor that links New Orleans; Bay St. Louis, MS; Pass Christian; Gulfport, MS; Biloxi, MS; Pascagoula, MS; Mobile, AL, and
The PRESIDING OFFICER. The Senator from Oklahoma should be informed that the motion to table is not debatable. Is the Senator seeking consent to debate?

Mr. COBURN. I ask unanimous consent to answer the questions raised in the debate by the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I never asked any questions. The Senator from Mississippi has asked a question. I would like to have an opportunity to describe his amendment. He did that earlier in the day. He used information that I presume he will present all over again. I don’t have any objection to his proceeding, but I don’t want him to talk too long. We have Members who are waiting to vote. They have read comments in the paper and the debate that has been carried throughout the press for the last 2 weeks while the Senate wasn’t in session. I think the Senate has heard enough about it and is ready to vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Mr. COBURN. Mr. President, I will do this quickly.

First of all, what is the definition of “emergency” by our own budget rules? Necessary, essential, vital, suddenly, quickly coming into being, not building over time, urgent, pressing, compelling need, requiring immediate action, unpredictable, and unanticipated, not permanent, temporary in nature.

That is the first point I would make.

The second point is the committee’s own report:

Even prior to Katrina, Presidents, business leaders and local and State officials seriously considered relocating the rail line from its present location to alleviate burgeoning traffic which continually worsened as the region’s tourism industry grew.

This is $700 million. It is a great project for Mississippi. I agree. It is probably something that should be done. The question is, Is it an emergency and should everybody else in this country pay for it?

I could go into all the details. I will not do it in deference to the chairman’s request that I be brief.

But Mississippi people have spoken. This was planned long before this hurricane. We are going to replace this rail line with Federal money which is going to come in and build a new road, that is going to be susceptible to the same hurricane damage. We have to figure out how we should go through a regular process.

The final point I would make is the committee report eliminates the ability of the Department of Transportation to say whether it is a safety issue. They specifically take it out so we can’t go through a regular process.

The PRESIDING OFFICER. The motion to table the amendment has been made by the Senator from Mississippi. The question before the Senate is the motion to table the amendment. The Senator from Mississippi may offer a motion in lieu of the motion to table.

Mr. COBURN. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Louisiana is recognized.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Louisiana is recognized.
Mr. VITTER. Mr. President, I seek recognition to ask unanimous consent to lay aside the pending amendments so that I may call up four rather minor amendments, outline them very briefly, and basically put them in order for consideration on the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I object only because we have not seen the amendment. If we can see it fairly quickly, then I am sure we can proceed with it. So I would just call for a quorum.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana retains the floor.

Mr. VITTER. Mr. President, I will be happy to send copies over to the Senator. I will resume consideration in a few minutes when she has a time to peruse them, it is so ordered.

The PRESIDING OFFICER. Will the Senator suggest the absence of a quorum?

Mr. VITTER. In the meantime, 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. VITTER. 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. VITTER. Thank you, Mr. President. Again, I rise seeking consideration of the following specific amendments. All of them are hurricane related very directly, and none of them add to the cost of the bill.

AMENDMENT NO. 3627

Mr. President, the first amendment I call up and ask for its consideration is amendment No. 3627, which has been filed at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. VITTER) proposes an amendment numbered 3627.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for those specific areas.)

The idea has been fully vetted in the committee of jurisdiction, the Small Business Committee, on which I serve. It was an important element of a larger small business package that was reported out of the committee to the floor by the full Senate. However, because of other unrelated matters in that bill package, that overall package has some objection and has not passed through the Senate. So I simply chose to remove out of the full package these narrower HUBZone provisions to include in the supplemental bill.

I would also note that the leadership of the Small Business Committee supports this move in terms of this legislation and has no objection to the amendment.

The PRESIDING OFFICER. Who seeks recognition? Is there further debate on the amendment?

AMENDMENT NO. 3626

Mr. VITTER. Mr. President, I now call up amendment No. 3626 and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages, and for other purposes)

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES S3632. (a) In this section the term "covered funds" means any funds that (1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and (2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

Mr. VITTER. Mr. President, this amendment has to do with the Community Disaster Loan Program. That is a preexisting program that existed well before these hurricane events that in particular situations loans money to communities in dire straits that have major disasters and therefore revenue problems.

Obviously, in this hurricane, there are many communities in that situation—the city of New Orleans, St. Bernard Parish, and others. The community disaster loan program has been utilized to help them through this very difficult time. Already in the supplemental appropriations bill is $300 million for this program, additional dollars to use in the disaster area. My amendment would simply tweak certain language that would say rather than the upper limit of a jurisdiction, which jurisdiction is subject to be able to borrow being 25 percent of its annual budget, raising that upper limit to 50 percent, so it would change language. It would not add money to the bill. The appropriations and the money are already in the bill. This is very important for the hardest hit communities, such as St. Bernard Parish, such as the city of New Orleans, because they have virtually no revenue for the foreseeable future. This is absolutely necessary to help them through these very difficult times for the next several months.

AMENDMENT NO. 3628

Mr. VITTER. With that, Mr. President, I call up amendment No. 3628.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. VITTER) proposes an amendment numbered 3628.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages, and for other purposes)

On page 254, insert between lines 19 and 20, the following:

SEC. 3632. (a) In this section the term "covered funds" means funds that (1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and (2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.
Mr. VITTER. Mr. President, this amendment is language only. It does not add dollars or cost to the bill. It is important language to make sure that all of our activity and all of our spending in the disaster area goes to important needs. This language would forbid the administration to disburse funds from the disaster area and leave it to the administration to disburse those funds between the various localities and States affected. This language would simply say that when you do that, the administration has to think about a fair formula that is based on actual objective criteria that is based on actual objective need or statistics that make sense and then would have to publish that formula with regard to the specific funds we are talking about several days in advance of the money being disbursed. This would make sure that the money is used appropriately in the disaster area and is not allocated in an arbitrary or purely political way. That explains this amendment. Again, it is language. It does not add any additional cost to the bill.

AMENDMENT NO. 3648

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3648 which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3648.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance to damaged fishery vessels in Hurricanes Katrina and Rita)

On Page 139, line 8, after “do” and the following: “—replace or,” Omit “—and,” insert after “do” the following: “—vessels.”

On Page 140, line 22, after “repairing” add “vessels and”

Mr. VITTER. Mr. President, this has to do with the fisheries component of the bill. Thanks to the leadership of the chairman of the committee, the fisheries component was included in this supplemental appropriations bill because the fisheries industry was truly devastated along the gulf coast. Before this general fisheries provision was added, I believe this is the first instance in U.S. history where an administration has made a declaration regarding fisheries losses but has not followed that declaration of loss with a request for funds.

The chairman’s committee action would, in general sense, remedy that. My amendment No. 3648 would tweak the language—again, not add or increase any dollars—so that that money could be used in part for the repairing of vessels in situations where those repair costs go beyond insurance proceeds available and other available funds.

This is a very large component of the need that exists in the fisheries gulf coast. Passing this fisheries aid package without making any of that money available under the proper circumstances for repairing vessels would leave a huge hole in our attempt to get that industry up and running once again.

To reiterate, this is language that would not change or increase the spending level of the bill. I have explained my four pending amendments. I look forward to any further discussion on them as well as votes, hopefully tomorrow.

I yield the floor.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum. The distinguished Senator from Kentucky is on his way. He wishes to present wrap-up, and then I have an amendment to offer.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. WYDEN. Reserving the right to object—and I have no intention to object—my understanding was that I was going to be able to offer an amendment to the bill. I want to make sure that that amendment will be able to go first prior to morning business.

Mr. MCCONNELL. My friend from Oregon that all I am doing is putting wrap-up, after which the Senator from Oregon will be recognized to offer his amendment.

Mr. WYDEN. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING DR. DWAIN PRESTON

Mr. DURBIN. Mr. President, I rise today to honor an outstanding Illinoisan, Dr. Dwain “Doc” Preston, one of our State’s finest educators, and congratulate him on his upcoming retirement.

Doc Preston began his teaching career in 1961, after serving in the Air Force, at Quincy Junior High School in Quincy, IL. Since then, he has taught high school and college students in a variety of fields including American history, English, and speech.

Doc Preston is retiring from his position at Quincy Notre Dame High School, QND, where he has educated and inspired his students for more than 25 years. He has also taught at the University of Illinois in Urbana-Champaign, Western Illinois University in Macomb, and John Wood Community College in Quincy. Doc has taught his four daughters—Carolyn, Cheryl, Mary, and Teresa—and 11 grandchildren. He has shown his devotion to his family by writing poems and books to mark the births and birthdays of his grandchildren as well as the weddings and birthdays of his daughters and wife.

Mr. President, I congratulate Dr. Dwain Preston on his many accomplishments throughout his long and distinguished career. I am sure his retirement will give him more time to spend with his family, write, and cheer on the St. Louis Cardinals.

I thank him for his service and wish him all the best.

EQUAL PAY DAY

Mr. KENNEDY. Mr. President, today, is Equal Pay Day, which means that 115 days into 2006, an average American woman will finally have earned enough in 2005 and 2006 together to equal what a man doing similar work earned by the end of 2005. Equal Pay Day is a sad reminder that gender discrimination is still very much a part of our country.

In America today, women earn only 77 cents for every dollar earned by men. African-American women earn just 68 percent of the average earnings of African-American men. Latinas earn only 57 percent of what a man doing similar work earned by the end of 2005. Asian-American women earn 88 cents for every dollar earned by Asian-American men.

Doc has served as a mentor and role model to so many students. He has been active in his community. He is a sage political observer and adviser, whether helping students on the Quincy Notre Dame Student Council or lending a hand in writing announcement speeches for candidates.

Doc is supported in all his endeavors by his wonderful wife, Regina, also a QND faculty member, and their 4 daughters—Carolyn, Cheryl, Mary, and Teresa—and 11 grandchildren. He has shown his devotion to his family by writing poems and books to mark the births and birthdays of his grandchildren as well as the weddings and birthdays of his daughters and wife.

Mr. President, I congratulate Dr. Dwain Preston on his many accomplishments throughout his long and distinguished career. I am sure his retirement will give him more time to spend with his family, write, and cheer on the St. Louis Cardinals.

I thank him for his service and wish him all the best.
This is not a problem just for poor women or rich women; it cuts across all occupations. There are even wage gaps in the operating room. The average male physician or surgeon makes $52,000 more a year than the average female physician. In the boardroom, the average male CEO makes $35,000 more a year than his female counterpart.

There are wage gaps in the classroom. The average male teaching assistant earns $5,000 more a year than the average female. In the dining room, the average male cook makes $2,000 more than his female counterpart.

The problem is not getting better. This year’s wage gap of 23 cents is the same gap that existed in 2002. Since 1963, when the Equal Pay Act was passed, the wage gap has narrowed by less than half of a penny a year.

The wage gap is caused in part by how society deals with the realities of working women’s lives, such as time out from the workforce to have children and care for family members. Among working women, nearly two-thirds do not receive paid maternity leave when they give birth; a quarter have to quit their jobs to care for their children, and doing so permanently lowers their future earning potential. It is wrong to dismiss the pay gap as a consequence of women’s choosing to take time out of the workforce. Women do not willingly choose to forego fair pay in order to have children and care for elderly parents, nor should they.

More important, we cannot blame the pay gap exclusively on women’s predominant role in childcare. The evidence shows that actual gender discrimination also accounts for the disparity between men and women’s pay.

In 2004, the Census Bureau concluded that the substantial gap in earnings between men and women could not completely be explained by differences in education, tenure in the workforce, or occupation. Similarly, a recent General Accounting Office report concluded that the difference in men and women’s working patterns does not explain the entire disparity in their wages. Discrimination plays a role as well, and we need to combat it with Federal legislation to close the gap. Congress needs to act.

I strongly support Senator CLINTON’s Paycheck Fairness Act and Senator HARKIN’s Fair Pay Act to prevent and remedy gender pay discrimination. It is appalling and unacceptable that such discrimination still exists in America. The issue is simple fairness. I urge my colleagues to stand up for working women and end wage discrimination by passing the Paycheck Fairness Act and the Fair Pay Act.

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I submit amended rules of the Committee on Environment and Public Works and ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

(1)
2

RULES OF PROCEDURE

Rule 1. Committee Meetings in General

(a) Regular Meeting Days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional Meetings: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding Officer:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open Meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

Rule 2. Quorums

(a) Business Meetings: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving
a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

1. A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

2. Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

3. The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

4. Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.
RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) **NOTICE:** The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) **AMENDMENTS:** First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) **MODIFICATIONS:** The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) **PROXY VOTING:**

   (1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

   (2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

   (3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) **SUBSEQUENT VOTING:** Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) **PUBLIC ANNOUNCEMENT:**

   (1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

   (2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) **REGULARLY ESTABLISHED SUBCOMMITTEES:** The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate Change, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund and Waste Management.

(b) **MEMBERSHIP:** The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.
RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age.
RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.
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STANDING RULES OF THE SENATE

RULE XVII

REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE; REPORTS OF COMMITTEES; AND HEARINGS AVAILABLE

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

2. A motion simply to refer shall not be open to amendment, except to add instructions.

3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(b) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

(c) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

(d) Any motion under this paragraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

(e) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation.

4. (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of order shall lie with respect to that measure on the ground that
hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI.

5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph (1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and (2) shall not apply to (A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and (B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

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RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional
meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

(c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any sub-
committee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.
(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such an-
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ouncement shall include a tabulation of the votes cast in favor of
and the votes cast in opposition to each such measure and amend-
ment by each member of the committee who was present at that
meeting.

(c) Whenever any committee by rollcall vote reports any measure
or matter, the report of the committee upon such measure or mat-
ter shall include a tabulation of the votes cast by each member of
the committee in favor of and in opposition to such measure or
matter. Nothing contained in this subparagraph shall abrogate the
power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the
reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser
number as a quorum for any action other than the reporting
of a measure or matter.

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application,
administration, and execution of the laws enacted by the Con-
gress, and

(2) its formulation, consideration, and enactment of such
modifications of or changes in those laws, and of such addi-
tional legislation, as may be necessary or appropriate,

each standing committee (except the Committees on Appropriations
and the Budget), shall review and study, on a continuing basis the
application, administration, and execution of those laws, or parts of
laws, the subject matter of which is within the legislative jurisdi-
cion of that committee. Such committees may carry out the re-
quired analysis, appraisal, and evaluation themselves, or by con-
tact, or may require a Government agency to do so and furnish a
report thereon to the Senate. Such committees may rely on such
techniques as pilot testing, analysis of costs in comparison with
benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall sub-
mit, not later than March 31, to the Senate, a report on the activi-
ties of that committee under this paragraph during the Congress
ending at noon on January 3 of such year.

9. (a) Except as provided in subparagraph (b), each committee
shall report one authorization resolution each year authorizing the
committee to make expenditures out of the contingent fund of the
Senate to defray its expenses, including the compensation of mem-
bers of its staff and agency contributions related to such compen-
sation, during the period beginning on March 1 of such year and end-
ing on the last day of February of the following year. Such annual
authorization resolution shall be reported not later than January
31 of each year, except that, whenever the designation of members
of standing committees of the Senate occurs during the first session
of a Congress at a date later than January 20, such resolution may
be reported at any time within thirty days after the date on which
the designation of such members is completed. After the annual au-
thorization resolution of a committee for a year has been agreed to,
such committee may procure authorization to make additional ex-
penditures out of the contingent fund of the Senate during that
year only by reporting a supplemental authorization resolution.
Each supplemental authorization resolution reported by a com-
mittee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may

(1) direct each committee to report an authorization resolution for a two-year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one-year or two-year budget period.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

(c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental,
minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a re-
port thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.
THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, on Monday we observed the 91st anniversary of the Armenian genocide. On April 24, 1915, the Turkish Ottoman Empire began a coordinated campaign of deportation, expropriation, torture, starvation, and massacre which lasted 9 long years and left an estimated 1.5 million Armenians dead. The violence forced an additional 500,000 people to leave their homeland and live in exile.

The Armenian genocide is a shameful period in world history that highlights the consequences of inaction in the face of violent persecution. It is a tragedy which could have and should have been prevented by the intervention of all nations who value freedom and peace. A retired Theodore Roosevelt wrote in 1918, ‘The Armenian horror is an accomplished fact. Its occurrence was largely due to the policy of pacifism this nation has followed for the last four years.’ Roosevelt argued for U.S. involvement ‘because the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it; because the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense’.

It is important to make clear that the annual remembrance of the Armenian genocide is not a condemnation of our NATO partner, the present day Republic of Turkey. Indeed, it was the founder of the Republic, Mustafa Kemal Ataturk, who ended the Ottoman domination. Instead, the annual remembrance of the Armenian genocide presents us with an opportunity to honor the memory of those who were lost and re-dedicate ourselves to working with our allies, including Turkey, to prevent any occurrences of persecution and genocide around the world.

Unfortunately, we know too well that the Armenian genocide was the first, but not the only genocide of the 20th century, and millions more perished as additional genocides were perpetrated against innocent minorities in Europe, Africa, and Asia. In remembering the victims of past genocides, we must now turn our efforts to ending the first genocide of the 21st century in the Darfur region of Sudan.

Only by remembering the loss of family and loved ones and by working to alleviate the current suffering of others can we truly honor the victims of the Armenian genocide. That is the goal of the 91st anniversary remembrance of the Armenian genocide.

EARTH DAY 2006

Mr. FEINGOLD. Mr. President, this past weekend we celebrated Earth Day. That celebration began in 1970 by a great American leader whose U.S. Senate seat I hold today, provides us the chance to reflect on our environmental past, take stock of our present environmental situation, and formulate a vision for our environmental future.

We have much to be proud of in our past, especially the bipartisan initiatives that have emerged in the 1970s, including the Clean Air Act, the Endangered Species Act, and the Clean Water Act. Unfortunately, our present environmental circumstances show we have a lot of work to do. Mercury pollution contaminates our waterways and threatens the health of our citizens, increased greenhouse gas emissions feed global climate change, and the majestic Great Lakes, a natural resource of particular interest to me and my fellow Wisconsinites, face such threats as invasive species and loss of wetlands. It is the future, though, that I urge Americans from all walks of life and from all across the country to focus on as they celebrate Earth Day this year.

Quite frankly, over the next few years we will face major decisions that will shape our relationship to our natural resources. We can make decisions that demonstrate we want a future that recognizes that when we disrespect and dishonor the planet, we, in fact, disrespect and dishonor ourselves, or by failing to act or by making short-sighted choices, we can turn our backs on our responsibility to pass on to future generations a vibrant and living planet.

Despite what is at stake, there is reason for hope. One of the most pressing challenges we face is that of making a commitment—both individually and collectively—to adopting sustainable energy habits that will serve the country for years to come. Our Nation, throughout its history, has faced challenges that we have overcome based on our ingenuity and our unwillingness to fail. It is this attitude that must be embraced today as we look to our energy future.

We must challenge ourselves to adopt a new energy vision for the 21st century. This new vision involves moving away from our dependence on oil, a source of energy that puts our environment, our national security, and our economy at risk. We all know that the burning fossil fuels, like oil, emits tremendous amounts of greenhouse gases into our atmosphere and that these gases fuel global warming. We all also know that global climate change is a problem plagued by a lack of leadership by the current administration and by its allies in Congress. Getting real about global warming—which must happen soon—will require a commitment to reducing our dependence on oil as opposed to continually fighting about opening up pristine areas, including the Arctic National Wildlife Refuge, for oil drilling. Reducing our dependence on oil will also make us more secure and less dependent on countries that do not have our best interest at heart.

We can make progress in reducing our dependence on oil only if we also decide to use renewable sources of energy. While the Federal Government has failed to take bold action, Americans are forging ahead, actually leading the way. For example, students at universities are holding competitions to reduce energy use, and nearly 200 cities and states are part of a nationwide movement to reduce greenhouse emissions in their cities to 7 percent below 1990 levels by 2012.

But more must be done, and Americans must demand accountability and leadership from their Federal elected officials.

So as we come together on Earth Day 2006, let’s make a commitment to each other and to future generations to rise to the challenge of securing a new energy future for our country, for this is not only one of the most important environmental commitments we can make to each other, but it is also a decision about our national security and our economy. Let’s work toward an environmental future that our children’s children will, years from now, reflect upon as a turning point in our history, a time during which we came together and worked for the best interest of humanity, across the globe.

ADDITIONAL STATEMENTS

HONORING ARMY LIEUTENANT JEROME N. SHAPIRO

Mr. LEVIN. Mr. President, this week, as we observe Holocaust Remembrance Day, Yom Hashoah, I would like to take a moment to recognize Stephanie Mellen of Troy, MI, for her tireless and enduring efforts to honor the memory of her father and her work toward ensuring that the horrific events of the Holocaust will never be forgotten.

On May 7, 1945, Ms. Mellen’s father, 1Lt Jerome N. Shapiro, led the team that captured Air Marshal Hermann Goering, the de facto leader of Nazi Germany following Adolf Hitler’s suicide. Eighty miles behind enemy lines in Austria, Lieutenant Shapiro and three others caught Goering and his entourage of 78 people. Goering calmly surrendered his weapon to Lieutenant Shapiro, a Jewish American, and was held under Lieutenant Shapiro’s command at Fischhorn Castle in Zell Am See, Austria, until he was transferred to a special headquarters 2 days later. Hermann Goering was the principal defendant at the Nuremberg Trials the following year, and Lieutenant Shapiro continued as part of his guard detail during the trials.

Lieutenant Shapiro was hesitant to talk about his role in Goering’s capture, but Stephanie Mellen began to...
understand the importance of his story even as a young girl. She saw the gun that her father was carrying when Goering surrendered and recalls using Goering’s field typewriter to type her school assignments. Stephanie was 13 years old when she saw her father name Goering in the headlines of her father’s trial. She saw his “guilt” in her television documentary. These memories helped her to understand and appreciate what her father accomplished.

Lieutenant Shapiro passed away on April 4, 1948, but his legacy lives on through the committed actions of his daughter. Stephanie Mollen has spent countless hours writing and speaking to educate people on the importance of what her father did to bring Hermann Goering to justice. She shares her father’s story to honor the courage and resolve of Lieutenant Shapiro and all those members of America’s “greatest generation” who fought and defeated the Axis Powers in one of humanity’s most critical moments. But most of all, she shares the story of her father to remind all of us that the cause of universal human freedom and dignity is our own.

NOTIFICATION OF AN EXECUTIVE ORDER BLOCKING PROPERTY OF ADDITIONAL PERSONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq., IEEPA), I hereby report that I have issued an Executive Order blocking property of persons in connection with the terrorist act in Beirut, Lebanon, on February 14, 2005, that resulted in the assassination of former Prime Minister Rafiq Hariri and the deaths of 22 others, and other bombings or assassination attempts in Lebanon since October 1, 2004, that are related to Hariri’s assassination or that implicate the Government of Syria or its officers or agents, and pursuant to Executive Order 13338 of May 11, 2004, concerning certain actions of the Government of Syria. In Executive Order 13338, I determined that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction, and undermining United States and international efforts in Iraq constituted an unusual and extraordinary threat to the national security and foreign policy, and economy of the United States, and declared a national emergency to deal with that threat.

The United Nations Security Council, in Resolution 1595 of April 7, 2005, established the international independent investigation Commission (the “Commission”), reiterated its call for the strict respect of the sovereignty of Lebanon and the arrangements made in the UNDOF condominium, determined to have materially assisted, sponsored, or provided financial, material, or technological support for, the terrorist acts carried out in Lebanon since February 14, 2005, terrorist bombing that killed Lebanese Prime Minister Rafiq Hariri and 22 others that Commission’s charter included identifying the bombing perpetrators, specialized supporters, and accomplices. United Nations Security Council Resolution (UNSCR) 1636 of October 31, 2005, called upon all States to provide necessary assistance to the Commission concerning its investigation into the February 14, 2005, terrorist bombing and to freeze the assets of those persons designated by the Commission or the Government of Lebanon as suspected of involvement in this terrorist act, upon notification of such designation, determined to have materially assisted, sponsored, or provided financial, material, or technological support for, the terrorist acts carried out in Lebanon since October 1, 2004.

In view of UNSCR 1636, my new order takes additional steps with respect to the national emergency declared in Executive Order 13338 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be, or to have been, involved in the planning, sponsoring, organizing, or perpetrating of the terrorist act on February 14, 2005, that resulted in the assassination of former Prime Minister Rafiq Hariri and the deaths of 22 others, or any other bombing, assassination, or assassination attempt in Lebanon since October 1, 2004, that is related to Hariri’s assassination or that implicates the Government of Syria or its officers and agents, or to have obstructed or otherwise impeded the work of the Commission. The order further authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any such terrorist act, bombings, or assassination attempts, or any person designated pursuant to this order, or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person designated pursuant to this order. I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as amended (22 U.S.C. 287c), as may be necessary to carry out the purposes of my order. This order is effective at 12:01 a.m. eastern daylight time on April 26, 2006.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, April 26, 2006.

MESSAGE FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4708. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside the service area of the City of Austin Water and Wastewater Utility, Texas.

H.R. 4698. An act to extend its technical assistance to Lebanon with regard to its national infrastructure and security.

H.R. 4697. An act to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4696. An act to authorize United States participation in, and appropriations for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.


The message also announced that the House has passed the following bill and joint resolution, without amendment:


S.J. Res. 28. An act approving the location of the commemoratives, as shown on the flag of the District of Columbia honoring former President Dwight D. Eisenhower.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2341. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside the service area of the City of Austin Water and Wastewater Utility, Texas; to the Committee on Energy and Natural Resources.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records; to the Committee on the Judiciary.

H.R. 4716. An act to authorize United States participation in, and appropriations for, the"
for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund; to the Committee on Foreign Relations.

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-6454. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operations (including 10 regulations)” (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6455. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Security Zone; High Capacity Passenger Vessels and Alaska Fishermen’s Highway System Vessels in Alaska” (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6456. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations for Marine Events: Severn River, College Creek, Weems Creek, and Carr Creek, Annapolis, MD” (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6457. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations for Marine Events: 2006 San Francisco Giants’ Opening Night Fireworks Display, San Francisco Bay, CA” (RIN 1625-AZ16) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6458. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Rates for Pilotage at Lakes” (RIN 1625-AA48) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6459. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operation Regulation (including 3 regulations)” (RIN 1625-AA09) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6460. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “National Oceanic and Atmospheric Administration (NOAA) on Towing Vessels”; to the Committee on Commerce, Science, and Transportation.

EC-6461. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations (including 7 regulations)” (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6462. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Security Zones (including 25 regulations)” (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6463. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones (including 25 regulations)” (RIN 1625-AA00) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6464. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2005 of the Department’s Bureau of Industry and Security (BIS); to the Committee on Commerce, Science, and Transportation.

EC-6465. A communication from the Administrator, National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, NASA’s FAIR Act 2005 Commercial Activities Inventory, FAIR Act 2005 Inherently Governmental Inventory, and a report entitled “Annual Commercial Activity Regulation Summary”, to the Committee on Commerce, Science, and Transportation.

EC-6466. A communication from the Assistant Secretary for Legislative and Intergovernmental Affairs, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the Annual Report Fiscal Year 2005 of the United States Coast Guard; and report entitled “Report on Demonstration Project: Implementing the Crew Endurance Management System (CEMS) on Towing Vessels”; to the Committee on Commerce, Science, and Transportation.

EC-6467. A communication from the Secretary of Transportation, transmitting, pursuant to law, the DOT’s Report on Management Decisions and Final Actions on Office of Inspector General’s Recommendations for the period ending September 30, 2005; to the Committee on Commerce, Science, and Transportation.


EC-6469. A communication from the Chair, Board of Directors, Internal Revenue Service, transmitting, pursuant to law, the report of the Board for the fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC-6470. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled “Report to Congress on the Fiscal Year 2005 Competitive Sourcing Efforts”; to the Committee on Commerce, Science, and Transportation.

EC-6471. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting the report of a nomination for the Civil Service Merit Systems Protection Board; to the Committee on Commerce, Science, and Transportation.

EC-6472. A communication from the Department of the Treasury, transmitting, pursuant to law, a report entitled “Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operations of Offshore Oil and Gas Facilities in the Beaufort Sea” (I.D. No. 010305B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6473. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska” (L.D. No. 6458) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6474. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska” (L.D. No. 030006B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6475. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska” (L.D. No. 030006A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6476. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Reallocating Pacific Cod in the Bering Sea and Aleutian Islands Management Area” (I.D. No. 052006D) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6477. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska” (I.D. No. 021706A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6478. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Frolicking Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea” (I.D. No. 010305B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6479. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska” (L.D. No. 030006B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6480. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska” (L.D. No. 030006A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6481. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska” (I.D. No. 021706D) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.
EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services:

- Air Force nominations beginning with Brigadier General Chris T. Anzalone and ending with Brigadier General Mark R. Zamzow, which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2006.
- Air Force nomination of Col. Steven Westgate to be Major General.
- Army nomination of Lieut. Gen. Franklin L. Hagenbeck to be Lieutenant General.
- Army nomination of Col. Russell J. Czerw to be Major General.
- Navy nomination of Rear Adm. Nancy E. Brown to be Vice Admiral.

Mr. WARNER, Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Kristine M. Autorino and ending with Ralph M. Satterfield, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Peter L. Barrenechea and ending with Michael S. Peters, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Captain E. C. C. McPherson and ending with Captain A. J. McFarland, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Debra Chapple, which nominations were received by the Senate and appeared in the Congressional Record on April 5, 2006.

Army nomination of David M. Lind to be Colonel.

Army nominations beginning with Mary M. Sasser and ending with Donald L. Wnek, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nomination of Charles C. Dodd to be Major.

Army nominations beginning with Peter J. Marriott and ending with Michael G. S. Oldham, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nominations beginning with Alvis Dunson and ending with L. L. Walker, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nominations beginning with Beyedir Y. Suna and ending with Bradley S. Beaudoin, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nomination of E. N. Steely III to be Colonel.

Marine Corps nomination of Sanford P. Pike to be Lieutenant Colonel.

Marine Corps nomination of Jayson A. Brayall to be Major.

Navy nomination of Paul W. Marquis to be Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred to:

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. CANTWELL, Mr. FRIST, Mrs. BOXER, Mrs. HUTCHISON, Mr. BINGMAN, Mr. MCCAIN, Mr. DOMENICI, Mr. COLEMAN, Mr. TALENT, and Mr. CONRAD):

S. 2652. A bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one’s land, of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. DORGAN, Mr. LOTT, Mrs. BOXER, Mr. ALLEN, Mr. NELSON of Florida, Mr. VITTER, Mr. LAUTENBERG, Mr. WARNER, Mr. LEIBERMAN, Mr. BOND, Ms. LANDRIEU, Mr. GREGG, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. INHOPE, Ms. MURKOWSKI, Mr. COLEMAN, Mr. ALEXANDER, Mr. SANFORD, Mr. SANTORUM, Mrs. DOLE, Mr. BERNSTEIN, Mr. ALLARD, Mr. DOMENICI, Mr. ENZI, Mr. GRAHAM, Ms. SNOWE, Mr. ROCKEFELLER, Mr. THOMAS, Mr. SALAZAR, Mr. CRUZ, Mr. CLINTON, Mr. CRAZI, Mr. TALENT, and Mr. BURR):

S. 2653. A bill to direct the Federal Communications Commission to make efforts to ensure that all Federal personnel deployed overseas; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ:

S. 2654. A bill to protect consumers, and especially young consumers, from sky-rocketing consumer debt and the barrage of credit card solicitations; to establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2655. A bill to amend the Truth in Lending Act, to prohibit universal default practices by credit card issuers, to limit fees that may be imposed on credit card accounts, and to require credit card issuers to verify a prospective consumer’s ability to pay before extending credit to the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 2656. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. BAYH):

S. 2657. A bill to extend the Iran and Libya Sanctions Act of 1996; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself and Mr. LEARY):

S. 2658. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the establishment of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2659. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans’ Affairs.

By Mrs. FEINSTEIN:

S. 2660. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declas- sifications of information, and for other purposes; to the Committee on Intelligence.

By Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. CRUZ, Mr. NELSON of Florida, Mr. HAGEL, Mr. CARPER, Mr. ALLARD, Ms. LANDRIEU, Mrs. CLINTON, and Mr. KERRY):

S. 2661. A bill to provide for a plebiscite in Puerto Rico on the status of the territory; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2662. A bill to direct the Secretary of Commerce to provide emergency disaster assistance to mitigate economic losses caused by salmon fishery restrictions along the California and Oregon coast, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 446. A resolution recognizing the 50th Anniversary of the Crop Science Society of America; considered and agreed to.
By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 447. A resolution congratulating the University of Wisconsin Badgers men’s hockey team for winning the 2006 National Collegiate Athletic Association Division I Men’s Hockey Championship; considered and agreed to.

ADDITIONAL COSPONSORS

At the request of Mr. REID, the name of the Senator from Montana (Mr. BURGESS) was added as a cosponsor of S. 78, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women’s health care.

S. 523

At the request of Mr. SANTORUM, the names of the Senator from Hawaii (Mr. BROWN), the Senator from Montana (Mr. BURGESS) and the Senator from Texas (Mr. BUSH) were added as cosponsors of S. 78.

S. 567

At the request of Mr. INOUYE, the name of the Senator from Idaho (Mr. BENNETT) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1035

At the request of Mr. Hatch, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1096, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1096

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1130, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 1130

At the request of Mr. OBAMA, the names of the Senator from Nevada (Mr. HARRIS), the Senator from New Jersey (Mr. LUTENBERG) and the Senator from New York (Mr. NYLON) were added as cosponsors of S. 1204, a bill to amend the Employee Retirement Security Act of 1974 to modify the mediation and implementation requirements of

S. 1204

At the request of Mr. OBAMA, the names of the Senator from New York (Mr. BURNS) and the Senator from Montana (Mr. BURGESS) were added as cosponsors of S. 1767, a bill to require the Federal Communications Commission to re-evaluate the band plans for the upper 700 mega-Hertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

S. 1767

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1777, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 183

At the request of Mr. SANTORUM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 183, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 908

At the request of Mr. Allard, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1741

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1998, a bill to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2048, a bill to direct the Consumer Product Safety Commission to classify certain children’s products containing lead to be banned hazardous substances.

S. 2048

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2140

At the request of Mr. OBAMA, the name of the Senator from Montana (Mr. BURGESS) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Indiana (Mr. BAYH) 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

S. 2201
section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2292
At the request of Mr. Specter, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2321
At the request of Mr. Santorum, the names of the Senator from Rhode Island (Mr. Chafee), the Senator from Maine (Mr. Inouye), and the Senator from Nebraska (Mr. Nelson) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2370
At the request of Mr. McConnell, the names of the Senator from Illinois (Mr. Obama), the Senator from Utah (Mr. Bennett) and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions and the administrative control of the Palestinian Authority, and for other purposes.

S. 2385
At the request of Mr. Reid, the name of the Senator from Vermont (Mr. Jef- fords) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2401
At the request of Mr. Baucus, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2451
At the request of Mr. Vitter, his name was added as a cosponsor of S. 2451, a bill to amend the Internal Revenue Code of 1986 to extend certain tax benefits related to Hurricane Katrina and to Hurricane Rita.

S. 2491
At the request of Mr. Cornyn, the name of the Senator from Texas (Mrs. Hutchinson) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2493
At the request of Mrs. Lincoln, the names of the Senator from North Dakota (Mr. Conrad) and the Senator from West Virginia (Mr. Rockefeller) were added as cosponsors of S. 2493, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2548
At the request of Mr. Stevens, the names of the Senator from Nevada (Mr. Ensign), the Senator from Washington (Ms. Cantwell), the Senator from Michigan (Mr. Levin) and the Senator from New Jersey (Mr. Menendez) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556
At the request of Mr. Bayh, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2571
At the request of Mr. Specter, the names of the Senator from Delaware (Mr. Biden) and the Senator from Wisconsin (Mr. Feingold) were added as cosponsors of S. 2571, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2581
At the request of Mr. Cochran, the names of the Senator from Virginia (Mr. Warner) and the Senator from Minnesota (Mr. Coleman) were added as cosponsors of S. 2581, 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 of prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2593
At the request of Mr. Lautenberg, the names of the Senator from New Mexico (Mr. Bingaman) and the Senator from Iowa (Mr. Harkin) were added as cosponsors of S. 2593, a bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes.

S. 2643
At the request of Mr. Bingaman, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 2643, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive funding for confronting the use of methamphetamine.

S. RES. 313
At the request of Ms. Cantwell, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 320
At the request of Mr. Ensign, the names of the Senator from Connecticut (Mr. Dodd) and the Senator from New Jersey (Mr. Menendez) were added as cosponsors of S. Res. 320, a resolution of the President that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 405
At the request of Mr. Hagel, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day."

S. RES. 441
At the request of Mr. Lugar, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. Res. 441, a resolution expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy.

S. RES. 454
At the request of Mr. Santorum, the names of the Senator from Minnesota (Mr. Coleman) and the Senator from Utah (Mr. Bennett) were added as cosponsors of S. Res. 454, a resolution expressing the sense of the Senate in commemorating Holocaust Remembrance Day.

AMENDMENT NO. 3594
At the request of Mr. Gregg, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of amendment No. 3594 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3597
At the request of Mr. Lugar, the names of the Senator from Delaware (Mr. Biden) and the Senator from Alaska (Ms. Murkowski) were added as cosponsors of amendment No. 3597 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3599
At the request of Mr. Lugar, the names of the Senator from Mississippi (Mr. Loftt), the Senator from North Dakota (Mr. Conrad), the Senator from Virginia (Mr. Leahy), the Senator from Maryland (Ms. Mikulski), the Senator from Delaware (Mr. Biden), the Senator from Massachusetts (Mr.
KENNEDY), the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. BINGHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3599 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3599

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as cosponsor of amendment No. 3600 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

BY

Mr. STEVENS (for himself, Mr. INOUYE, Mr. BURNS, Mr. DORGAN, Mr. LOTT, Ms. BOXER, Mr. ALLEN, Mr. NELSON of Florida, Mr. VITTER, Mr. LAUTenberg, Mr. WARNER, Mr. LIEBERMAN, Mr. BOND, Ms. LANDRIEU, Mr. DOLE, Mr. BENNETT, Mr. ALLEN, Mr. KEYES, Mr. CASSELLS, Mr. SMITH, Mr. KULSKI, Mr. DeWINE, Mr. JEFFORDS, Mr. INHOFE, Ms. MURkowski, Mr. COLEMAN, Mr. ALEXANDER, Mr. SANTORUM, Mrs. DOLE, Mr. BENNETT, Mr. ALLEN, Mr. KINKADE, Mr. CRAIG, Mr. TALENT, and Mr. BURR).

S. 2653. A bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, the Call Home Act of 2006 would require the Federal Communications Commission to take such actions as may be necessary to reduce telephone rates for Armed Forces personnel deployed overseas, including the waiver of government fees, assessments, or other costs. In seeking to reduce phone rates, the legislation would require the FCC to evaluate and analyze the costs of calls to and from official duty stations including vessels whether in port or under way; evaluate methods of reducing rates including deployment of new technology such as Voice over Internet protocol, VOIP, or other Internet protocol technology; encourage phone companies to adopt flexible billing procedures and policies; and seek agreements with foreign governments to reduce international surcharges on phone calls.

The legislation would, however, prohibit the FCC from regulating rates in order to carry out the Call Home Act’s requirements.

The Call Home Act of 2006 would replace similar legislation from 1992 that limited the FCC’s efforts to reduce rates to specific countries. The Call Home Act of 2006 would authorize the FCC to benefit troops wherever they are deployed in support of the global war on terrorism.

We have received a letter of support from the Military Coalition, which represents military and veterans groups. We also have received letters of support from individual members of that coalition and others urging Congress to enact this legislation: Veterans of Foreign Wars; Association of the United States Army; Enlisted Association of the National Guard; Military Officers Association of America; American Legion; Naval Reserve Association; Naval Enlisted Reserve Association; Gold Star Wives of America; and Air Force Sergeants Association.

The Veterans of Foreign Wars’ letter of support says that calls home are ‘‘lifeline’’ for the brave men and women stationed abroad. I urge you to vote for this important legislation.

I ask unanimous consent letters in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION,
Alexandria, VA, April 6, 2006.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENSATOR STEVENS: On behalf of the 4 million members of The American Legion Family, I would like to take this opportunity to offer our support for your draft legislation entitled, The Call Home Act of 2006. Your legislation would direct the Federal Communications Commission (FCC) to make every effort possible to reduce telephone rates for those deployed and fighting overseas in the war on terror. The bill also directs the FCC to develop new technologies, encourage foreign governments to reduce international surcharges, and help provide flexible billing for troops and their families.

All of these things would help make positive improvements in the lives of our servicemembers who just want to phone home and talk to a loved one.

We support efforts to reduce telephone rates for our servicemembers stationed overseas who depend on an affordable and timely means of communication with their family and loved ones. Over a decade ago, American Legion National Commanders discovered in their visits to troops in the Balkans that our servicemembers were being charged exorbitant telephone rates to call home. The American Legion is strongly supportive of military quality of life, and frequent and timely calling home is a huge morale factor which can be a meaningful dividend to our troops going into harm’s way.

Thank you for introducing this legislation and for your continuous support of those on the battlefield today. We look forward to working with you and your staff on the enactment of this legislation.

Sincerely,

CLARENCE HILL,
Chairman,
National Security Commission.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD,
Alexandria, VA, April 6, 2006.

Hon. TED STEVENS, Chairman,
U.S. Senate, Committee on Commerce, Science and Transportation, Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is pleased to express our strongest support, on behalf of the Enlisted men and women of the Army and Air National Guard, for the ‘‘Call Home Act of 2006’’ which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members on active duty.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 250,000 Guard and Reserve members for operational missions for the Global War on Terrorism.
all over the world. Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve member’s home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed.

Today’s guardians and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer our call from overseas. If passed, this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness.

Thank you for recognizing one of the many needs of the military community. You have the support of EANGUS and our membership.

Sincerely,

MICHAELE P. CLINE, Executive Director.


Hon. TED STEVENS,
U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to take this opportunity to offer our support for your draft legislation entitled, The Call Home Act of 2006.

Your legislation would direct the Federal Communications Commission (FCC) to make every effort possible to reduce telephone rates for deployed soldiers and fighting overseas in the war on terror. The bill also directs FCC to evaluate the role of new technologies, encourage foreign governments to reduce international surcharges, and help provide flexible billing for troops and their families. All of these things would help make positive improvements in the lives of our servicemembers who just want to phone home and talk to a loved one.

We believe that telephone calls and service to a fellow servicemember stationed abroad who depend on an affordable means of communication with their friends and family. Without these, and decrease these costs in any way is the least we can do for those fighting for our freedoms and for their families who are making their own sacrifices on the homefront.

Thank you for introducing this legislation and for your continuous support of those on the battlefield today. We look forward to working with you and your staff on the enactment of this legislation.

Sincerely,

ROBERT E. WALLACE, Executive Director.

NAVAL RESERVE ASSOCIATION, Alexandria, VA, April 5, 2006.

Hon. TED STEVENS,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Chairman Stevens: I am writing you on behalf of the members of the Naval Reserve Association, members of the Navy Reserve, their families and survivors. I am writing to express our strongest support for The “Call Home Act of 2006” which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, primarily in Iraq and Afghanistan. During the last month, approximately 25 percent of the Navy Reserve force is doing some type of operational support to the fleet for operational mission requirements.

Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve member’s home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed.

Today’s guardians and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed this legislation, the FCC would authorize the Reserve to provide an important tool to bolster recruitment, retention, family morale and overall readiness.

I look forward to working in support of a strong and viable Reserve and Guard Force. Thank you for all your hard work on their behalf with the “Call Home Act of 2006”.

Sincerely,

CASEY W. COANE, Executive Director.

THE NAVAL ENLISTED RESERVE ASSOCIATION, Falls Church, Va.

Hon. TED STEVENS,
Chair, Senate Committee on Commerce, Science, and Transportation, Russell Senate Office Building, Washington, DC.

I am writing you on behalf of the members of the Naval Enlisted Reserve Association, members of the Navy, Marine Corps and Coast Guard Reserve, their families and survivors. I am writing to express our strongest support for S. 2655, which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, primarily in Iraq and Afghanistan. During the last month, approximately 25 percent of the Reserve Force are doing some type of operational support to meet the country’s mission requirements.

Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve member’s home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed.

Today’s guardians and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed this legislation, the FCC would authorize the Reserve to provide an important tool to bolster recruitment, retention, family morale and overall readiness.

I look forward to working in support of a strong and viable Reserve and Guard Force. Thank you for all your hard work on their behalf with the “Call Home Act of 2006”.

Sincerely,

ROSE LEE, Chair, Legislative Committee.

By Mr. MENENDEZ:
S. 2654. A bill to protect consumers, and especially young consumers, from skyrocketing consumer debt and the barrage of credit card solicitations, to establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2655. A bill to amend the Truth in Lending Act, to prohibit universal default practices by credit card issuers, to limit fees that may be imposed on credit card accounts, and to require credit card issuers to verify a prospective consumer’s ability to pay before extending credit to the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ. Mr. President, today, families across this country face a growing problem of rising credit card debt. In 2004, the average American household had $9,300 in credit card debt, up from $3,200 just 12 years earlier. More and more Americans are using credit card debt to manage daily living expenses such as basic living costs, medical bills, and house or automotive repairs. And for college students, the problem cannot be overstated. According to university administrators, college students are responsible for the credit card debt than to academic failure.

To fuel that growth, credit card issuers have increased the number of
solicitations sent to consumers 500 percent since 1990 to a record 5.23 billion in 2004. And they start sending them to children at younger and younger ages. Last year, AJ, the son of my State director received his very first solicitation at the age of 2 years old. If you have a 13- to 21-year-old, and know their social security number, you can get a credit card.

Credit card companies are increasingly targeting people who are likely to default. They have focused their attention on teenagers and college students who often live beyond their means, and those who have declared bankruptcy. Clearly, credit card companies are not paying attention to whom they are giving a credit card, much less if the applicant can afford to pay the balance.

There is no question that we must demand personal responsibility from consumers, but at the same time credit card companies should not be allowed to take advantage of consumers with excessive interest rates. One study found that people in this Nation pay $90 billion each year in penalty fees and interest payments. Just think about that for a second—$90 billion annually. It is money that could be used to send our children to college, to pay the health care bills of our parents in the sunset of both our children in the dawn of their college, and to pay the health care bills of those who have declared bankruptcy. Clearly, credit card companies are not paying attention to whom they are giving a credit card, much less if the applicant can afford to pay the balance.

The Protection of Young Consumers Act will protect people, especially college students and other young people, against skyrocketing consumer debt and the barrage of credit card solicitations that lead to it. The bill will do so by building on the current opt-out program for pre-approved credit card solicitations by requiring young consumers under age 21 to proactively opt in to receive solicitations from credit card companies. This proposal will also establish a financial literacy and education program for pre-approved credit card solicitations by requiring young consumers under age 21 to proactively opt in to receive solicitations from credit card companies.

Addition in targeting high school and college students, credit card companies have become very adept at increasing their profits through hidden fees and deceptive advertising, taking advantage of Americans of all ages. The Credit Card Reform Act will protect consumers against hidden fees and excessive interest rates. It does so by: 1) prohibiting ‘’double digits’’ APRs; 2) prohibiting retroactive to current balances as well. This is a completely arbitrary rate-hike intends solely to hike the company’s bottom line. That is why I am introducing the Credit Card Bill of Rights—two pieces of legislation that, taken together, will stop some of the most egregious practices of credit card issuers while also ensuring that future generations have the information to make financial decisions.

Many American adolescents are inadequately prepared for the complex financial world that awaits them. In 2004, almost two-thirds of the students who took a personal finance survey failed the test. The causes for this failure are largely due to the lack of high school finance courses available to teenagers combined with insufficient parental mentoring. Statistics show that while a large majority of both college and high school students rely on their parents for financial guidance, only 26 percent of 13- to 21-year-olds reported their parents actively taught them how to manage money. Public education has not filled this void as only about one in five students between the ages of 16 and 22 say they have taken a personal finance course in school.

Credit card companies are exploiting this financial inexperience of young America with an aggressive marketing strategy designed to maximize enrollment and profit, with little regard for a potential customer’s ability to pay. As a result, over 20 percent of children between the ages of 12 to 19 have access to a credit card. This credit card marketing blitz further intensifies once an individual enters college. During the first week college freshmen arrive on campus, they are barraged by an average of eight credit card offers. Students actually double their average credit card debt, and triple the number of credit cards in their wallets, from the time they arrive on campus until graduation. This large number of new credit card owners combined with the financial illiteracy of high school graduates leads to high levels of debt amongst undergrads.

Credit card companies have actually encouraged this rise in credit card debt by setting their minimum balances for undergraduates. As a result, 21 percent of undergraduates that have credit cards, have high-level balances between $3,000 and $7,000.

The Protection of Young Consumers Act will establish standards that would prohibit unfair or deceptive acts or practices, while tightening regulations on credit card companies to ensure that they are not offering credit to high-risk cardholders without verifying their ability to pay. I would like to be clear that I am not trying to remove the obligation for consumers to behave responsibly. Every individual must take responsibility for their own actions, but at the same time it is the obligation of the companies who are earning billions in profits from credit cards to behave ethically as well.

The Credit Card Bill of Rights will help ensure that New Jersey consumers and consumers across the country are given a fair chance at being responsible consumers who will enjoy economic security as well as economic opportunity in their futures.

By Mr. BOND (for himself and Mr. LEAHY): S. 2658. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

Mr. BOND. Mr. President, today I join my friend and fellow cochair of the Senate National Guard caucus, Senator PAT LEAHY, in introducing bipartisan legislation to strengthen one of our Nation’s most important military and civil resources—the National Guard.

The Guard has a long and proud history of contributing to America’s military away game, while providing vital support and security to civil authorities in the home game. Since September 11, 2001, our citizen-soldiers have taken on greater responsibilities and risks from fighting the war on terror to disaster assistance.

Today, the Guard supports the Nation’s military strategy overseas, functions as a primary line of defense here at home, and helps local responders deal with overwhelming natural disasters.

We have seen the tremendous value of Guard forces as they confront terrorists in Afghanistan, Iraq, and other hotspots, and as they provide water, food, and health supplies to victims of Hurricane Katrina and other natural disasters.

More than 1,300 guardsmen from my home State of Missouri were deployed in less than 72 hours following Hurricane Katrina, providing medical, transportation, airlift, military police, engineering, and communications capabilities. For example, the 139th Airlift Wing evacuated 23 critically ill young people from Mercy Hospital in Kansas City in New Orleans and brought them to Children’s Mercy Hospital in Kansas City for the high-level care they needed.

Stories such as this were repeated all over the country in most if not all our States.

Why was the Guard successful when other elements of the Katrina response were not? Quite simply, the Guard is the entity best organized and trained to initiate and coordinate a civil response to any disaster on the scale of Katrina.

In addition, more than 200,000 Guard troops have left their homes, their
jobs, and their families to participate in another critical mission: the global war on terror. The National Guard has provided as much as half the combat force and 40 percent of the total force in Iraq.

I point out that the Guard is a tremendous value for the capabilities it provides. It gives 40 percent of the total military force for around 4.5 percent of the budget. Whether at home or abroad, the men and women of the Guard are performing their duties with honor and valor, often at great sacrifice to their families and their own lives. As they willingly make these sacrifices to preserve American lives and freedoms, we have a responsibility to support them as they carry out their unique dual mission.

While serving abroad, National Guard troops serve under Air Force and Army commands under title 10 status. But when the Guard operates at home, they serve under the command and control of the Nation's Governors in title 32 status.

There is a lot more we can do to make this work more smoothly.

Despite the importance on the street, as it were, the Guard is often given short shrift back at Pentagon headquarters, which has proposed repeatedly to cut Guard personnel and equipment. The Guard will play a critical role in response to another terrorist attack or natural disaster, but the Pentagon has given short shrift back at Pentagon headquarters, which has proposed repeatedly to cut Guard personnel and equipment.

The Guard will play a critical role in response to another terrorist attack or natural disaster, but the Pentagon has allowed its equipment levels to sink to dangerously low levels. Currently, the National Guard has only about 35 percent of the equipment it needs. In Missouri, only one of two engineering battalions that were requested to assist with Katrina could respond because the other one did not have the equipment they needed.

With the support of 75 of my colleagues, Senator LEAHY and I led an effort to increase equipment funding for the Guard by almost $1 billion. We are going to continue that fight this year to ensure that the Guard has equipment it needs to carry out both missions.

Just a few months ago, the Army proposed significant cuts to Guard troop strength. Three-quarters of the Senate again joined us in a letter opposing this, and I thank all of our colleagues who joined us.

We need to do more to empower the Guard. We need to give the Guard more bureaucratic muscle. Time and again, the Congress has had to rely on Congress, not its total force partners in the active duty, to provide and equip fully the resources it needs to fulfill its missions.

That the Guard is left out of the Pentagon decisionmaking process is beyond dispute. In the most recent Quadrennial Defense Review, during the BRAC review process of 2004 and 2005, when the Army and Air Force reduced National Guard force structure in 2002, and when equipment levels of the Army and National Guard reached the dangerously low levels of 35 percent, Congress has had to step in.

To remedy this, the legislation we introduce today to strengthen the Guard consists of three central planks.

One, we will allow the National Guard Bureau to establish more formal relationships with the Secretary of Defense and the Joint Chiefs of Staff.

We will give the Guard more muscle in existing relationships, elevating the Chief of the National Guard Bureau to a four-star position and providing a seat for him on the Joint Chiefs of Staff.

It goes without saying that to be a part of a big decision, you have to be at the table. Having a four-star Guard general providing advice to the SECDEF instead of a two-star major general will give our governors and 450,000 citizen-soldiers and airmen access to the highest level of the DOD and ensure key policy decisions are heard and taken into account.

To put things in perspective, the Active-Duty Army has 12 four-star generals and 40 lieutenant generals. The Air Force has 13 four-star generals and 35 lieutenant generals. The National Guard, which represents over 40 percent of the entire force structure, is represented by three lieutenant generals and zero four-star generals.

Can anyone tell me with a straight face how the Guard one four-star general and an additional three-star will endanger our national security? The only element endangered would be the Pentagon's stature which is outdated.

Facts are stubborn things. Clearly, the facts demonstrate a glaring, disproportionate number of three- and four-star generals in the Army and the Air Force when compared with the Guard.

Second, we will ensure that the Deputy Commander of the Northern Command is a member of the Guard, a new command with the mission of coordinating responses to emergencies within the United States.

The Guard is the entity best suited to respond to major incidents, and they need that capability. With both the Guard and NorthCom's missions being defense of the homeland, it only makes sense to have substantive input through a lieutenant general as deputy commander.

Finally, we must ensure the Guard plays a role in identifying and filling any gaps between civilian emergency agencies and the military. Current DOD policy prohibits procurement of supplies or equipment for providing military support to civilian authorities during emergencies except with the permission of SECDEF. That policy is outdated. It will give the National Guard Bureau in consultation with the State adjutant generals, the budgetary power to research, validate, and make those equipment purchases.

Neither the homeland support nor the military support missions of the Guard are likely to diminish. They are needed more now than ever. But we must strengthen the decisionmaking capability of Guard leaders within the Department of Defense.

As we heard today from General Blum, Chief of the National Guard Bureau, before the Defense Appropriations Subcommittee when he was asked by Senator INOUYE, he responded with a football analogy. When we asked him if he was in the huddle, he said he was “not in the huddle” during the QDR.

This legislation would empower the Guard to respond in the affirmative the next time it is asked, “are you in the huddle” on this major decision.

I thank my colleagues for their past support. I ask for their support of this legislation.

Mr. President, I ask unanimous consent that congressional findings regarding National Guard Forces be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**NATIONAL GUARD FORCES**

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

1. The Constitution of the United States recognizes a well-regulated militia is a necessity to the security of a free state.

2. The United States continues to face a wide spectrum of threats at home and abroad, including terrorism, natural disasters, proliferation of weapons of mass destruction and other emerging perils. In meeting these threats, the United States relies heavily on the men and women of the National Guard.

3. At no time in America's history has the National Guard played a more critical role in the security of our homeland and in our Nation's military objectives abroad.

4. The National Guard is a vital part of this Nation's security, and this country relies on the exemplary service provided this Nation by the members of the Guard, their families, their employers and their communities.

5. The National Guard is a critical component of the Department of Defense's contribution to the security of our Nation and has been key to the Department's accomplishments at home and abroad. Much of the success DOD has had would not have been possible without the participation of National Guard forces.

6. The National Guard's response to our Nation's emergencies in the post 9/11 world has been unparalleled.

7. Within hours of the attacks on the World Trade Center, 1,500 New York National Guard troops reported for duty. Within 24 hours of the attacks, over 8,000 New York National Guard Soldiers and Air men and women were on active duty supporting New York State's security needs. These troops provided not just a calming presence on the streets of New York during unsettling times; they provided New York's first responders with critical perimeter security support, refueling for civilian emergency vehicles, emergency lighting, power generation, communications, emergency transportation, engineering assets and other logistical support.

8. At the request of the President, State Governors supplemented the security of the Nation's airports with National Guard personnel. Their missions encompassed over 400 airports in 52 States and territories. National Guard troops along the northern and southern borders were used to support the U.S. Customs Service, the Immigration and Naturalization Service, and the Border Patrol in the heightened post 9/11 security posture.
9. In contrast to Hurricane Andrew (1992) in which National Guard forces constituted 24 percent of the military response, National Guard forces represented more than 70 percent of the military force for Hurricane Katrina.

10. The response to Hurricane Katrina proved that the National Guard is the Nation’s first responder. Of the overwhelming majority of forces that respond to disasters in the United States will be National Guard who will be on the scene before the Department of Defense is requested to respond.

11. More than 9,700 National Guard soldiers and airmen from New Orleans were deployed. National Guard deployed over 30,000 additional troops within 96 hours of the storms passing. In wake of the Hurricane Katrina devastation, the National Guard provided tactical support to over 50,000 personnel in support of hurricane relief in the largest and fastest domestic deployment since World War II, saving over 17,000 lives. The Air National Guard flew nearly 3,500 flights and over 12,000 tons of cargo in support of all Hurricane relief in the last year.

12. The National Guard Bureau will be a part of any large-scale emergency response. As demonstrated during the Hurricane Katrina response, the National Guard Bureau with a joint force provider for homeland security missions.

13. The National Guard is continuously on active duty supporting State security missions, homeland security missions, and counterdrug operations as part of Operation Enduring Freedom, Iraqi Freedom and more are engaged in regularly scheduled training and operational requirements around the Nation and the world. Under Title 32, counter-drug activities are a daily operational mission of the National Guard. The National Guard has close ties with first responders such as local and State law enforcement, fire departments, and other emergency service providers. The local community relies upon the National Guard because they are part of the community. National Guard personnel are more likely to have more experience working with local responders than the active component.

14. The Department of the Army and the Department of the Air Force could not fulfill current Title 10 responsibilities without the Army and Air National Guard. In 2005, National Guard units at one time made up 50 percent of the combat forces in Iraq.

15. The National Guard has mobilized over 300,000 soldiers and 36,000 airmen supporting the Global War on Terror since September 11, 2001 (Operation Enduring Freedom).

16. Since September 11, 2001, 85 percent of the Army National Guard has been mobilized. Since September 11, 2001, the Air National Guard has flown over 206,000 sorties accumulating over 620,000 flying hours. These deployments abroad have created a battle hardened and seasoned force of experienced veterans ready for the challenges of the 21st century.

17. National Guard forces have provided: 55 percent of the Army’s combat capability; 55 percent of the Air Force’s airlift capability; 50 percent of the Army strategic and tactical manpower; 45 percent of all in-flight refueling missions; 33 percent of all aircraft in Operation Iraqi Freedom; 66 percent of Operation Enduring Freedom A-10 missions; 66 percent of Operation Iraqi Freedom A-10 missions; 45 percent of all F-16 fighter missions; 86 percent of Operation Iraqi Freedom tanker sorties; 94 percent of Strategic Air Defense Alert; and 75 percent of all domestic combat air patrols in the Global War on Terror.

18. The National Guard offers unique efficiencies between State and Federal, and domestic and overseas missions, operating under three different command relationships: Federal funding and Federal control; Federal funding and State control; and State funding and State control.

19. National Guardsmen and women are their State’s primary emergency response force, providing support in their communities and to civil authorities and first responders throughout their States.

20. The National Guard is invaluable to civil defense and emergency preparedness. The National Guard has an undeniable record of military assistance to civilian authorities since the birth of the Nation—fortifying a longstanding successful relationship with civil authorities.

21. There must be strong agreement between State and Federal leadership as to the operational objectives during emergencies and disasters. Over 50 percent of State Adjutants General are also State Emergency Managers offering unparalleled integration of planning, preparation and response capabilities in emergencies.

22. Governors using State-to-State emergency mutual assistance compacts are an integral part of the use of National Guard resources in responding to emergencies at home.

23. The National Guard and State Adjutants General are invaluable nexus of coordination between Federal and State planning, exercising and responding to emergencies and disasters. Over 50 percent of State Adjutants General are also State Emergency Managers offering unparalleled integration of planning, preparation and response capabilities in emergencies.

24. National Guard forces are also uniquely positioned to engage within the U.S. and its territories by virtue of their geographic dispersed and relationships to State and local governments.

25. The National Guard is familiar with the local area and local culture. The National Guard has close ties with first responders such as local and State law enforcement, fire departments, and other emergency service providers. The local community relies upon the National Guard because they are part of the community. National Guard personnel are more likely to have more experience working with local responders than the active component.

26. WMD Civil Support Teams are a specialized homeland response capability based entirely in the National Guard.

27. As America prepares for an influenza pandemic, the National Guard has more domestic emergency planning, preparedness and response capabilities than any other military organization and ready to respond in a moment’s notice.


29. Congress finds that despite the contributions of the National Guard to the United States—

1. The Department of Defense has not adapted to the significant role of the National Guard in this nation’s security.

2. The Department of Defense, the Department of the Army and the Department of the Air Force have not sufficiently integrated the National Guard into planning, procuring or deciding equipment.

3. The Department of Defense, the Department of the Army and the Department of the Air Force have not sufficiently integrated the National Guard into planning, procuring or deciding equipment.

4. The Department of Defense does not adequately resource or equip the National Guard for its current operational missions. Currently the National Guard receives only a small fraction of the Department of Defense’s budget.

5. The Army National Guard has been equipped with less than half the number of tanks since World War II, and is forced to transfer equipment to deploying units. Army National Guard units that have returned from overseas deployments have also left behind items for use by follow on units. Army officials do not track and develop plans to replace guard equipment.

6. The National Guard is familiar with the roles and equipment supplied for their war-fighting mission or equipment supplied by the States.

7. In the current budget, the Department of the Air Force does not fund the Air Sovereignty Alert mission of the Air National Guard at full capacity.

8. During the BRAC process, the Air Force failed to adequately solicit input of Air Guard leadership and State Adjutants General.

9. When developing Future Total Force Structure, the Air Force failed to adequately consult Air Guard leaders and State Adjutants General.

10. The Department of Defense does not have adequate knowledge of the National Guard at home or incorporated the National Guard’s significant capabilities into plans for homeland defense or security. Unchecked, the Department of Defense will continue to ignore the Federal requirements of the National Guard to perform homeland defense and civil support missions.

11. The Department of Defense has not recognized the value of including State Adjutants General in all homeland defense and civil support to civilian authority planning.

12. The Department of Defense has not recognized that governors will rely on National Guard equipment and equipment for homeland security.

13. Although DOD has a Strategy for Homeland Defense and Civil Support, which recognizes the National Guard’s critical role in Federal and State missions, the strategy does not detail what the Army or Air National Guard’s role in these missions will be in implementing the strategy.

14. The Department of Defense and Northern Command have not articulated specific homeland emergency or civil support missions for Guard forces need during major homeland disasters. Without formal requirements, equipment deemed necessary for the National Guard to support civic authorities in Katrina had not been purchased by the Department of the Army and the Department of the Air Force.

15. The readiness of the National Guard to perform homeland missions that may be needed in the future is unknown because the National Guard’s roles in these missions has not been defined and requirements for man-power, equipment and training have not been established; and preparedness standards and measures have not been developed by the Department of Defense. The Department of Defense does not require the purchase of equipment specifically for military assistance to civil authorities. It also requires better personnel, equipment acquisition and facilities under current Department of Defense and service budgeting.

16. The lack of coordination of National Guard and active duty forces hampered the military response to Katrina. Advance planning of National Guard and active duty forces during Katrina was vital during emergencies. The Department of Defense and the National Guard

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must plan and exercise together to prepare for events in the homeland. 19. The National Guard leadership and State Adjutants General are not adequately involved in the development of Defense planning guidance developed at Northern Command, including concept of operations plans and functional plans for military support to civilian authorities.

20. There was a lack of coordination of Joint Task Force Katrina and the National Guard headquarters in supporting States.

21. The Department of Defense has not adequately incorporated or funded the National Guard to participate in joint exercises in military support to civilian authorities, which would have allowed for a more effective response to Hurricane Katrina and other homeland emergencies.

22. Northern Command does not have adequate insight into State response capabilities or adequate interface with governors, which contributed to a lack of mutual understanding and trust during the Katrina response.

23. There is an unresolved tension between the Department of Defense and the States regarding the role of the military in emergency response that could be resolved if the Department of Defense and the Department of Homeland Security adopted and made NIMS a priority for emergency management.

24. The National Guard lacked communications equipment during Hurricane Katrina, suggesting that the Pentagon does not design homeland defense and military assistance to civilian authorities a sufficiently high priority.

25. The Department of the Army decided to reduce end-strength without substantive consultation with Guard leaders and the Air Force had decided to reduce end-strength without substantive consultation with National Guard leaders.

26. The Department of the Army currently plans to scale back the Army National Guard to 324,000 soldiers from 350,000. The Department of the Air Force plans to scale back the Air National Guard by 14,000 airmen and women. To cut Guard manpower in this time of increased homeland need, and the fluxation of current Department of Defense transformation policies affecting the Army and Air National Guard, sets up an undue risk to this country.

27. National Guard force structure cuts could result in the closure of over 200 National Guard community-based facilities throughout the U.S.

(b) SENATE OF CONGRESS.—It is the sense of Congress that:

1. The National Guard is a force essential to the Nation’s security and safety.

2. The National Guard brings to bear significant capabilities for contingencies at home or abroad.

3. The National Guard is no longer a strategic reserve, but an operational reserve.

4. States and governors are not adequately represented at the Department of Defense.

5. The role of the National Guard Bureau as a bridge between the Department of Defense and the Department of Homeland Security and the States needs to be enhanced.

6. The men and women of the National Guard have earned the right to be represented at the highest levels of the Department of Defense.

7. The National Guard leadership needs to be integrated into the highest offices in the Department of Defense, the Department of the Army and the Department of the Air Force.

8. The National Guard Bureau plays a critical role in planning for and responding to futures in the U.S.

9. The National Guard Bureau is in a unique position to understand and create requirements for the National Guard for missions in support of states and other civilian authorities.

10. The National Guard Bureau plays a critical role in the development of requirements for military assistance to civilian authorities.

11. NORTHCOM lacks knowledge of its theater of operations, specifically State emergencies plans and resources, and knowledge of National Guard resources. NORTHCOM needs to be reformed to include increased National Guard leadership and participation in all levels of its operations.

Mr. LEAHY. Mr. President, I am pleased to have the honor of being chair of the Senate National Guard Caucus, the Senator from Missouri, Senator BOND, in introducing far-reaching legislation that will strengthen our Nation’s defense and the National Guard, which is an inextricable part of our homeland security. The National Defense Enhancement and National Guard Empowerment Act of 2006 would empower the National Guard.

It offers the Guard new authorities and a greater and more fitting voice in policy and budgetary discussions that is more line with the reliance that we place on this force of proud men and women.

The Nation asks the Guard to provide a large part of the ground forces in Iraq, but then we give the force no say in strategic planning and budget discussions. In fact, there have been recent efforts within the armed services to cut the force precipitously.

Anyone who has watched recent events knows that the role of the Guard is dramatically changed as we come into this century.

We ask the Guard to carry out missions at home in response to disasters and possible domestic attacks, but then give the force no real ability to develop new equipment for this unique mission. And, in a crunch, our senior defense leaders—including the President—tell the National Guard for guidance in addressing and responding to emergencies within the domestic United States, yet those same senior Guard leaders receive only mediated and filtered advice at other points. This gap between the Guard’s real world missions and its institutional position is simply unacceptable. It is not efficient, and it is not smart. It violates basic notions of logic, and it hinders our ability to get the full potential out of the National Guard.

Our legislation will take us from the 19th and 20th century structure into the 21st century’s reality.

Our legislation directly addresses this troubling missions-to-authorities gap in three very specific ways. First, the National Defense Enhancement and National Guard Empowerment Act of 2006 would elevate the Chief of the National Guard to the rank of General with four-stars, also installing this senior Officer at the Joint Chiefs of Staff, the joint Chiefs of Staff, the highest military advisory body to the President and the Secretary of Defense. Without a Guard representative at the four-star level, the Secretary and the President receive only filtered advice from the Chiefs of Staff of the Army and the Air Force about National Guard matters.

The Army and the Air Force chiefs can provide keen insights about the Guard’s role as a prime military reserve to the active components. However, they are not responsible for, and therefore are not experts on, disaster relief and homeland security functions that the Guard carries out at the State level, often under the command-and-control of the Nation’s governors. Placing a National Guard General on the Joint Chiefs offers the fullest and most sensible guidance to our leaders on all aspects of the Guard and the arrangement would give the Nation’s governors a straight line to the Joint Chiefs and the President on military matters.

Re-elevating a Guard senior advisor to the Secretary of Defense and the President streamlines and formalizes an arrangement that already arises in real emergencies. During the darkest early days of Katrina, for example, the current National Guard Chief, General Steven Blum was by the side of the Secretary of Defense and the President. A permanent Guard presence on the Joint Chiefs ensures that this advisory relationship is in no way last-minute and ad-hoc.

The second way that this legislation puts the National Guard’s authorities more in line with its real-world missions is by giving the force more budgetary authority. The Act gives the National Guard the ability to research, develop and procure equipment that is peculiar to its unique mission in the realm of homeland security.

This authority would be similar to the authority of the Special Operations Command, given under the Nunn-Cohen legislation of the mid-1980s, to develop unique equipment for the special forces.

Last year, Congress appropriated almost $1 billion for the National Guard to procure equipment that has application for homeland security. This legislation establishes more formal structure for the Guard to refine such equipment requirements and work in close coordination with the States to ensure an adequate force structure—fully adequate in domestic emergencies—is in place.

The final way that this legislation builds a realistic relationship between the Guard is by ensuring that the Deputy Commander of Northern Command is a three-star general from the National Guard. This Command is charged with planning for the active military’s response to federal Guard Bureau chiefs as well as coordinating the response with other federal agencies and civilian authorities. Any military response in the domestic United States will surely include the National Guard, in many cases with the State governor overseeing the effort.

Currently, there are few if any senior Guard officers at the highest reaches of the
the Command, and the legislation would ensure expertise on the force exists there.

There has been a lot of discussion already about this legislation after Senator Bond and I last month expressed our intention to pursue it. To clear up any confusion, let me say what this legislation does not do. This legislation does not affect the National Guard's role as one of the primary military reserves to the Air Force and the Army, which we believe is beneficial for the country.

It also does not inflate the size of National Guard headquarters here in Washington. We put a firm cap on the size of the Guard Bureau in this legislation. The legislation further does not create any new general office positions beyond the four-star Joint Chiefs position. It only ensures that the adequate seats of representation is in place in key positions; in fact, the legislation actually removes a less influential Major General officer slot on the Joint Staff.

What this bill does do—and with great intensity—is to give the National Guard the institutional muscle commensurate with the Guard's missions. With this bill, we can ask the Guard to do all that it does, but then say that, yes, it can have a seat at the table during key discussions involving the Guard’s missions and readiness. With this bill, we can tap into the Guard for situations like the war in Iraq and the response to Hurricane Katrina and all these proud men and women that we have committed to taking real steps to keep the size of this force steady and improve its stock of available equipment.

With this bill, we can ensure that our senior leaders—the Secretary of Defense and the President—are making decisions about the National Guard based on the best available information.

With this bill, we strengthen the National Guard, the military chain-of-command, and the Guard’s ability to effectively serve each of the States and the entire Nation.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 2659. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce an important piece of legislation for our Native American veterans. The Native American Veterans Cemetery Act of 2006 would provide tribal organizations with funding to establish veterans cemeteries on trust lands. Currently, VA does not have the authority to make such grants.

Native American veterans have a long and proud history of military service on behalf of this Nation. Per capita, Native Americans have the highest percentage of people serving in the U.S. Armed Forces. Native Americans have honorably served in every war fought by the United States. After completion of their service, many Native American veterans return to their communities or reservations. Passage of this legislation would provide them the option of veterans cemetery burial in a location convenient for their families and loved ones.

Throughout my tenure in Congress, I have always fought for the rights of our indigenous peoples. The Native American Veterans Cemetery Act of 2006 is another step forward in helping native peoples. The Department of Veterans Affairs supports enactment of this legislation and estimates it to be budget neutral. It is my hope that the Senate will expeditiously proceed to the consideration of this important bill.

I ask unanimous consent that the full 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. 2659

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 “Native American Veterans Cemetery Act of 2006.”

SEC. 2. ELIGIBLE INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.

Section 2408 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

“(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants under section 2406 of this title, and shall be made under the preceding provisions of this section.

“(3) In this subsection:

“(A) The term ‘tribal organization’ has the meaning given that term in section 3764(4) of this title.

“(B) The term ‘trust land’ has the meaning given that term in section 3764(1) of this title.”.

By Mrs. FEINSTEIN:

S. 2660. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, I introduce today legislation to require the White House to notify Congress when it declassifies information. This bill will both enhance Congress's oversight abilities and ensure that intelligence is not used for political gain.

This legislation recognizes that as the head of the executive branch, the President has the authority to declassify any information he so chooses. It does not place any conditions or procedures on that declassification process, it only requires that the Congress be provided with notice so that it can meet its own constitutional responsibilities.

Information is usually declassified because the public's need to know outweighs the security risks to intelligence sources and methods. In such cases, it is important for the Congress to be informed so that Senators and Representatives can discuss the issues with the American people.

And if the President declassifies information so that his subordinates can discuss intelligence with reporters, Congress should be alerted so that the intelligence committees can ensure that national secrets are not being used for political purposes.

According to court filings and media reports, the Vice President's chief of staff, I. Lewis Libby, acting on the direction and authorization of the President and Vice President, disclosed information in the 2002 National Intelligence Estimate on Iraq's weapons of mass destruction to select journalists. This was not done to provide the American people with a fuller understanding of the pre-Iraq war intelligence; the Estimate was fully and publicly declassified shortly afterwards in a more appropriate manner. Rather, the selective declassification and leak was intended to stem a tide of bad press and discredit an administration critic through a subtle campaign of media manipulation.

According to the prosecutor in Mr. Libby's case, Libby provided information on Iraq's purchase of uranium from Niger to New York Times reporter Judith Miller. The Niger claim was not a “key judgment” of the NIE, meaning that it was not deemed by the intelligence community to be a priority. It was included in the body of the report "for completeness," according to the primary author. At the time, the Department of State's intelligence office found the Niger uranium claim to be "highly dubious," and the intelligence community downplayed the Niger connection afterwards:

The CIA had reference to Niger from the President's October 7, 2002 speech in Cincinnati:

Two senior intelligence officials had downplayed the assessment in testimony to the Senate Intelligence Committee: The International Atomic Energy Agency had denounced the claim as being based on forged documents; and The intelligence community had retracted the intelligence. Let me say that again: the intelligence community had retracted this piece of intelligence. None of this additional information, apparently, was provided by Mr. Libby.

Had the Senate and House intelligence committees been informed of this declassification, as would be required by this legislation, Members could have corrected the public record.
I would hope that with this reporting requirement, administrations of both political parties will be deterred from improper use of intelligence.

In addition to stemming the politicization of intelligence, the bill I introduce today notes the importance of keeping the full intelligence community informed of declassifications. If the President chooses, for whatever reason, to declassify information, the intelligence agency that had been responsible for those secrets has to take steps to protect intelligence sources and methods.

Similarly, the National Archives are to be informed upon a Presidential declassification so the Nation’s records can be appropriately maintained. As has been highlighted again today with the release of the Archives audit over the reclassification of intelligence, the Archives play an important role in providing declassified intelligence to the public. To do so, it must be informed when information enters the public domain.

It should be made clear that there are more traditional procedures by which individual intelligence agencies declassify information on a regular basis, when the release of that information is seen as no longer damaging the national security. This is done thousands of times a week throughout the intelligence community.

It is important that the public have access to as much information on its government’s activities as possible. To that end, I look forward, through this legislation and otherwise, to working with my colleagues and the executive branch to ensure that declassification is done as extensively and as quickly as possible without risking our national security.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

SEC. 590.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. NOTICE TO CONGRESS OF CERTAIN DECLASSIFICATIONS OF INTELLIGENCE INFORMATION.

(a) Notice Required.—

(1) SEC. 508. (a) Notice Required.—Not later than 15 days after the date of the declassification of any intelligence by the President, the President shall submit to the congressional intelligence committees an update of the list and a notice of the addition or removal of such official from the list.

(b) EXCEPTION.—This section does not apply to the declassification of intelligence done as part of the mandatory or systematic declassification of information as described by section 3 of Executive Order No. 13292, of March 25, 2005, or any successor Executive Order.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the declarative relating to section 507 the following new item:

“Sec. 508. Notice to Congress on certain declassifications of intelligence.”

(b) REPORTS TO CONGRESS ON CERTAIN OFFICIALS AUTHORIZED TO DECLASSIFY INFORMATION.—

(1) INITIAL REPORT.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report setting forth a current list of each official of the Executive Office of the President, other than the President, who is authorized to declassify information other than information originally classified by such official.

(2) UPDATES.—Not later than 15 days after adding or removing an official from the list required by paragraph (1), the President shall submit to the congressional intelligence committees an update of the list and a notice of the addition or removal of such official from the list.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEE DEFINED.—In this subsection, the term “congressional intelligence committee” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 446—RECOGNIZING THE 50TH ANNIVERSARY OF THE CROP SCIENCE SOCIETY OF AMERICA

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 446

Whereas the Crop Science Society of America was founded in 1956, with Gerald O. Mott as its first President;

Whereas the Crop Science Society of America is one of the premier scientific societies in the world, as shown by its world-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the Crop Science Society of America is mission-directed, with the goal of addressing agricultural challenges facing humanity;

Whereas the Crop Science Society of America significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society plays a key role internationally in developing sustainable agricultural management and biodiversity conservation for the protection and sound management of the crop resources of the world;

Whereas the mission of the Crop Science Society of America continues to expand, from the development of sustainable production of food and forage, to the production of renewable energy and novel industrial products;

Whereas, in industry, extension, and basic research, the Crop Science Society of America has fostered a dedicated professional and scientific community that, in 2005, included more than 3,000 members; and

Whereas the American Society of Agronomy was the parent society that led to the formation of both the Crop Science Society of America and the Soil Science Society of America and fostered the development and the common overall management of the 3 sister societies; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary year of the Crop Science Society of America;

(2) commends the Crop Science Society of America for 50 years of dedicated service to advancing the science and practice of crop science;

(3) acknowledges the promise of the Crop Science Society of America to continue enriching the lives of all citizens of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for another 50 years and beyond; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of the Crop Science Society of America.

SENATE RESOLUTION 447—CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS MEN’S HOCKEY TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN’S HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 447

Whereas, on April 8, 2006, the University of Wisconsin men’s hockey team won the Frozen Four in Milwaukee, Wisconsin, by defeating—

(1) the University of Maine Black Bears by a score of 5–2 in the semifinals; and

(b) the Boston College Eagles by a score of 2–1 in the championship game;

Whereas Robbie Earl and Tom Gilbert each scored a goal and Brian Elliott had 22 saves in the championship game;

Whereas Adam Burish, Robbie Earl, Brian Elliott, and Tom Gilbert were named to the All-Tournament Team, and Robbie Earl was named the Most Outstanding Player of the tournament;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the University of Wisconsin men’s hockey team, including—

(1) Andy Brandt;

(2) Adam Burish;

(3) Ross Carlson;

(4) Shane Connelly;

(5) A.J. Degenhardt;

(6) Jake Dowell;

(7) David Dewieske;

(8) Robbie Earl;

(9) Brian Elliott;

(10) Josh Engel;

(11) Matthew Ford;

(12) Tom Gilbert;

(13) Tom Gorowsky;

(14) Jeff Hensler;

(15) Ryan Jeffery;

(16) Andrew Joudrey;

(17) Kyle Klubertanz;

(18) Tony Kruppa;

(19) Tom Martin;

(20) Matt McCarthy;

(21) Matt Mercier;

(22) Ryan Michalski;

(23) Ryan Miller;

(24) Ryan O’Reilly;

(25) Tom O’Reilly;

(26) Matt Plyler;

(27) Mitch Rantala;

(28) Pat Santini;

(29) Travis Stahl;

(30) Rob Stitt;

(31) Ryan Strashek;

(32) Pat Sulzer;

(33) Steve Taylor;

(34) Ryan Teter;

(35) Brian Toupin;

(36) Ben Vaillancourt;

(37) Andy Wiese;

(38) Rob Zettler.
Whereas numerous members of the University of Wisconsin men’s hockey team were recognized for their performance in the All-Western Collegiate Hockey Association, including—

(1) Tom Gilbert, who was named to the first team of the All-Western Collegiate Hockey Association;

(2) Joe Pavelski and Brian Elliott, who were named to the second team of the All-Western Collegiate Hockey Association; and

(3) Brian Elliott, who was named the All-Western Collegiate Hockey Association Goaltending Champion of the Year;

Whereas Tom Gilbert, Joe Pavelski, and Brian Elliott earned All-American honors;

Whereas, after helping the University of Wisconsin men’s hockey team win the 1977 national championship as a player, Head Coach Mike Eaves won his first national championship as a coach;

Whereas the University of Wisconsin men’s hockey team has won the National Collegiate Athletic Association Division I Men’s Hockey Championship 6 times;

Whereas the University of Wisconsin has won several national championships during the 2005–2006 academic year; and

Whereas the championship victory of the University of Wisconsin men’s hockey team ended a terrific season in which the team outscored its opponents 145–79 and compiled a record of 30–10–3; Now, therefore, be it

Resolved—

(1) congratulates the University of Wisconsin men’s hockey team, Head Coach Mike Eaves and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3612. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3613. Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINK, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3614. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3615. Mr. THOMAS (for himself and Mr. ESSEX) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3616. Mr. MCCAIN (for himself and Mr. ENSKIN) proposed an amendment to the bill H.R. 4939, supra.

SA 3617. Mr. MCCAIN (for himself and Mr. ENSKIN) proposed an amendment to the bill H.R. 4939, supra.

SA 3618. Mr. MCCAIN (for himself and Mr. ENSKIN) proposed an amendment to the bill H.R. 4939, supra.
amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3662. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3664. Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURKOWSKI, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3665. Mr. WYDEN proposed an amendment to the bill H.R. 4939; supra.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

SA 3670. Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3812. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939; supra; making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, line 17, strike “Prohibition” and insert “(a) Prohibition”: On page 126, line 4, strike the quotation mark and the period that follows.

On page 126, after line 4, insert the following:

“(a) W AIVER AUTHORITY.—(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the Committees on Appropriations that—

(A) it is in the national security interest of the United States to provide such assistance; and

(B) the President of the Palestinian Authority and the President’s party are not affiliated with Hamas or any other foreign terrorist organization.

(2) Prior to exercising the authority provided in this subsection, the President shall consult with the Committees on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.”.

SA 3613. Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STAIBENOW, Mr. DURBIN, and Mr. BUTTOS) submitted an amendment intended to be proposed by him to the bill H.R. 4939; making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 24, after “2006” insert the following: “That, of the amount provided under this heading, $400,000,000 shall be made available for the operation of the Chicago Sanitary and Ship Channel Dam Construction Barrier, Illinois, which was constructed under section 1202(1)(3) of the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(1)(3)).”

On page 162, between lines 12 and 13, insert the following:—

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Section 1202(1)(3)(C) of the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(1)(3)(C)), is amended by striking “;” and inserting “such sums are necessary to carry out the dispersal barrier demonstration project under this paragraph”.

SA 3614. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939; making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:—

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

SEC. 7832. (a) Subject to subsection (b), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109-149; 119 Stat. 2680) or any other Act may not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

(1) condemnation;

(2) seizure by a Federal entity of private property; or

(3) any other means.

(b) The prohibition on the use of funds described in subsection (a) shall not apply to land exchanged between a willing seller and a willing buyer.

SA 3615. Mr. THOMAS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939; making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE FOREIGN AGRICULTURAL SERVICE

Public Law 480 Title II Grants

For additional expenses for Public Law 480 Title II Grants, during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest expenses under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, $6,305,223,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, $1,061,724,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, $1,145,363,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, $834,122,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, $166,070,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, $10,327,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, $1,940,000: Provided,
That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY
For an additional amount for “National Guard Personnel, Army”, $96,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE
For an additional amount for “National Guard Personnel, Air Force”, $1,200,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY
For an additional amount for “Operation and Maintenance, Army”, $18,380,310,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE
For an additional amount for “Operation and Maintenance, Air Force”, $2,793,680,000: Provided, That up to $75,020,000 shall be available for the Department of Homeland Security, “United States Coast Guard, Operating Expenses”: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY (INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Operation and Maintenance, Navy”, $2,722,911,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS
For an additional amount for “Operation and Maintenance, Marine Corps”, $1,722,911,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE
For an additional amount for “Operation and Maintenance, Air Force”, $5,328,869,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
For an additional amount for “Operation and Maintenance, Defense-Wide”, $3,259,929,000, of which—

1. not to exceed $25,000,000 may be used for the Commander Initial Operations Command to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;
2. not to exceed $10,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for continued obligation; and
3. not to exceed $1,200,000,000 to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other operating nations for logistic, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other law, including tobacco settlement distribution, and such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined to be submitted by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and the following notwithstanding: Section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE
For an additional amount for “Operation and Maintenance, Army Reserve”, $100,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE
For an additional amount for “Operation and Maintenance, Navy Reserve”, $236,509,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE
For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $55,675,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR RESERVE
For an additional amount for “Operation and Maintenance, Air Reserve”, $18,563,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Army National Guard”, $178,600,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Air National Guard”, $90,400,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AFGHANISTAN SECURITY FORCES FUND (INCLUDING TRANSFER OF FUNDS)
For the “Afghanistan Security Forces Fund”, $1,851,833,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Force—Afghanistan, and the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, of the armed forces of Afghanistan to provide equipment, supplies, services, training, facility and infrastructure repair, reconstruction, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the authority to provide such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Secretary of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this account are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds to appropriations provided herein from any person, foreign government, or international organization may be used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the specific contributions received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making a contribution to this appropriation account, notify the congressional defense committees in writing summarizing the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from the appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IRAQ SECURITY FORCES FUND (INCLUDING TRANSFER OF FUNDS)
For the “Iraq Security Forces Fund”, $3,007,000,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, reconstruction, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this account are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds to appropriations provided herein from any person, foreign government, or international organization may be used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the specific contributions received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making a contribution to this appropriation account, notify the congressional defense committees in writing summarizing the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from the appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.
further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of such funds transferred or appropriated are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary shall notify the congressional defense committees summarizing the details of any such transfer: Provided further, That the Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of such transfer: Provided further, That the Secretary shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**WEAPONS PROCUREMENT, NAVY**

For an additional amount for “Weapons Procurement, Navy”, $3,938,900,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY**

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $126,845,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**DEFENSE WORKING CAPITAL FUNDS**

For an additional amount for “Defense Working Capital Funds”, $502,700,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**DRUG INTERDIBTION AND COUNTER-DRUG ACTIVITIES, DEFENSE**

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense (including transfer of funds)”, $1,153,562,000 for operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.
necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1204. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or construction project or to make an award under a contract or agreement entered into prior to September 30, 2006. Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for the “Intelligence Community Management Account”, $136,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

TRANSFER OF FUNDS

SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

SEC. 1202. (a) AUTHORITY TO PROVIDE SUPPORT.—(1) Except as specified in subsections (b) and (c) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(b)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 109–136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(b)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 109–136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection and interception, monitoring and testing equipment to such Governments for counter-drug activities.

(3) The Secretary of Defense may transfer vehicles, aircraft, and detection and interception, monitoring and testing equipment to such Governments for counter-drug activities.

(4) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

PROVIDED FUNDING.—The Act for Fiscal Year 1998, 10 U.S.C. 2208(l), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 1998, $71,000,000, is hereby transferred to and merged with the National Security Transfer Account: Provided, That the amounts made available pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEVELOPMENT ASSISTANCE

For an additional amount for “Development Assistance”, $10,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for “Operating Expenses of the United States Agency for International Development”, $4,700,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, $1,841,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE DEMOCRACY FUND

For an additional amount for “Democracy Fund”, $10,000,000 for the advancement of democracy in Iran, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, $67,700,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, $51,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF THE TREASURY INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for “International Affairs Technical Assistance”, $13,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, $123,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROVIDED FUNDS—THIS CHAPTER

SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1302. Of the funds made available under the heading “Iraq Relief and Reconstruction Fund” in chapter 2 of title II of Public Law 109–106, $1,584,500,000 is hereby transferred to and merged with the Economic Support Fund: Provided, That the amount transferred by this section is designated as an economic support pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.
“Iraq Relief and Reconstruction Fund” in title II of Public Law 106–106 shall remain available for one additional year from the date on which the availability of funds would otherwise expire, if such funds initially obligated before the expiration of the period of availability provided herein: Provided, That, notwithstanding section 2207(d) of Public Law 108–27, requirements of section 2207 of Public Law 108–106 shall expire on October 1, 2008.

CHAPTER 4
DEPARTMENT OF HOMELAND SECURITY
United States Coast Guard

For an additional amount for “Operating Expenses”, $26,692,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5
DEPARTMENT OF DEFENSE
Military Construction, Army

For an additional amount for Military Construction, $297,000,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended for planning and designing military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate: Provided further, That, subject to the preceding proviso, $60,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

Military Construction, Air Force

For an additional amount for “Military Construction, Air Force”, $5,000,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended for planning and designing military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISION—THIS CHAPTER
Sec. 1501. The matter under the heading “Veterans Administration—Medical Services” in chapter 7 of title I of division B of Public Law 109–148 is amended by inserting after “calendar year 2005” the following: “and the costs related to the Global War on Terror”: Provided, That the provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6
DEPARTMENT OF JUSTICE
Legal Activities

For an additional amount for “Salaries and Expenses, United States Attorneys”, $5,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Federal Bureau of Investigation
Salaries and Expenses

For an additional amount for “Salaries and Expenses”, $59,000,000, to remain available until September 30, 2007: Provided, That no funding provided in this Act shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal agencies: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Drug Enforcement Administration
Salaries and Expenses

For an additional amount for “Salaries and Expenses”, $5,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7
DEPARTMENT OF STATE
Administration of Foreign Affairs
Diplomatic and Consular Programs
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, $1,380,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Office of Inspector General
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of Inspector General”, $25,300,000, to remain available until September 2007, of which $24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for “Educational and Cultural Exchange Programs”, $6,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL ORGANIZATIONS
Contributions to International Peacekeeping Activities

For an additional amount for “Contributions to International Peacekeeping Activities”, $129,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8
RELATED AGENCY
Broadcasting Board of Governors
International Broadcasting Operations

For an additional amount for “International Broadcasting Operations”, $7,600,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Broadcasting Capital Improvements

For an additional amount for “Broadcasting Capital Improvements”, $28,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER
Sec. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the Broadcasting Board of Governors Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 584(a)(1) of the National Security Act of 1947.

CHAPTER 9
DEPARTMENT OF THE TREASURY
Departmental Offices
Salaries and Expenses

For an additional amount for “Salaries and Expenses”, $1,600,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 10
DEPARTMENT OF AGRICULTURE
Executive Operations
Working capital fund

For an additional amount for “Working Capital Fund” for necessary expenses related to the consequences of Hurricane Katrina
and other hurricanes of the 2005 season, $25,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE
CONCURRENCES AND FACILITIES
For an additional amount for “Agricultural Research Service, Buildings and Facilities” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL RESOURCES CONSERVATION SERVICE
EMERGENCY WATERSHED PROTECTION PROGRAM
For an additional amount for “Emergency Watershed Protection Program”, $10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2
DEPARTMENT OF DEFENSE
DEPARTMENT OF DEFENSE—MILITARY PERSONNEL
MILITARY PERSONNEL, ARMY
For an additional amount for “Military Personnel, Army”, $2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY
For an additional amount for “Military Personnel, Navy”, $10,250,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS
For an additional amount for “Military Personnel, Marine Corps”, $2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY
For an additional amount for “Reserve Personnel, Army”, $4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY
For an additional amount for “Reserve Personnel, Navy”, $10,250,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS
For an additional amount for “Reserve Personnel, Marine Corps”, $2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE
For an additional amount for “Reserve Personnel, Air Force”, $94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY
For an additional amount for “National Guard Personnel, Army”, $1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, NAVY
For an additional amount for “National Guard Personnel, Navy”, $3,438,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Army National Guard”, $9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE
For an additional amount for “Operation and Maintenance, Air Force Reserve”, $1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE
For an additional amount for “Operation and Maintenance, Air Force Reserve”, $12,756,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT
PROCUREMENT OF AmMUNITION, ARMY
For an additional amount for “Procurement of Ammunition, Army”, $3,338,000, to remain available until December 31, 2006, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY
For an additional amount for “Other Procurement, Army”, $9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY
For an additional amount for “Aircraft Procurement, Navy”, $579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.
PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $599,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SHIPBUILDING AND CONVERSION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Shipbuilding and Conversion, Navy”, $775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to procure, under this or any other heading, prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated or transferred: Provided, That transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of the Navy shall not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, $85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR Force

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Defense Working Capital Funds”, $1,000,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for “National Defense Sealift Fund”, $10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for “General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense”, $18,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Programs”, $1,350,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FLOOD CONTROL AND COASTAL EMERGENCIES

For additional amounts for “Flood Control and Coastal Emergencies”, as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL CONSTRUCTION

For additional amounts for “Construction” to be used to repair damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, $100,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That such sums shall be subject to authorization: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

INCLUDING TRANSFERS OF FUNDS

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,500,000, to remain available until September 30, 2007: Provided, That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation,
and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding to be provided pursuant to the provisions of this Act. The concurrence of the committees of the Senate and the House of Representatives is required for the disbursement of any funds designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

For an additional amount for ‘Salaries and Expenses’ to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment damaged or caused by Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ‘Construction’ to rebuild and repair structures damaged by Hurricane Katrina and other hurricanes of the 2005 season, $80,755,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for Operating Expenses to provide for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ‘Acquisition, Construction, and Improvements’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $80,755,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for ‘Administrative and Regional Operations’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $70,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government for payment of post-disaster costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arrangements with such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 417(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), $200,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.
ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL PROGRAMS AND MANAGEMENT
For an additional amount for “Environmental Programs and Management” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $9,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM
For an additional amount for the “Leaking Underground Storage Tank Program” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE
FOREST SERVICE
NATIONAL FOREST SYSTEM
For an additional amount for the “National Forest System” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION
MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
For an additional amount for “Military Construction, Navy and Marine Corps”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE
For an additional amount for “Military Construction, Air Force”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $47,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVY RESERVE
(INCLUDING RESCISSION OF FUNDS)
For an additional amount for “Military Construction, Navy Reserve”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $5,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVY
(INCLUDING RESCISSION OF FUNDS)
For an additional amount for “Military Construction, Navy”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $50,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVIGABLE WATERS PROGRAM
For an additional amount for “Military Construction, Navigable Waters Program”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $5,300,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES ATHERNEYS
For an additional amount for “Salaries and Expenses, United States Attorneys”, $5,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
PROCUREMENT, ACQUISITION AND CONSTRUCTION
For an additional amount for “Procurement, Acquisition and Construction”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $11,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NAVAL AERONAUTICS AND SPACE ADMINISTRATION
EXPLORATION CAPABILITIES
For an additional amount for “Exploration Capabilities”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $30,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES
SMALL BUSINESS ADMINISTRATION
DISASTER LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)
For an additional amount for “Disaster Loans Program Account (including transfers of funds)”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $55,000,000, to remain available until expended: Provided, That the foregoing amount shall only be available upon enactment, by June 1, 2006, of a resolution of appro priation, or otherwise authorized by law: Provided further, That the amount provided under this heading shall be made available before the President of the Senate and the Speaker of the House of Representatives in writing of the transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7
DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
For an additional amount for “Salaries and Expenses, General Legal Activities”, $2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SMALL BUSINESS ADMINISTRATION
SMALL BUSINESS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)
For an additional amount for “Small Business Program Account (including transfers of funds)”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $1,254,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be included in section 402 of the Congressional Budget Act of 1974: Provided further, That, of the amount provided under this heading, up to $180,000,000 may be transferred to and merged with appropriations for “Small Business Administration, Salaries and Expenses” for administrative expenses to carry out the disaster loan program: Provided further, That none of the funds provided under this heading shall be used for direct administrative expenses: Provided further,
That, of the amount provided under this heading, $712,000,000 is hereby transferred to “Federal Emergency Management Agency, Disaster Relief” to reimburse that account for funding that may be reimbursed by or for which funds are reimbursable by or for which funds are provided under this heading by or for the Secretary or the use by the Secretary or the use by the Federal Emergency Management Agency or the Army Corps of Engineers reimbursable by or for which funds are provided under this heading by or for the Secretary or the use by the Secretary or the use by the Federal Register. That the Secretary must be reconstituted according to the three previous provisos on the two-year anniversary of the day the Secretary published the notice of the proposal (Public Law 94-580, Division F, Title I, section 148, U.S.C. 77). That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: Provided further, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the sourcing decisions: Provided further, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: Provided further, That the Secretary shall establish procedures to receive and process applications from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent any redundant and inappropriate use of funds made available under this heading including duplication of benefits: Provided further, That the amounts made available under this heading, including the maximum of up to $15,000,000,000 to the Office of Inspector General and “Management and Administration, Salaries and Expenses” for costs associated with administration and oversight: Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or a component of a non-Federal program: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY
GENERAL SERVICES ADMINISTRATION
FEDERAL BUILDINGS FUND

For an additional amount for “Federal Buildings Fund” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $7,000,000,000, from the General Fund and to remain available until expended: Provided, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to make provisions for affected buildings: Provided further, That he amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

S 3003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

S 3002c. Subsection (b) of section 102 of title I of division B of Public Law 109-148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency assistance program: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

S 3003. Funds appropriated pursuant to this Act, or made available from any fund in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

INCLOSURE OF FUNDS

S 3004. (a) Reclamation.—Of the unobligated balances available for “Immigration and Customs Enforcement—Automation Modernization”, $43,620,000 are rescinded.

(b) Appropriation.—For an additional amount for “United States Secret Service—Salaries and Expenses” for critical investigative and protective operations, $83,620,000: Provided, That none of the funds appropriated in this section or under the heading “Immigration and Customs Security—Salaries and Expenses” in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive an annual workforce re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Security and support the position of the Chief Financial Officer, until the Committees on Appropriations receive an annual workforce re-balancing report that includes funding and position requirements for current investigative and protective operations, including a comprehensive analysis of the methodology used to estimate those requirements.

S 3005. (a) The matter under the heading “Tenant-Based Rental Assistance” in chapter 109 of title I of division B of Public Law 109-148 is amended—

(1) in the first proviso, by striking “or the Stewart B. McKinney Homelessness Assistance Act of 1994 (42 U.S.C. 2800–0405), NY” together with an amount not to exceed $19,000,000, NY—298; 42 U.S.C. 2800–0345, NY—90–X398, NY—90–X418, NY—90–X465–00, NY—371, NY—371; 42 U.S.C. 2800–0345, NY—90–X398, NY—90–X418, NY—90–X465–00, together with an amount not to exceed $19,000,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Authority for the New York City Department of Transportation/fund, and inserting “and the McKinney-vento Homelessness Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965”; and

(2) in the second proviso, by inserting “, except that paragraph (7)(A) of such section shall not apply after 1997”. (b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

S 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal prior to December 19, 2004, NY—63–0325–00, NY—63–0405, NY—90–X398, NY—90–X418, NY—90–X465–00, together with an amount not to exceed $19,000,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Authority for the New York City Department of Transportation/fund, and inserting “and the McKinney-Vento Homelessness Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965”; and

S 3007. The referenced statement of the managers under the heading “Community
Development Fund” in title II of division I of Public Law 108–477 is deemed to be amended—

(1) with respect to item number 386, by striking “of the Department of Transportation, Federal Highway Administration for project study” and inserting “the Main Street Revitalization Project”; 

(2) with respect to item number 444, by striking “of the Port of Miami, for certain Puerto Rico facilities development and renovation for the Mid-Pinellas Science Center” and inserting “St. Petersburg College, City of Seminole, Florida, for the renovation of Old Federal Courthouse; South Carolina for the renovation of Old Federal Courthouse; North Carolina for the construction of a senior center; and striking—

‘‘–P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.”

(3) by striking subsection (b) and inserting

“Provided further, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for any or all of the construction or renovation of such facility or projects and not with Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.”


(c) Each amendment made by this section shall apply as if included in the amended public law of its enactment.

Sect. 3008. The statement of managers of correction referenced in the second paragraph under the heading “Community Development Fund” in title III of division A of Public Law 109–115 is deemed to be—

(1) with respect to item number 714, by striking “construction of a senior center in Lancaster, Pennsylvania and inserting “in Pennsylvania”; and

(2) with respect to item number 850, by striking “Greenwood Partnership Alliance, South Carolina” and inserting “Greenwood Partnership Alliance, South Carolina for the construction of a senior center.”

(d) with respect to item number 923, by striking “City of Greenwood, South Carolina for the Emerald Triangle Project” and inserting “Greenwood Partnership Alliance, South Carolina for the construction of a senior center.”

(e) Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a), by striking “for a time only obligation and expenditure” and inserting—

“(A) for the purposes of title III only obligation and expenditure;—

(a) by striking “as fiscal year 2007” and inserting “in order to ensure the availability of funds for health care, public health, and related programs during fiscal year 2007”;

(b) by inserting at the end the following: ‘‘; to remain available until September 30, 2007’’; and

(3) by striking subsection (b) and inserting the following:

“(b) EMERGENCY DESIGNATION.—The amount provided under subsection (a)(2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress) and the concurrent resolution on the budget for fiscal year 2006.”

Sect. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Nothing in this section shall preclude any other provision of law or any prior action or decision by or on behalf of the President under section 731 of the Defense Production Act of 1950 (50 U.S.C. App. 2171) or any other provision of law or a prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any prior action or decision by or on behalf of any other agency or department, to replace and $100,000,000 is for sensor and detection and $80,000,000 is for border patrol vehicle replacement.

Sect. 3012. (a) None of the funds appropriated in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated adequate progress in implementing the roadmap.

(b) The term “Dubai Ports World” means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.”

For an additional amount for the “Office of the Secretary and Executive Management” to provide funds for the Office of Policy, $2,300,000,000, to remain available until expended: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE V—BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the “Office of the Chief Information Officer” to replace and upgrade law enforcement communications, $3,000,000,000, to remain available until expended: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

SALARIES AND EXPENSES

For an additional amount for “United States Visitor and Immigrant Status Indicator Technology” to accelerate biometric database integration and conversion to 10–print enrollment, $60,000,000, to be available until expended: Provided, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: Provided further, That the entire amount is dedicated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for the Customs and Border Protection, as provided in Public Law 109–242, of which $8,000,000 is for border patrol vehicle replacement and $100,000,000 is for sensor and risk communication, rapid response and quarantine: Provided further, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 406(b) of the Public Health Service Act, funds may be used for the construction or renovation of owned facilities related to the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines and biologicals: Provided further, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for any or all of the construction or renovation of such facility or projects and not with Dubai Ports World or any other legal entity affiliated or controlled by Dubai Ports World.
For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” to replace air assets and upgrade air operations facilities, $790,000,000, to remain available until expended, of which $40,000,000 is for helicopter replacement and $750,000,000 is for recapitalization of air assets: Provided, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**CONSTRUCTION**

For an additional amount for “Construction”, $120,000,000, to remain available until expended: Provided, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses” to replace vehicles, $80,000,000. Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**UNITED STATES COAST GUARD**

**ACQUISITION, CONSTRUCTION AND IMPOUNDMENTS**

For an additional amount for “Acquisition, Construction, and Improvements” for acqui-

**FEDERAL LAW ENFORCEMENT TRAINING CENTER**

**ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES**

For an additional amount for “Acquisition, Construction, Improvements, and Related Expenses” for construction of the language training facility referenced in the Master Plan for the Language Training Infrastructure Improvements, $18,000,000, to remain available until expended: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**GENERAL PROVISIONS—THIS TITLE**

**REDUCTION IN FUNDING**

Sec. 5001. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed $67,062,188,000.

**SA 3616.** Mr. MCCAIN (for himself and Mr. ENNSON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 229, strike lines 5 through 14.

**SA 3617.** Mr. MCCAIN (for himself and Mr. ENNSON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 224, strike line 23 through line 18 on page 225.

**SA 3618.** Mr. MCCAIN (for himself and Mr. ENNSON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 138, line 24, strike all after the “:” through “fisheries” on page 139, line 2.

**SA 3619.** Mr. MCCAIN (for himself and Mr. ENNSON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

**SA 3620.** Mr. WARNER proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 5024. The aggregate amount provided by chapter 3 of title I of the Act and chapter 3 of title II of the Act may not exceed $67,062,188,000.

**GENERAL PROVISIONS—THIS CHAPTER**

Sec. 2401. In addition to amounts made available under this chapter, $10,000,000 shall be made available to the Assistant Secretary of the Army, Civil Works, to carry out the Napa River project of the Corps of Engineers.

**SA 3624.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 162, between lines 12 and 13, insert the following:

**APPENDIX,**—The Secretary shall use such personnel.

Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on Page 217, line 19, strike “(c) and insert the following:

**SA 3623.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 162, between lines 12 and 13, insert the following:

**SA 3625.** Mr. WARNER (for himself and Mr. LUGAR, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

**AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN**

The Secretary shall use such personnel.

For an additional amount for “Construction”, $120,000,000, to remain available until expended: Provided, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**EMERGENCY FUNDING**

**CONSTRUCTION**

For an additional amount for “Construction”, $120,000,000, to remain available until expended: Provided, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**FEDERAL LAW ENFORCEMENT TRAINING CENTER**

**ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES**

For an additional amount for “Acquisition, Construction, Improvements, and Related Expenses” for construction of the language training facility referenced in the Master Plan for the Language Training Infrastructure Improvements, $18,000,000, to remain available until expended: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**GENERAL PROVISIONS—THIS TITLE**

**REDUCTION IN FUNDING**

Sec. 5001. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed $67,062,188,000.

Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On Page 229, strike lines 5 through 14.

Mr. MCCAIN (for himself and Mr. ENNSON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on Page 224, strike line 23 through line 18 on page 225.

Mr. MCCAIN (for himself and Mr. ENNSON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 138, line 24, strike all after the “:” through “fisheries” on page 139, line 2.

Mr. MCCAIN (for himself and Mr. ENNSON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

Mr. WARNER proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 5024. The aggregate amount provided by chapter 3 of title I of the Act and chapter 3 of title II of the Act may not exceed $67,062,188,000.

Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on Page 217, line 19, strike “(c)” and insert the following:

**APPENDIX,**—The Secretary shall use such personnel.

Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on Page 217, line 19, strike “(c)” and insert the following:

**APPENDIX,**—The Secretary shall use such personnel.

Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on Page 217, line 19, strike “(c)” and insert the following:

**APPENDIX,**—The Secretary shall use such personnel.
On page 253, between lines 19 and 20, insert the following:

SEC. 56. TEMPORARY WINDFALL PROFITS TAX; HOUSEHOLD REBATE.

(a) Temporary Windfall Profits Tax.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL."

"Sec. 5886. Imposition of tax.

Sec. 5897. Windfall profit; removal price; taxable crude oil and adjusted base price.

Sec. 5898. Special rules and definitions.

Sec. 5899. Imposition of tax.

(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) an excise tax equal to 30 percent of the windfall profit from all barrels of taxable crude oil removed from the property during any taxable year beginning in 2006.

(b) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

Sec. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE.

(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

(b) REMOVAL PRICE.—For purposes of this chapter:

(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘removal price’ means the amount for which the barrel of taxable crude oil is sold.

(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property produced under section 6131.

(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—In any case in which oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property produced under section 6131.

(4) DEFINING REMOVAL ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property produced under section 6131.

(b) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5886."

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any taxable year beginning in 2006.

(b) HOUSEHOLD REBATE.

(1) IN GENERAL.—Subchapter B of chapter 56 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. HOUSEHOLD REBATE.

(A) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter I for the taxable year beginning in 2006 in an amount equal to $50.

(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than June 1, 2006.

(c) CERTAIN INDIVIDUALS NOT ELIGIBLE.—This section shall not apply to—

(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year did not exceed $40,000;

(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006;

(3) any estate or trust, or

(4) any nonresident alien individual.

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ‘‘, or from section 6430 of such Code’’.
Katrina of August 2005 or Hurricane Rita of September 2005.

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 636) is amended—

(1) by striking “The Program” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), and

(2) by adding at the end the following:

“(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction for the 2005 Atlantic hurricane Katrina of 2005 or Hurricane Rita of 2005.”

SA 3628. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term “covered funds” means any funds that—

(1) are allocable to a department or agency under title II of this Act for hurricane disaster relief and recovery, and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical needs and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

SA 3629. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7052. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the comprehensive review.

(b) Prior Elements.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific times for the movement of remains, and the manner of movement.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers significant in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 1037 note) is amended by adding at the end the following new paragraph:—

“(2) The process by which the Department of Defense identifies military decedents on the cause of, and any investigation into, the death of such military decedents and on the processing, disposition, and transportation of the remains of such decedents, which process shall—

(A) provide for the provision of such briefings to the most qualified Department personnel available;

(B) ensure the provision of such briefings as soon as possible after death;

(C) ensure that such briefings relate the most complete and accurate information available at the time of such briefings;

(D) provide for comprehensive and timely updates of such briefings, when warranted;

(E) ensure, in the extent possible, that incomplete or unverified information is not provided during the course of such briefings or updates; and

(F) implement procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.”

SA 3630. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER
HURRICANE RESPONSE PLAN FOR THE 2006 HURRICANE SEASON

SEC. 2201. (a) (1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “Disaster Loan Program” means the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636); and

(3) the term “major disaster” has the meaning given in section 102 of the Robert T. Stafford Disaster Relief and Emergence Assistance Act (42 U.S.C. 5122); and

(4) the term “small business concern” has the meaning given in section 3 of the Small Business Act (15 U.S.C. 632);

(b) the term “Build” means the Disaster Credit Management System of the Administration; and

(c) the term “2006 Atlantic hurricane season” means the period beginning on June 1, 2006, and ending on November 30, 2006.

(b) Prior Elements.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) A description of the findings and recommendations of the Administrator, if any, pursuant to the review of the 2005 Atlantic hurricane season;

(2) A description of the findings and recommendations of the Administrator, if any, pursuant to the review of the 2005 Atlantic hurricane season; and

(3) A description of the findings and recommendations of the Administrator, if any, pursuant to the review of the 2005 Atlantic hurricane season.

(c) The report required under subsection (b) shall include—

(1) the plan of the Administrator for responding and coordinating efficiently after the occurrence of a major disaster during the 2006 Atlantic hurricane season and subsequent major disasters (including preparation and planning for disaster response resources and staff, such as identifying loss verifiers and technical assistance staff to deploy to potential disaster areas in advance of charitable events such as hurricanes);

(2) A description of how the Administrator plans to integrate and coordinate the response to a major disaster with the staff and resources of the Federal Emergency Management Agency (including details on where and when joint training sessions are planned during the 2006 Atlantic hurricane season);

(3) A description of how the Administrator plans to integrate and coordinate the response to a major disaster with the staff and resources of the Federal Emergency Management Agency (including the small business development centers);

(4) The contingency plans of the Administration, if any, for handling increases in the volume of applications under the Disaster Loan Program during the 2006 Atlantic hurricane season (including detailed plans for using local banks, credit unions, and businesses in an area in which the President declares a major disaster or the hiring of additional loan processing and loss verification staff);

(5) Any available or revised surge plans for the system (including surge plans for loan verification, loan processing, customer service or call center operations, and a continuity of operations plan);

(6) Information on the plans of the Administration, if any, for handling increases in the Disaster Loan Program application processing system, including—

(A) the user capacity of the system; and

(B) the estimated cost for upgrading the software and equipment to handle additional users;

(7) The number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(8) Information (including potential cost estimates) on whether—

(A) the Administrator plans to hire full-time planning staff during the 2006 Atlantic hurricane season; and

(B) such full-time planner would be hired in the Office of Disaster Assistance or in another office of the Administration;

(9) The number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(10) Information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster);

(11) Information on the procurement procedures of the Administration for acquiring equipment and staff, including—

(A) standard procurement procedures during nondisaster periods;

(B) standard procurement procedures before and after major disasters;

(C) whether the Administration meets the criteria to be exempt from the normal General Services Administration procurement process; and

(D) whether any administrative or legislative changes are needed to allow the Administration to be exempt from the normal General Services Administration procurement process in response to a disaster; and

(12) A description of the findings and recommendations of the Administrator, if any, pursuant to the review of the 2005 Atlantic hurricane season; and

(SA 3631. Ms. LANDRIEU (for herself, Mr. KERRY, and Mr. BAYH) submitted
an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

**GENERAL PROVISIONS—THIS CHAPTER**

**DISASTER LOAN PROGRAM MONTHLY ACCOUNTING REPORT**

SEC. 2301. (a) In this section—
(1) the term ‘‘applicable period’’ means the period beginning on the date on which the President declares a major disaster and ending on the 30th day after the date of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster; and
(2) the term ‘‘major disaster’’ has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7(c) of the Small Business Act (15 U.S.C. 638) for such disaster during the preceding month.

(c) Each report under subsection (b) shall include—
(1) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);
(2) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);
(3) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);
(4) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);
(5) an estimate of how long the available funding for such loans will last, based on the spending rate;
(6) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under subsection (b);
(7) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding;
(8) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

**SA 3632. Mr. DURBIN (for himself, Ms. MUKULSKI, Mr. ALLEN, Mr. BINGA-
MAN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. BIDEN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes;**

SEC. 1312. (a) **SHORT TITLE.**—This section may be cited as the ‘‘Reserve Officers and Enlisted Reservists Pay Securitization Act of 2006’’.

(b) **IN GENERAL.**—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

> * 5538. **Nonreduction in pay while serving in the uniformed services or National Guard**
>
> (a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive for each pay period described in subsection (b), an amount equal to the amount by which—
>
> (1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)
>
> (2) the amount of pay and allowances which (as determined under subsection (d)—
>
> (A) is payable to such employee for that service; and
>
> (B) is allocable to such pay period.
>
> (b) **Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)**—
>
> (1) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsections (A) and (B) of section 4302(a)(2)(C)(ii) with respect to which such employee is entitled by virtue of an agency or other entity of the Government employed agency, or other entity of the Government—
>
> **(1) the term ‘‘employee’’, ‘‘Federal Government’, and ‘‘uniformed services’’ have the same respective meanings as given them in section 4303 of title 38;**
>
> (2) the term ‘‘employing agency’’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(i) with respect to which such employee has reemployment rights under chapter 43 of title 38; and
>
> (3) the term ‘‘basic pay’’ includes any amount payable under section 5304.”.’

(c) **Clerical Amendment.**—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

> * 5538. **Nonreduction in pay while serving in the uniformed services or National Guard**

**SA 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes;**

SEC. 8001. **ENERGY TAX REBATE.**

(a) **IN GENERAL.**—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following:

> * 6430. **Energy Tax Rebate**

> (a) **GENERAL RULE.**—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $500.

> (b) **REIMBURSEMENT OF PAYMENT.**—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of an Act amending this section.

> (c) **CERTAIN PERSONS NOT ELIGIBLE.**—This section shall not apply to—

> (1) an individual who had not been interrupted by that service, the amount payable under this section to an employee shall be paid—

> (1) by such employee’s employing agency;

> (2) from the appropriation or fund which would be used to pay such employee’s civilian employment had not been interrupted.

> (d) **The Office of Personnel Management shall, in consultation with the Secretary of Defense, establish regulations necessary to carry out the preceding provisions of this section.**

> (e)(1) The head of each agency referred to in section 2302(a)(2)(C)(i) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employee of that agency.

> (2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

> (d) **For purposes of this section—**

> (1) the terms ‘‘employee’’, ‘‘Federal Government’’, and ‘‘uniformed services’’ have the same respective meanings as given them in section 4303 of title 38;

> (2) the term ‘‘employing agency’’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(i) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

> (3) the term ‘‘basic pay’’ includes any amount payable under section 5304.”.’

**SA 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes;**

SEC. 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

**TITLE VIII—OIL COMPANY ACCOUNTABILITY**

SEC. 8001. **ENERGY TAX REBATE.**

(a) **IN GENERAL.**—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following:

> * 6430. **Energy Tax Rebate**

> (a) **GENERAL RULE.**—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $500.

> (b) **REIMBURSEMENT OF PAYMENT.**—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of an Act amending this section.

> (c) **CERTAIN PERSONS NOT ELIGIBLE.**—This section shall not apply to—

> (1) an individual who had not been interrupted by that service, the amount payable under this section to an employee shall be paid—

> (1) by such employee’s employing agency;

> (2) from the appropriation or fund which would be used to pay such employee’s civilian employment had not been interrupted.

> (d) **The Office of Personnel Management shall, in consultation with the Secretary of Defense, establish regulations necessary to carry out the preceding provisions of this section.**

> (e)(1) The head of each agency referred to in section 2302(a)(2)(C)(i) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employee of that agency.

> (2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

> (d) **For purposes of this section—**

> (1) the terms ‘‘employee’’, ‘‘Federal Government’’, and ‘‘uniformed services’’ have the same respective meanings as given them in section 4303 of title 38;

> (2) the term ‘‘employing agency’’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(i) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

> (3) the term ‘‘basic pay’’ includes any amount payable under section 5304.”.’
SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for the last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer’s cost of goods sold for such taxable year, the taxpayer’s gross income for such taxable year shall be increased by the amount of such excess.

(b) Layer adjustment amount.—For purposes of this section:

(1) General rule.—The term ‘‘layer adjustment amount’’ means, with respect to any historic LIFO layer, the product of—

(A) $13.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or any other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) Barrel-of-equivalent.—The term ‘‘barrel-of-equivalent’’ has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) Application of requirement.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No addition to the tax shall be made under section 6651 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of estimated tax which is imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

(3) Exclusions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

(i) persons who are not dual capacity taxpayers, and

(ii) persons who are citizens or residents of the foreign country or possession.

(4) Large integrated oil company.—For purposes of this subsection, the term ‘‘large integrated oil company’’ means an integrated oil company (as defined in section 291(b)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for any taxable year ending during calendar year 2005.

For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 48b(c)(3)(B) shall apply.

(b) Effective date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.
“(II) The Administrator, in consultation with the Secretary of Energy (referred to in this clause as the ‘Secretary’), shall—

“(aa) determine the total number of fuels approved for sale as gasoline or diesel fuel as of September 1, 2004, in all State implementation plans; and

“(bb) not later than 90 days after the date of enactment of this clause, publish in the Federal Register a list of the fuels described in item (aa), including the states and Petroleum Administration for Defense District in which they are used.

“(III) The Administrator—

“(aa) shall remove a fuel from the list published under subclause (II) if the fuel ceases to be a State implementation plan fuel or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator; and

“(bb) not later than 90 days after the date of enactment of this clause, the Administrator shall issue final rules for modifications to the proposed Federal Fuels List to another unless, after consultation if the proposed fuel is not 1 of the fuels for which the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and in

“(bb)(V)(aa) Except as provided in item (bb), in considering the implementation plan of a State or a revision to such a plan, the Administrator shall have no authority under this subparagraph to approve any fuel unless that fuel was, as of the date of the consideration, approved in at least 1 State implementation plan in the applicable Petroleum Administration for Defense District.

“(bb) The Administrator may approve as part of a State implementation plan, or a revision to it, any fuel with an average time Reid Vapor Pressure of 7.0 psi, but such an approval by the Administrator shall not cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

“(VI) Nothing in this clause affects any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with that subsection after the date of enactment of this subclause.

“(VIII)(I) Clause (vi), including the limitations of the authority of the Administrator and the Secretary, to modify the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause (V) is achieved, at which time clause (vi) shall no longer apply and the limitations of the authority of the Administrator under subclause (IV) shall apply.

“(III) Not later than 1 year after the date of enactment of this clause, the Administrator, in coordination with the Secretary and after providing notice and an opportunity for public comment, shall publish in the Federal Register a list, to be known as the ‘Federal Fuels List’, containing 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 208(b).

“(bb) The list shall include 1 Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator in effect as of the date of enactment of this clause and shall permit the implementation of alternative diesel fuel, approved under this subparagraph before that date for a State that has not received a section 208(b) waiver, only in the State in which it was approved, for the non-ethanol gasoline for ozone attainment areas, 1 reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

“(cc) Nonconformity fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

“(III)(aa) Gasolines and diesel fuels shall be included on the Federal Fuels List based on an analysis by the Administrator of the ability of the fuels to reduce ozone emissions to achieve levels in establishing ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not cause a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List.

“(bb) In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend the implementation of this clause.

“(IV) Subclause (I) shall not limit the authority of the Administrator to approve a control or prohibition respecting any new fuel under this paragraph in an implementation plan for a revision of such a plan, after the date of enactment of this subclause if the new fuel completely replaces a fuel on the list published under subclause (II).

“(V)(aa) Subclause (I) shall apply.

“(bb) The Harmonization Plan shall be fully implemented by the Administrator and the Secretary unless, after consultation if the proposed fuel is not 1 of the fuels for which the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and

“(bb)(V)(aa) Subclause (II) shall be fully implemented by the Administrator and the Secretary unless, after consultation if the proposed fuel is not 1 of the fuels for which the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and in

“(bb)(V)(aa) Subclause (II) shall be fully implemented by the Administrator and the Secretary unless, after consultation if the proposed fuel is not 1 of the fuels for which the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and in

“(bb) On publication of the Federal Fuels List, the Administrator shall have no authority, in considering a State implementation plan or State implementation plan revisions, to approve any fuel unless that fuel is included in such plan or revision if the proposed fuel is not 1 of the fuels on the Federal Fuels List or to approve an implementation plan or plan revision of a State to move from 1 fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the judgment of the Administrator, the plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas.

“(bb)(V)(aa) A finding of the Administrator under item (aa) shall include an assessment of reasonableness foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

“(bb)(V)(aa) The Administrator, in consultation with the Secretary, shall—

“(aa) develop a plan to harmonize the currently approved Federal Fuels List with the fuels included on the Federal Fuels List; and

“(bb) not later than 18 months after the date of enactment of this subclause, promulgate implementing regulations for this plan.

“(bb)(V)(aa) The harmonization plan under subclause (V) shall be fully implemented by the States not later than December 31, 2008.

“(b) Section 1541 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

“(c) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.

“(1) STUDY.—The Administrator of the Environmental Protection Agency and the Secretary shall undertake a study of the effects of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7409(c)(4)(C)) on—

“(A) air quality;

“(B) number of fuel blends; and

“(C) fuel availability;

“(D) fuel fungibility; and

“(E) fuel costs.

“(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act,
If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) Layer Adjustment Amount.—For purposes of this section—

(A) the term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(1) $18,750, and

(2) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer;

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(A) the term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(1) $18,750, and

(2) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(c) APPLICATION OF REQUIREMENT.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No adjustment under this section shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) A PPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company as defined in section 291(b)(4) of the Internal Revenue Code of 1986 which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year ending in calendar year 2005. For purposes of this subsection all persons treated as a single employer under sections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDITS APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(n) Special Rule Relating to Large Integrated Oil Companies Which Are Dual Capacity Taxpayers.—

(1) General Rule.—Notwithstanding any other provision of law, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

(A) If, for such period, the foreign country or possession does not impose a generally applicable income tax;

(B) To the extent such amount exceeds the amount (determined in accordance with regulations) which—

(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

(ii) would be paid by the generally applicable income tax if the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

(c) Authorization of Appropriations.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States—

(2) any nonresident alien individual; or

(3) any nonresident alien individual.

"(A) SA 3636. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITILE VIII—OIL COMPANY ACCOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"(8001) ENERGY TAX REBATE.—

"(a) General Rule.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year ending in 2006 in an amount equal to $500.

"(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this Act.

"(c) Certain Persons Not Eligible.—This section shall not apply to—

"(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for the preceding taxable year was less than $30,000; and

"(2) any nonresident alien individual.

(b) CONFORMING AMENDMENT.—Section 1325(b)(2) of title 31, United States Code, is amended by inserting before the period ";", after "the period", and after section 6430 of such code:

"(c) CIRCULAR.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Energy tax rebate.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General Rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) increase the cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(c) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

(1) In general.—The term "generally applicable income tax" means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

(2) Exceptions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

(i) persons who are not dual capacity taxpayers,

(ii) persons who are citizens or residents of the foreign country or possession.

"(d) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term "large integrated oil company" means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

"(1) has gross receipts in excess of $1,000,000,000 for such taxable year, and

"(2) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.

"(e) EFFECTIVE DATE.—

(1) In general.—The amendments made by this section shall apply to any expenses paid or incurred during any taxable year for which the taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) had gross receipts in excess of $1,000,000,000 for such taxable year, and

(c) APPLICATION OF REQUIREMENT.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No adjustment under this section shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

"(d) A PPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company as defined in section 291(b)(4) of the Internal Revenue Code of 1986 which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year ending in calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDITS APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(n) Special Rule Relating to Large Integrated Oil Companies Which Are Dual Capacity Taxpayers.—

(1) General Rule.—Notwithstanding any other provision of law, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax;

(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

(ii) would be paid by the generally applicable income tax if the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).
NEXT GENERATION PROTECTIVE GEAR FOR SMALL-ARMS AND BIOTERRORISM THREATS TO TROOPS

SEC. 1312. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION. The amount appropriated by this chapter under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE” is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE”, as increased by subsection (a), $10,000,000 shall be available for grants to research institutions for research and development on next generation protective gear for small-arms threats and bioterrorism threats to troops.

SA 3638. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

H.R. 4939.

—

INCOME REPLACEMENT PAYMENTS FOR MILITARY PERSONNEL.

SEC. 1312. (a) MODIFICATION OF ELIGIBILITY SECTION 910(b)(1) OF TITLE 10, UNITED STATES CODE, IS AMENDED BY STRIKING “18 CONTINUOUS MONTHS OF SERVICE” AND INSERTING “SIX CONTINUOUS MONTHS OF SERVICE”.

(b) FUNDING.

(1) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The aggregate amount appropriated by this chapter under the heading “MILITARY PERSONNEL”, as increased by paragraph (1), $27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service.

(2) AVAILABILITY.—Of the amounts appropriated by this chapter under the heading “MILITARY PERSONNEL”, as increased by paragraph (1), $27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service under section 910 of title 10, United States Code, as a result of the amendment made by subsection (a).

SA 3639. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

—

CUSTOMS AND BORDER PROTECTION.

For an additional amount for “Customs and Border Protection”, $12,000,000, for the Northern Border airings in Michigan and North Dakota, and for the States that the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3640. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

—

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAQ.

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1930s.

(2) Famous Americans such as Howard Bas kerville, Dr. Samuel Martin, Jane E. Doo little, and Lords Macht, and significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities for the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Forcing India to grant the United States embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election, which were indicative of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the leadership of the Islamic Republic of Iran continued to be hostile to the United States and coalition efforts to bring peace and democracy to Iraq.

The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(10) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq, due to clear intelligence indicating coalition efforts to bring peace and democracy to Iraq.

(11) The Government of Iran conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israeli and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their choice; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracies in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(3) opposes the use of terrorism;

(4) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(5) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(6) is dedicated to respect for human rights, including the fundamental equality of women and men;

(7) works to establish equality of opportunity for people; and

(8) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection that is available pursuant to the authorization of appropriations under paragraph (7).
SA 3641. Mr. COBURN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading “Operations, Research, and Facilities” may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading “Operations, Research, and Facilities” may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $175,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 7 of this Act, for the Federal Railroad Administration under the heading “Construction” may be available for the acceleration of the South Sacramento Streams project in California, and the amount made available under such heading is reduced by $20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading “Operations, Research, and Facilities” may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 7 of this Act, for the Federal Railroad Administration under the heading “Construction” may be available for the acceleration of the South Sacramento Streams project in California, and the amount made available under such heading is reduced by $25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading “Operations, Research, and Facilities” may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading “Construction” may be available for the acceleration of the South Sacramento Streams project in California, and the amount made available under such heading is reduced by $25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading “Operations, Research, and Facilities” may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading “Operations, Research, and Facilities” may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading “Operations, Research, and Facilities” may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading “Operations, Research, and Facilities” may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $25,000,000.
otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading ‘Operations, Research, and Facilities’ may be made available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by $200,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of the National Defense Authorization Act for the Army Corps of Engineers under the heading ‘Construction’ may be available for the acceleration of construction of the Sacramento Riverbank Protection Project, and the amount made available under such heading is reduced by $11,300,000.

SA 3642. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. Pryor, Mr. JOHNSON, and Mr. DUBEN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations intended to be, year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ‘Medical Services’ for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1703(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, $400,000,000 plus reimbursements: Provided, That the amount under this heading, $185,000,000 shall be available to address the needs of service members in need of mental health care, including post-traumatic stress disorder: Provided further, That of the amount under this heading, $80,000,000 shall be available for the provision of readjustment counseling under section 1721A of title 38, United States Code (commonly referred to as ‘Vet Centers’); Provided further, That of the amount under this heading $182,000,000,000 shall be available to meet current and pending care and treatment requirements: Provided further, That the amount under this heading shall be available until expended: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H.Con. Res. 96 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3643. Mr. SALAZAR (for himself, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

RENUMATION OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION

Sec. 1312. Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(a) In section 1478(a), by striking ‘‘have a death gratuity paid’’ and inserting ‘‘have fallen hero compensation paid’’.

(b) In section 1478(c), (A) in paragraph (1), by striking ‘‘a death gratuity’’ and inserting ‘‘fallen hero compensation’’; and

(c) In section 1478(d), by striking ‘‘a death gratuity’’ and inserting ‘‘fallen hero compensation’’.

SEC. 7032. (a) The Senate makes the following findings:


(2) On April 10, 2006, the Department of Defense (Defence) notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees.

SA 3644. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 102, line 15, insert after "the threats," the following: “the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices.”

SA 3645. Mr. SALAZAR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 246, between lines 8 and 9, insert the following:

HAZARDOUS FUELS AND FOREST HEALTH

SA 3646. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS

Sec. 7032. (a) (The Senate makes the following findings:

(1) (The Senate makes the following findings:


(2) On April 10, 2006, the Department of Defense (Defence) notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees.

SA 3647. Mrs. HUTCHISON (for herself and Mr. BURNS) proposed an amendment to amendment SA 3642 proposed by Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. Pryor, Mr. JOHNSON, and Mr. DUBIN) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Before the period at the end of the amendment insert the following:

Provided further, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted by the President which includes designation of the entire amount of the request as an emergency requirement.”
SA 3648. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ... JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN.

(a) FINDINGS.—Congress finds that—

(1) on November 4, 1979, the Iranian miltants seized the United States Embassy in Tehran, Iran, and held 52 Americans hostage for 448 days until their negotiated release on January 20, 1981;

(2) on January 19, 1981, the United States Department of State entered into a series of agreements with Iran, commonly known as the Algiers Accords. The accords established the United States-Iran Claims Tribunal to adjudicate United States and Iranian commercial claims. The Algiers Accords, however, precluded the 52 American hostages or their families from bringing suit against Iran for their seizure, detention, torture, and injury;

(3) on December 29, 2000, the 52 American hostages and their spouses and children filed suit in the United States District Court for the District of Columbia, pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-105);

(4) on August 6, 2001, the District Court entered a default judgment against Iran after certifying the case as a class action;

(5) the United States Department of State intervened in the case of the former American hostages and their families, and successfully moved to vacate the decision against Iran by invoking the Algiers Accords;

(6) the former American Hostages and their families have been denied the rights given every other American citizen to prosecute their claims against a state sponsor of terrorism pursuant to the Antiterrorism and Effective Death Penalty Act of 1996; and

(7) a common fund should be established to recognize these American heroes.

(b) COMMON FUND FOR HOSTAGES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall commence payments to a common fund to be established and administered by the certified class representatives for the former American hostages in Iran and their survivors (as identified in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia); and

(2) ADMINISTRATION.—The common fund shall—

(A) be administered for the purpose of satisfying such claims, as approved by the certified class representatives identified in that case number.

(c) FUNDS.—Payments to the common fund under subsection (b) shall be derived from the liquidation of blocked assets (as defined in section 20(d)(2) of the Terrorism Hark Hamadi Establishment, et al. v. Iran, 28 U.S.C. 1610 note) with respect to Iran, and from amounts in the Iran Foreign Military Sales Fund account within the Foreign Military Sales Funds account. The Secretary of the Treasury may use the interest in the Iran Foreign Military Sales Fund account, the principal in the account, or liquidate assets for purposes of payment.

(d) AMOUNT.—The Secretary of the Treasury shall make payments into the fund in amounts equal to—

(1) for each former hostage identified as a class member under subsection (b)(1), $1,000 for each day of captivity;

(2) for each spouse and child identified as a class member under subsection (b)(1), $500 for each day of captivity of the former hostages; and

interest on each amount under paragraph (1) and (2), calculated at the historical daily prime rate, as published by the Board of Governors of the Federal Reserve System, for the period from the date of the release of the hostage until the date of payment under this section.

(e) TAXES.—Payments to the former American hostages and their family members pursuant to this section shall be exempt from Federal taxes.

SA 3650. Mr. OBAMA (for himself, Mr. AKAKA, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENT OF VETERANS AFFAIRS

General Operating Expenses

For an additional amount for “General Operating Expenses”, $1,000,000,000.00, to improve timeliness and accuracy of claims processing, rating, and adjudication, to remain available until expended:

Provided further, That not later than 1 year after the date of enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall conduct an assessment regarding how to modify the Louisiana family assistance protocol to provide an improved case-processing model for all cases (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) occurring after the date of enactment of this Act:

Provided further, That not later than 1 year after the date of the assessment conducted under the preceding proviso, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable:

Provided further, That—

SA 3653. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, lines 20, after “Provided, That” insert the following: “$500,000 shall be for the Secretary of Homeland Security, acting through the Office of State and Local Government Coordination and the Office for Civil Rights and Civil Liberties, to take appropriate actions to carry out recommendation 43 (regarding improving evacuation procedures for people with special needs) in the report by the Assistant to the President for Homeland Security and Counterterrorism entitled ‘The Federal Response to Hurricane Katrina: Lessons Learned,’ dated February 23, 2006: Provided further, That—

SA 3654. Mr. REID (for Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

Support for Mental Health and Readjustment Programs

SEC. 1601. Congress makes the following findings:

SA 3651. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert—

SEC. WORKING FAMILY TAX RELIEF.

For purposes of section 24(d) of the Internal Revenue Code of 1986 (relating to portion of child tax credit made refundable), in the case of any taxable year beginning during 2006 or 2007, with respect to any taxpayer who had a primary residence in the Hurricane Katrina disaster area (as defined in section 24(d)(2)(B) of the Tax Relief Act of 2006) August 24, 2005, clause (1) of section 24(d)(1)(B) of such Code shall be applied by substituting 10 per-cent of the taxpayer’s earned income for such taxable year for the amount which would otherwise be determined under such clause for such taxable year. A taxpayer may elect not to have this section apply for any taxable year.
SEC. 3656. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. TRAVEL DOCUMENT PLAN.

Section 729(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking “January 1, 2008” and inserting “June 1, 2009”.

SEC. 3657. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 7, strike $136,290,000 and insert in lieu thereof $117,390,000.

SEC. 3658. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 13, after the colon insert the following:

Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

SEC. 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 25, strike $10,500,000 and insert in lieu thereof $20,500,000.

On page 117, line 26, after “That” insert the following:

of the funds appropriated under this heading, $10,000,000 shall be available for assistance for Guatemala for recovery and reconstruction activities related to Hurricane Stan: Provided further, That...

SEC. 3660. Mr. LEAHY (for himself, Mr. COLEMAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INELIGIBILITY FOR ADMISSION FOR ALIENS


(1) in clause (vi)(III), by striking “which” before clauses (i) and (ii) and inserting in lieu thereof “that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified”;

and

(2) by adding at the end, the following new clause:

“(vii) EXCEPTION FOR INVTOLUNTARY MARRIAGE.—An individual has not provided material support for the purposes of subsection (vi)(I) of clause (i) if the individual establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General or Secretary of Homeland Security (applying for admission) that such support was involuntary or for purposes of protecting the alien or another person from the use of, or threat of unlawful force that a reasonable person in the alien’s situation would not have resisted.”.

SEC. 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 5, after the colon, insert the following:

Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

SEC. 3662. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC. — For purposes of oversight by and determining the terminus date of the Office of the Special Inspector General for Iraq Reconstruction under section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act, 2005 (Public Law 108-375; 118 Stat. 3381), and section 599 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-224), the following funds shall be deemed amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund:

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings “OPERATING EXPENSES OF THE SPECIAL INSPECTOR GENERAL FOR INTERNATIONAL DEVELOPMENT,” “ECONOMIC SUPPORT FUND”,

(2) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings “OPERATING EXPENSES OF THE SPECIAL INSPECTOR GENERAL FOR INTERNATIONAL DEVELOPMENT,” “ECONOMIC SUPPORT FUND”,

(3) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings “OPERATING EXPENSES OF THE SPECIAL INSPECTOR General for International Development,” “ECONOMIC SUPPORT FUND”,

(4) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings “OPERATING EXPENSES OF THE SPECIAL INSPECTOR General for International Development,” “ECONOMIC SUPPORT FUND$, and

(5) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings “OPERATING EXPENSES OF THE SPECIAL INSPECTOR General for International Development,” “ECONOMIC SUPPORT FUND$, respectively.
“INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT,” and “INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE.”

(2) Funds appropriated or otherwise made available for assistance for Iraq by title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-182) under the heading “ECONOMIC SUPPORT FUND.”

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 1, strike “in Iran” and insert in lieu thereof:

...of which $34,750,000 shall be made available to promote democracy in Iran and of which $5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo.

On page 121, line 2, after “heading” insert “for assistance for Iran.”

SA 3664. Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURkowski, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INELIGIBILITY FOR ADMISSION FOR ALIENS

Sec. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—

(1) for the production of oil, the average price of crude oil in the United States is greater than $55 a barrel; and

(2) for the production of natural gas, the average price of natural gas in the United States is $10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty or offshore minerals management would result in oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CONDEMNA-

TION OF LAND.

Sec. 7032. (a) In this section, the term “fair market value” means the value of a parcel of land, as determined by an appraisal performed by an independent, certified appraiser in accordance with the Uniform Standards of Professional Appraisal Practice.

(b) Subject to subsection (c), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109-148; 119 Stat. 2680), the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109-114; 119 Stat. 2372), or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

(1) condemnation;

(2) seizure by a Federal entity of private property; or

(3) eminent domain.

(c) The prohibition on the use of funds described in subsection (b) shall not apply to a land exchange between a willing seller and a willing buyer in which the exchanged land is purchased for an amount that does not exceed the fair market value of that land.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, line 17, strike “$60,000,000” and insert “$30,000,000.”

On page 161, line 19, insert “and in Jefferson Parish in the vicinity of Jean Lafitte.”

On page 162, line 4, strike “$61,500,000” and insert “$621,500,000.”

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

LA LOUTRE RIDGE PROJECT

SEC. 7. For purposes of chapter 3 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2761), the water control structure in the vicinity of La Loutre Ridge shall be considered to be an authorized operations and maintenance activity of the Corps of Engineers.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, line 21, insert “Provided further. That no State shall be allocated less than 3.5 percent of the amounts provided under this heading;” after “impacted areas.”

SA 3670. Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SEC. 5897. WINDFALL PROFITS TAX. ENERGY CONSUMER REBATE.

(a) WINDFALL PROFITS TAX.

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

Sec. 5896. Imposition of tax.

Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.

Sec. 5898. Special rules and definitions.

Sec. 5899. Imposition of tax.

Sec. 5900.风田税. A tax imposed on any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide barrel of crude oil of at least 500,000 barrels for the taxable year an excess excise tax equal to the excess of—

(1) the amount equal to 50 percent of the windfall profit from sales of taxable crude oil removed from the property during each taxable year, over

(2) the amount of qualified investment by such company during such taxable year.

(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

Sec. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE; QUALIFIED INVESTMENT.

(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the removal price of taxable crude oil over the adjusted base price of such barrel.

(b) REMOVAL PRICE.—For purposes of this chapter, the term ‘removal price’ means the amount for which the barrel of taxable crude oil was sold after an excise tax equal to the excess of—

(1) the amount equal to 50 percent of the windfall profit from sales of taxable crude oil removed from the property during each taxable year, over

(2) the amount of qualified investment by such company during such taxable year.

(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

(d) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

(e) GRANT OF EXCISE TAX RELIEF.—The tax imposed by this chapter shall not apply to the removal price of taxable crude oil.

(f) QUALIFIED INVESTMENT.—For purposes of this chapter, the term ‘qualified investment’ means expenses incurred in connection with the production of taxable crude oil.
the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

(3) the sale of property before sale.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

(4) refining by product.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

(A) such oil shall be treated as removed on the day such manufacture or conversion begins;

(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613;

(5) property.—The term ‘property’ has the meaning given such term by section 614.

(c) Adjusted Base Price Defined.—

(1) in general.—For purposes of this chapter, the term ‘adjusted base price’ means 40 for each barrel of taxable crude oil plus an amount equal to—

(A) section 263(c) costs,

(B) qualified refinery property (as defined in section 263(c)(9)) costs, and

(C) any qualified facility described in section 263(c)(9). (A).

(2) first revision of price deflator used.—For purposes of subparagraph (A), the first revision of the price deflator shall be used.

(3) qualified investment.—For purposes of this chapter—

(A) the term ‘qualified investment’ means any amount paid or incurred with respect to—

(A) section 263(c) costs,

(B) qualified refinery property (as defined in section 263(c)(9)(A)) costs, and

(C) any qualified facility described in section 263(c)(9)(A).

(4) effective date.—The term ‘barrel’ means 42 United States gallons.

(d) adjustment of removal price.—In determining the removal price of oil from a property in the case of any transaction, if the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed—

(1) In general.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

(2) termination.—This section shall not apply to taxable crude oil removed after the date which is 3 years after the date of the enactment of this Act.

(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

(f) Termination.—This section shall not apply to taxable crude oil removed after the date which is 3 years after the date of the enactment of this Act.

(g) Transition Rules.—For purposes of this section, the administrative procedures for the taxation of any taxable crude oil shall begin on the day such manufacture or conversion begins.

(h) Effective Date.—

(A) general rule.—The amendments made by this subsection shall apply to taxable crude oil removed after the date of the enactment of this Act, in taxable years beginning after such date.

(B) transitional rules.—For the period ending December 31, 2006, the Secretary of the Treasury or the Secretary’s delegate shall prescribe rules relating to the treatment of taxable crude oil removed after December 31, 2006, and taxable years beginning after such date.

(i) Energy Consumer Rebate.—

(1) in general.—Subchapter B of chapter 56 of the Internal Revenue Code of 1986 relating to deduction for taxes is amended by inserting after subparagraph (5) the following new paragraph:

(6) the windfall profit tax imposed by section 5896.

(2) effective date.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

NOTICES OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 amendment No. 3670. (The amendment is printed in today’s RECORD under “Text of amendments.”)

Mr. DOMENICI. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 the attached amendment, as follows:

On page 253, between lines 19 and 20, insert the following:
SEC. 5201. FUEL TAX HOLIDAY REBATE.
(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to special excise taxes, to the extent that such taxes are imposed in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 5202. FUEL TAX HOLIDAY REBATE.
(a) General rule.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $100.
(b) Remittance of payment.—The Secretary may allow each taxpayer the payment described in subsection (a) not later than August 30, 2006.
(c) Certain persons not eligible.—This section shall not apply to—
(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded the threshold amount (as determined under section 151(d)(3)(C) for such preceding taxable year),
(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,
(3) any estate or trust, or
(4) an individual not a resident of the United States.
(b) Conforming amendment.—Section 1322(b)(2) of title 31, United States Code, is amended by inserting before the period ", or" a clause (c)
(c) Clerical amendment.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Fuel tax holiday rebate.",
(d) Effective date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5202. PROTECTION OF CONSUMERS AGAINST PRICE-GOUGING.
It is unlawful for any person to increase the price at which that person sells, or offers to sell, gasoline or petroleum distillate to the public (for purposes other than resale) in, or for use in, an area covered by an emergency proclamation by an unreasonable amount while the proclamation is in effect.

SEC. 5203. JUSTIFIABLE PRICE INCREASES.
(a) In General.—The prohibition in section 5202 does not apply to the extent that the increase in the retail price of the gasoline or petroleum distillate is attributable to—
(1) an increase in the wholesale cost of gasoline or petroleum distillate to the region in which the area to which a proclamation under section 5202 applies is located;
(2) an increase in the replacement costs for gasoline or petroleum distillate sold;
(3) an increase in operational costs; or
(4) regional, national, or international market conditions.
(b) Other Mitigating Factors.—In determining whether a violation of section 5202 has occurred, there shall also be taken into account, among other factors, the price that would be paid for supply and demand in a competitive and freely functioning market and the price at which the gasoline or petroleum distillate was sold reasonably close to the time that the increase in price occurred, not within the control of the seller, that were paid or incurred by the seller.

SEC. 5204. FEDERAL AND STATE PROCLAMATIONS.
(a) In General.—For purposes of this subtitle—
(1) the President may issue an emergency proclamation for any area within the United States in which an abnormal market disruption has occurred or is reasonably expected to occur; and
(2) the chief executive officer of any State may issue an emergency proclamation for any area within that State.
(b) Scope and duration.
(1) In General.—An emergency proclamation issued under subsection (a) shall specify with particularity—
(A) the geographic area to which it applies;
(B) the period for which the proclamation applies; and
(C) the event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.
(2) Limitations.—An emergency proclamation issued under subsection (a) may not apply for a period of more than 30 consecutive days (renewable for a consecutive period of not more than 30 days); and
(3) An emergency proclamation issued under subsection (a) may not apply for a period of more than 7 days preceding the occurrence of an event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

SEC. 5205. ENFORCEMENT BY FEDERAL TRADE COMMISSION.
(a) Violation is unfair or deceptive act or practice.—This subtitle shall be enforced by the Federal Trade Commission as if the violation of section 5202 were an unfair or deceptive act or practice prescribed under a rule issued under section 16(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).
(b) Actions by the Commission.—The Commission may take any action against any person to enforce this subtitle if the violation occurred in a competitive and freely functioning market.
(c) Regulations.—The Commission may adopt such regulations as may be necessary or appropriate to implement this subtitle.

SEC. 5206. ENFORCEMENT BY STATES.
(a) In General.—A State, as parens patriae, may bring a civil action on behalf of its residents in one of the following district courts of the United States—
(1) a district court of the United States for the district in which the violation occurred;
(2) a district court of the United States for the district in which the person committing the violation resides; and
(3) a district court of the United States for the district in which the person committing the violation is qualified to vote.
(b) Venue.—To the extent that the violation occurred in a State (as defined in section 1 of this title), the Federal Trade Commission may intervene in such civil action.
(c) Authority to intervene.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—
(1) be heard on all matters arising in such civil action; and
(2) file petitions for appeal of a decision in such civil action.

SEC. 5207. PENALTIES.
(a) Civil Penalty.
(1) In General.—In addition to any penalty applicable under the Federal Trade Commission Act any person who violates this subtitle shall be subject to a civil penalty of not more than $10,000,000 in the case of a violation of section 5202 or section 5203, whichever is the greater.
(b) Criminal Penalty.
(1) In General.—Whoever violates this subtitle shall be subject to a criminal penalty of not more than $5,000,000.
(c) Authority to assess civil penalties.
(1) In General.—The Secretary of Commerce may assess civil penalties under this section.
(2) Penalties.—The criminal penalty provided by section 5207(b) shall be in addition to any other civil or criminal penalties that may be available.

SEC. 5208. MEDIATION.
(a) In General.—In which the area to which a proclamation
(b) Prohibitions.
(1) Prohibitions.
(b) Procedures.
(c) Authority to assess civil penalties.
(1) In General.—The Secretary of Commerce shall provide civil penalties under this section.
(2) Penalties.—The criminal penalty provided by section 5207(b) shall be in addition to any other civil or criminal penalties that may be available.

SEC. 5209. ENFORCEMENT OF STATE LAW.
The Federal Trade Commission shall prevent any person from violating this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle. Any entity that violates any provision of this subtitle or a regulation made under this subtitle is punishable by a civil penalty of not more than $5,000,000 in the case of a violation of section 5202 or section 5203, whichever is the greater.

SEC. 5210. PENALTIES.
(a) Civil Penalty.
(1) In General.—In addition to any penalty applicable under the Federal Trade Commission Act any person who violates this subtitle shall be subject to a civil penalty of not more than $10,000,000.
(b) Criminal Penalty.
(1) In General.—Whoever violates this subtitle shall be subject to a criminal penalty of not more than $5,000,000.

SEC. 5211. MULTIPLE OFFENSES; MITIGATING FACTORS.
(a) In General.—In assessing the penalty provided by subsection (a)—
(1) each day of a continuing violation shall be considered a separate violation;
(2) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.
(b) Criminal Penalty.
(1) In General.—In addition to any penalty applicable under the Federal Trade Commission Act, the violation of this subtitle is punishable by a fine of not more than $1,000,000, imprisonment for not more than 2 years, or both.
(c) Enforcement.
(1) The criminal penalty provided by paragraph (1) may be imposed only pursuant to a criminal action brought by the Attorney General of the United States, or any attorney specially appointed by the Attorney General.
of the United States, in accordance with section 515 of title 28, United States Code.

SEC. 8208. DEFINITIONS.

In this subtitle—

(1) ABNORMAL MARKET DISRUPTION.—The term ‘‘abnormal market disruption’’ means there is a reasonable likelihood that, in the absence of a proclamation under section 8204(a)(2) of this Act, an increase in the average retail price of gasoline or petroleum distillates in the area to which the proclamation applies as a result of a change in the market whether actual or imminently threatened, resulting from weather, a natural disaster, strike, civil disorder, war, military action, a national or local emergency, or any other cause, that adversely affects the availability or delivery gasoline or petroleum distillates.

(2) STATE.—The term ‘‘State’’ means the several States of the United States and the District of Columbia.

(3) UNCONSCIONABLE AMOUNT.—The term ‘‘unconscionable amount’’ means, with respect to any person to whom section 8202 applies, a significant increase in the price at which gasoline or petroleum distillates are sold or offered for sale by that person that increases the price for the same grade of gasoline or petroleum distillate, to an amount that—

(A) substantially exceeds the average price at which gasoline or petroleum distillates were sold or offered for sale by that person during the 30-day period immediately preceding the sale or offer; and

(B) cannot be justified by taking into account the factors described in section 63(b).

SEC. 8209. EFFECTIVE DATE.

This subtitle shall take effect on the date on which it is issued by the Federal Trade Commission under section 8205(c) is published in the Federal Register.

Subtitle C—Tax Provisions

SEC. 8301. REPEAL OF THE LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Subsection (f) of section 30B of the Internal Revenue Code of 1986 is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

SEC. 8302. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) IN GENERAL.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end of the following new subparagraph:

‘‘(D) SPECIAL RULE FOR CERTAIN ALTERNATIVE MOTOR VEHICLES AND QUALIFIED ELECTRIC VEHICLES.—(Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.’’.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 280F(a) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 8303. EXTENSION OF ELECTIVE EXPENSE CREDIT CERTAIN REFINERIES.

(a) IN GENERAL.—Section 179(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking ‘‘and before January 1, 2012’’ in subparagraph (b) and inserting ‘‘and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012’’; and

(b) by inserting ‘‘if described in subsection (d)(1) after ‘of which’ in subparagraph (F)(1).

(b) CONFORMING AMENDMENT.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

‘‘(d) QUALIFIED REFINERY.—For purposes of this section, the term ‘qualified refinery’ means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

(1) crude oil, or

(2) petroleum fuels (as defined in section 45K(c)).’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

SEC. 8304. YEAR AMORTIZATION OF GEOLOGICAL AND GEOGRAPHICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 617(h) of the Internal Revenue Code of 1986 is amended by striking of geological and geographical expenditures) is amended by adding at the end the following new paragraph:

‘‘(5) SPECIAL RULE FOR MAJOR INTEGRATED OIL COMPANIES.—

‘‘(A) IN GENERAL.—In the case of an integrated oil company described in subparagraph (B) of paragraph (1) and (i) shall be applied by substituting ‘5-year’ for ‘24 month’.

‘‘(B) INTEGRATED OIL COMPANY DESCRIBED.—An integrated oil company is described in this subparagraph if such company is an integrated oil company (as defined in section 291(b)(4)) which—

(i) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year,

(ii) had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005,

(iii) has an ownership interest (within the meaning of section 613A(d)(3)) in crude oil re-finer of 15 percent or more.

For purposes of the preceding sentence, all persons described under section 613A(d)(3)(A) and (B) shall be treated as 1 person and, in case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

SEC. 8305. REPEAL OF LIFO METHOD OF INVENTORY ACCOUNTING.

(a) IN GENERAL.—Sections 472, 473, and 474 of the Internal Revenue Code of 1986 are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 56(g)(4)(D)(i) of such Code is repealed.

(2) Section 312(n)(4) of such Code is repealed.

(3) Section 1363(d) of such Code is repealed.

(c) EFFECTIVE DATE.—The repeal made by this section shall apply to years beginning after the date of the enactment of this Act.

SEC. 8401. CLARIFICATION OF AUTHORITY OF SECRETARY OF COMMERCE TO AMEND FUEL ECONOMY STANDARDS FOR PASSENGER VEHICLES.

Section 2921(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ‘‘(1) Subject to paragraph (2) of this subsection, the’’ and inserting ‘‘The’’;

and

(2) by striking paragraph (2).

Subtitle D—CAFE Standards

SEC. 8402. PRODUCTION INCENTIVES FOR CELLULAR BIODEFUEL.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ‘‘$250,000,000’’ and inserting ‘‘$150,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $250,000,000 for each of fiscal years 2009 through 2011’’.

SEC. 8502. ADVANCED ENERGY INITIATIVE FOR VEHICLES.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications on-road, marine, mobile, and stationary (including plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section—

(1) BATTERY.—The term ‘‘battery’’ means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ‘‘electric drive transportation technology’’ means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to reduce pollutants, including internal combustion engine for all or part of the work of the equipment, including cored electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ‘‘engine dominant hybrid electric vehicle’’ means...
electric vehicle” means an on-road or nonroad vehicle that—
(A) is propelled by an internal combustion engine or heat engine using—
(1) any combustible fuel; and
(ii) an on-board, rechargeable storage device; and
(B) has no means of using an off-board source of electricity.
(4) FUEL CELL VEHICLE.—The term “fuel cell vehicle” means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 238 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).
(5) INITIATIVE.—The term “Initiative” means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).
(6) NONROAD VEHICLE.—The term “nonroad vehicle” has the meaning given the term in section 215 of the Clean Air Act (42 U.S.C. 7550).
(7) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term “plug-in hybrid electric vehicle” means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—
(A) any combustible fuel; and
(B) has no means of using an off-board source of electricity.
(8) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term “plug-in hybrid fuel cell vehicle” means a fuel cell vehicle with a battery powered by an off-board source of electricity.
(9) INSTITUTION OF HIGHER EDUCATION.—The term “Institution of higher education” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).
(11) SECRETARY.—The term “Secretary” means the Secretary of Energy.
(c) GOALS.—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—
(1) innovative electric drive technology developed in the United States; and
(2) growth of employment in the United States in electric drive design and manufacturing;
(3) validation of the plug-in hybrid potential through fleet demonstrations; and
(4) acceleration of fuel cell commercialization through demonstration and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.
(d) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences
(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;
(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;
(3) to identify fundamental research areas that would have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and
(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.
(e) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—
(1) high-capacity, high-efficiency batteries;
(2) high-efficiency on-board and off-board charging components;
(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;
(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—
(A) development of efficient cooling systems;
(B) analysis and development of control systems that can maximize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and
(C) development of different control systems that optimize for different goals, including—
(i) battery life;
(ii) reduction of petroleum consumption; and
(iii) green house gas reduction;
(5) nanomaterial technology applied to both battery systems and components; and
(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and components, including—
(A) military applications;
(B) mass market passenger and light-duty truck applications;
(C) private fleet applications; and
(D) medium- and heavy-duty applications;
(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;
(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—
(i) the vehicle and fuel as a system, not just an engine; and
(ii) nightly off-board charging; and
(9) advancement of battery and corded electric transportation technologies in mobile source applications by—
(A) improvement in battery, drive train, and control system technologies; and
(B) working with industry and the Administrator of the Environmental Protection Agency—
(i) to understand and inventory markets; and
(ii) to identify and implement methods of removing barriers for existing and emerging applications.
(f) ADVANCED BATTERY INITIATIVE.—
(1) IN GENERAL.—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.
(2) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants in industry, the Secretary shall require cost sharing in accordance with section 151(c)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16006), the Secretary shall annually solicit from the Industry Alliance comments to identify advanced battery technology needs relevant to electric drive technology; and
(3) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.
(g) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 151(c)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16006).
(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—
(1) $300,000,000 for each of fiscal years 2007 through 2012.
Subtitle F—Strategic Petroleum Reserve
SEC. 8601. STRATEGIC PETROLEUM RESERVE.
(a) FINDINGS.—The Senate finds that—
(1) the Strategic Petroleum Reserve, as established by the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), provides the United States with an emergency crude oil supply reserve that ensures that a disruption in commercial oil supplies will not threaten the United States economy;
(2) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) strengthened the Strategic Petroleum Reserve by authorizing a capacity of 1,000,000,000 barrels of crude oil; and
(3) as of the date of enactment of this Act, the inventory in the Strategic Petroleum Reserve is sufficiently large enough to guard against supply disruptions during the time period for the temporary cessation of deposits to the Strategic Petroleum Reserve for a period of not less than 6 months.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that—
(1) consistent with the authority granted under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), the Secretary of Energy should cease deposits to the Strategic Petroleum Reserve for a period of not less than 6 months; and
(2) the Secretary of Energy should continue to work toward establishing the infrastructure necessary to achieve the 1,000,000,000 barrels of crude oil capacity authorized under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and
(3) after the temporary cessation of deposits to the Strategic Petroleum Reserve, the Secretary of Energy should continue to increase the inventory of crude oil in the Strategic Petroleum Reserve to work toward meeting the authorized capacity level to enhance the energy security of the United States.
Subtitle G—Arctic Coastal Plain Domestic Energy
SEC. 8701. SHORT TITLE.
This subtitle may be cited as the “Arctic Coastal Plain Domestic Energy Security Act of 2006.”
SEC. 8702. DEFINITIONS.
In this subtitle:
(1) COASTAL PLAIN.—The term “Coastal Plain” means that area identified as such in
the map entitled “Arctic National Wildlife Refuge”, dated August 1980, as referenced in section 1002(b) of the Alaska National Interests Conservation Act of 1980 (16 U.S.C. 3142(b) et seq.) is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on such map as shall be identified by the Secretary.

(3) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area’s unique and diverse character including its fish, wildlife, and subsistence resource values.

(4) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(5) EXCLUSIONS.—The Secretary shall provide for the payment of a royalty of not less than 12% in amount or value on production from leases issued under this subtitle, the Secretary shall periodically review and, if appropriate, a condition capable of supporting production for lands required to be reclaimed under the lease and within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under such lease.

(6) LEASE TERMS AND CONDITIONS.—(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) receive and consider sealed bids, as determined by the Secretary, at a lease sale conducted pursuant to section 8706, that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with the regulations applicable to other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under such lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of wildlife;

(3) require that the lease of lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is set forth in this subtitle.

(5) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(5) LIMITATION ON CLOSED AREAS.—The Secretary shall not lease lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production activities, or upon application for lands required to be reclaimed under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(6) LEASE TERMS AND CONDITIONS.—(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion from, a lease sale; and

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) AVERAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary’s judgment, the conduct of such sales.

SEC. 8705. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 8706, that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of wildlife;

(3) require that the lease of lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production activities, or upon application for lands required to be reclaimed under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the Secretary shall not lease lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under such lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 8706.

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligations previously recognized or agreed to by the landowner or other agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for...
the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State; (b) prohibit the export of oil produced under the lease; and (9) contain such other provisions as the Secretary determines necessary to ensure compliance with provisions of this subtitle and the regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS. — The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government’s proprietary interest in labor stability and the special needs of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7070. COASTAL PLAIN ENVIRONMENTAL REGULATIONS.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES. — The Secretary shall, consistent with the requirements of section 167 of the Act, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION. — The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN LIFE AND RESOURCE VALUES, AND THE ENVIRONMENT. — Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS. — The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures required by paragraph 29 at page 167 through 169 of the “Final Legislative Environmental Impact Statement” (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and production activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year. Such exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, and—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species specified in the Act;

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Appropriate prohibitions or restrictions on use of explosives.

(10) Avoidance, to the extent practicable, of spring and juvenile fish systems; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or maintaining adequate supplies of water for exploratory drilling.

(11) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(12) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste tracking report, hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(13) Fuel storage and oil spill contingency plans.

(14) Research, monitoring, and reporting requirements.

(15) Field crew environmental briefings.

(16) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by providing adequate provisions and other measures designed to ensure such impacts are minimized.

(17) Compliance with applicable air and water quality standards.

(18) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(19) Reasonable stipulations for protection of cultural and archeological resources.

(20) All other protective environmental stipulations, restrictions, terms, and conditions necessary by the Secretary.

(e) CONSIDERATIONS. — In preparing and promulgating regulations, lease terms, conditions, restrictions, and stipulations under this section, the Secretary shall consider the following:


(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37-31 to 37-33 of title 59, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC-ASRC private tracts that are set forth in Appendix B of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING. — (1) IN GENERAL. — The Secretary shall, after providing for public notice and comment, prepare and update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES. — The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS. — The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section subsections (a) and (b) of section 81 of the 1980 Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to those public lands in the Coastal Plain for traditional uses.

SEC. 7070. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT. — Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed in an appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this subtitle may be brought only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEWS.—An initial complaint seeking judicial review of the Secretary’s decision to conduct a lease sale under this subtitle, including the environmental analysis
thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary shall have been of a preference for action to enable leasing to proceed and the Secretary’s analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8709. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 712(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) ALASKA PAYMENTS.—Payments to the State of Alaska under this section shall be made semiannually.

(c) USE OF BONUS PAYMENTS FOR LOW-INCOME HOME ENERGY ASSISTANCE.—Amounts that are received by the United States as bonuses for leases under this subtitle and deposited into the Treasury under subsection (a)(2) may, at the discretion of the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 9621 et seq.).

SEC. 8710. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that the transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain; and such requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 8703(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 8711. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska Native Interest Lands Conservation Act (16 U.S.C. 3120(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph (1) of section 2 of the Kaktovik Inupiat Corporation Act (82 Stat. 567), to the extent necessary to fulfill the Corporation’s entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the surface estate of the lands to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 8712. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medico, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the Senate and the Committee on Energy and Natural Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

SEC. 8713. INVESTMENT OF FUNDS.

The Secretary may use amounts in the fund in interest bearing government securities.

SEC. 8714. AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

NOTICES OF HEARINGS/MEETINGS COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 4, 2006 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior, vice Gale Norton, resigned.

For further information, please contact Judy Pensabene of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a full committee hearing during the session of the Senate on Wednesday, April 26, 2006 at 10 a.m., in SD–106, Dirksen Senate Office Building. The purpose of this hearing will be to review the state of the biofuels industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Global Climate be authorized to meet on Wednesday, April 26, 2006, at 2:30 p.m., on Marine and Terrestrial Systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation’s Subcommittee on Technology be authorized to meet on Wednesday, April 26, 2006, at 10 a.m., on Fostering Innovation in Math and Science Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the
Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing to address the reauthorization of Finance and Entrepreneurial Development programs administered by the Small Business Administration on Wednesday, April 26, 2006, beginning at 10:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that on Wednesday, April 26, 2006 the Committee on Environment and Public Works be authorized to hold a Business Meeting at 9:30 a.m. to consider the following agenda:

Nominations: Richard Capka to be Administrator, Federal Highway Administration, James Gulliford to be an Assistant Administrator, EPA, William Wehrum to be an Assistant Administrator, EPA.

Committee Rules: A proposal to amend Committee Rule 7(d) on the naming of public buildings and facilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on “Ensuring Early Diagnosis and Access to Treatment for HIV/AIDS: Can Federal Resources Be More Effectively Targeted?”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent to allow the privilege of the floor to be granted to Jessica Wilcox, an Energy Fellow in my office, for the remainder of today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent that Jeremy Weirich, a detailer with the Senate Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, from the National Oceanic and Atmospheric Administration, be granted the privileges of the floor for the duration of consideration of the supplemental appropriations bill, H.R. 4939.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today’s Executive Calendar: Calendar No. 601, Patrick Schiltz, to be U.S. District Judge for the District of Minnesota. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Patrick Joseph Schiltz, of Minnesota, to be United States District Judge for the District of Minnesota.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CROP SCIENCE SOCIETY OF AMERICA 50TH ANNIVERSARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 446 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 446) recognizing the 50th Anniversary of the Crop Science Society of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 446) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 446

Whereas the Crop Science Society of America was founded in 1955, with Gerald O. Mott as its first President;

Whereas the Crop Science Society of America is one of the premiere scientific societies in the world, as shown by its world-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the Crop Science Society of America are mission-directed, with the goal of addressing agricultural challenges facing humanity;

Whereas the science and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society of America significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society of America continues to expand, from the development of sustainable production of food and forage, to the production of renewable energy and novel industrial products;

Whereas, in industry, extension, and basic research, the Crop Science Society of America has fostered a dedicated professional and scientific community that, in 2005, included more than 3,000 members; and
Resolved, That the Senate—
(1) recognizes the 50th anniversary year of the Crop Science Society of America;
(2) commends the Crop Science Society of America for 50 years of dedicated service to advancing the science and practice of crop science;
(3) acknowledges the promise of the Crop Science Society of America to continue enriching the lives of all citizens of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for another 50 years and beyond; and
(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of the Crop Science Society of America.

CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS MEN’S HOCKEY TEAM

Mr. MCConnell. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 447 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 447) congratulating the University of Wisconsin Badgers men’s hockey team for winning the 2006 National Collegiate Athletic Association Division I Men’s Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCConnell. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 447) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 447

Whereas, on April 8, 2006, the University of Wisconsin men’s hockey team won the Frozen Four in Milwaukee, Wisconsin, by defeating—
(1) the University of Maine Black Bears by a score of 5-2 in the semifinals; and
(2) the Boston College Eagles by a score of 2-1 in the championship game;
Whereas Robbie Earl and Tom Gilbert each scored a goal and Brian Elliott had 22 saves in the championship game;
Whereas Adam Burish, Robbie Earl, Brian Elliott, and Tom Gilbert were named to the All-Tournament Team, and Robbie Earl was named the Most Outstanding Player of the tournament;
Whereas the success of the season depended on the hard work, dedication, and performance of every player on the University of Wisconsin men’s hockey team, including—
(1) Andy Blais;
(2) Adam Burish;
(3) Shane Connelly;
(4) A.J. Degenhardt;
(5) Jake Dowell;
(6) Davis Drewiske;
(7) Robbie Earl;
(8) Tom Gilbert;
(9) Brian Elliott;
(10) Josh Engel;
(11) Matthew Ford;
(12) Tom Gorowski;
(13) Jeff Henderson;
(14) Ryan Jeffery;
(15) Tom Gorowsky;
(16) Kyle Klubertanz;
(17) Nick Licari;
(18) Jeff Likens;
(19) Ryan Murchy;
(20) Matt Olinger;
(21) Joe Pavelski;
(22) Joe Piskula;
(23) Jack Skille;
(24) Ben Street;
Whereas the University of Wisconsin men’s hockey team won 3 national championships during the 2005-2006 academic year; and
Whereas the University of Wisconsin has won 10 national championships during the 2005-2006 academic year; and
Whereas the championship victory of the University of Wisconsin men’s hockey team ended a terrific season in which the team outscored its opponents 145-79 and compiled a record of 30-10-3; Now, therefore, be it
Resolved, That the Senate—
(1) congratulates the University of Wisconsin men’s hockey team, Head Coach Mike Eaves and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and
(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

ORDERS FOR THURSDAY, APRIL 27, 2006

Mr. MCConnell. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, April 27. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for no more than 30 minutes, with the first 15 minutes under the control of the majority leader or his designee, the second 15 minutes under the control of the Democratic leader or his designee; further, that following morning business the Senate resume consideration of H.R. 4939, the emergency supplemental appropriations measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCConnell. Mr. President, tomorrow we will continue work on the emergency supplemental. We had six votes today. Senators should expect a full day, with as many votes as we can possibly process tomorrow.

ORDER FOR ADJOURNMENT

Mr. MCConnell. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order following the remarks of the Senator from Oregon, Mr. Wyden.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business is closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENT NO. 3648, AS MODIFIED

Mr. VITTER. Mr. President, I ask that my amendment No. 3648, which I spoke about, be modified with the changes at the desk, which are technical in nature.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 3655

Mr. WYDEN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. Wyden] proposes an amendment numbered 3655.

(Purpose: To prohibit the use of funds to provide royalty relief)

On page 260, between lines 19 and 20, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—
(1) for the production of oil, the average price of crude oil in the United States is greater than $55 a barrel; and
(2) for the production of natural gas, the average price of natural gas in the United States is $10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for reclamation or other mineral development, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

Mr. WYDEN. Mr. President, the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. Now, in order to stimulate production of oil in our country, the Federal Government over the last decade has been discounting these royalty fees. These discounts now amount to billions of dollars. It appears that the royalty relief that is given to the oil companies is now the granddaddy of all of the subsidies.

We have been talking considerably on the floor of this body over the last few days about tax breaks for oil companies. The President, it seems to me, to his credit in the last few days has indicated that he understands that these tax breaks are no longer needed. I was very pleased to see that because when the energy executives came to the committee, I literally went down the row and asked them if they continued to need all of these tax breaks. They don't, but Congress has continued to ladle them out. But on top of these record profits, record prices, and record tax breaks, there is now record amounts of royalty relief granted to the oil companies as well.

Now that the prices have shot up, I don't see how anybody can justify this multibillion-dollar subsidy. The point of this amendment is to say that we have had our way with the tax rolls, and Government programs is on a bipartisan basis somebody messes up. Somebody isn't watchdogging the way these dollars fly out the door, and that was certainly the case with the Clinton administration.

Previously, there had been a particular provision in the Royalty Relief Program that said when the oil prices shot up, when they went above a certain level—then it was considered about $34 a barrel—the companies would have to start paying these royalties. But the Clinton administration just wasn't watching the store, wasn't watchdogging this program as they should have, and so they didn't put that particular clause—the clause that protects the taxpayers—into a number of these royalty relief agreements. What has happened is we just had a litigation derby with scores and scores of lawsuits.

Now the General Accountability Office estimates that, for a minimum, the Federal Government is going to be out $20 billion. This is the biggest subsidy of them all, and given all of the litigation that has taken place, this subsidy could go up and up.

Under the Energy bill signed into law last summer, the oil companies were given new subsidies in the form of reduced royalty fees for the oil and gas they extract from Federal land, including offshore drilling in the Gulf of Mexico. Of course, this industry was signed into law when the companies were already reporting these extraordinary profits. We were already seeing the consumer taking a shellingack at the gas pump. It would have been the ideal time for the U.S. Congress to do what colleagues such as Congressman Pombo in the other body are talking about, lawyers for the Shell Oil companies tell the newspapers, what I and others and a bipartisan group who have been interested in this have said for a long time: It doesn't make sense to dispense billions and billions of dollars of royalty relief to the oil companies on top of everything else they already receive from the taxpayers' wallet. So what I hope we will be able to do here is roll back this new subsidy.

By the way, the program was useful back when prices were low. For example, it was significantly helpful in the Gulf of Mexico at a time when prices were low. That is not the case now. As our colleague in the other body, Mr. Pombo, notes, they don't need any incentives when the marketplace is providing all the incentives anybody could possibly ask for.

Government subsidies, sure, when the price is low, when we have to stimulate production, when our economy needs a shot in the arm. But billions of dollars of royalty relief for oil companies in this kind of time? I don't get it, and tomorrow I hope a majority of the Senate will share my view and will share the view of other colleagues who have taken a good look at this particular program.

It seems to me this is a time when the Congress ought to say: Let's look carefully at all of these various subsidies and breaks. As the distinguished Senator from Oklahoma has said, let's shine some light on it, let's take a sharp pencil out and really make some concrete judgments about what is in the taxpayers' interest.

At a time when consumers are already paying more at work, are paying more at home, are paying more everywhere in between, we ought to be giving them a break in their personal energy bills before we give breaks to the oil companies on the amounts they owe for drilling on our Nation's lands.

With oil selling for more than $70 a barrel, $15 a barrel higher than the price that the President said incentives were not needed, Congress should not be giving away more taxpayer money for more unnecessary subsidies that benefit profitable energy interests.

Let me highlight that particular point and explain why it is so pivotal in this discussion for royalty relief for oil companies.

The President of the United States said that he doesn't see the case for additional incentives and Government benefits to encourage production when oil is over $55 a barrel. Now we are talking about oil at $70 a barrel. We are talking about billions of dollars of new revenue when they drive everywhere in between, and when the General Accountability Office says the minimum tab will be $20 billion. And all I am saying to the Senate tonight is I want to cut off those payments unless one of two things happens: If the price of oil comes down, you bet, let's go back and say we need some incentives for production. If the President of the United States, the Secretary of the Interior, the people who are in the administration who know a lot about the oil business say when we have to have these multibillion-dollar discounts in order to encourage production, my amendment doesn't apply.
In effect, the President of the United States can say we have to have the Royalty Relief Program in order to get the oil industry moving again in our country. But with prices high and no argument for these breaks, not on the basis of my judgment but on the basis of what the President has said in the past, I want to cut off these particular breaks.

I hope my colleagues will want to save our taxpayers money and promote fiscal responsibility. This is a program which is completely out of control. This is a program which has lost its moorings. You cannot defend this, in my view, in front of any group of our citizens. That is why a variety of leaders and individuals in the private sector, many of them coming from the oil industry itself, have said there is no logical argument for royalty relief at this particular time.

Certainly there are going to be some who will say it is never enough. There is litigation going on now where some companies are in court trying to secure additional information. I am looking at a recent article in the press authored by Edmund L. Andrews headlined: "General Accounting Office Sees Loss in Oil Royalties of at Least $20 Billion."

We know that the Government Accountability Office isn’t an organization with any ax to grind. They are our nonpartisan investigators. Those are the people who take out the sharp pencil and are given the job of actually looking to see if taxpayer money is being used wisely. They have essentially said recently—this year, just months ago—that billions of dollars are going to be wasted with this Royalty Relief Program.

The Interior Department has indicated that they know they are going to lose billions of dollars in royalty payments. I don’t see anybody saying that the price of oil is going to fall precipitously anytime soon. If it does, the President and the Department of Energy can essentially waive my amendment. We explicitly say that if the price of oil goes down, if there are any national security questions, any disruptions that threaten supply, the amendment can be set aside.

It is time to rein in these costs that are going through the stratosphere. The Royalty Relief Program is the granddaddy of all subsidies. I hope tomorrow, when the Senate has an opportunity to vote, we will say that we ought to prohibit further royalty relief, unless prices go down or we face a disruption, and save our citizens’ hard-earned tax dollars for more worthy causes.

Mr. President, I hope my colleagues will support this amendment.

I yield the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I am going to propound a unanimous consent request for wrap-up momentarily.

I will also note, as I have been speaking on this amendment to forego some royalty relief for oil companies, that when we go back in at approximately 10 o’clock, I will continue a discussion regarding this amendment and hopefully have a chance to hear from colleagues on both sides of the aisle.

ORDER FOR FILING

Mr. WYDEN. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate, the RECORD remain open this evening until 8:45 p.m. in order for Senator Frist or his designee to submit a statement relating to a notice of the suspension of the rules relative to the supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 tomorrow morning.

There being no objection, the Senate, at 7:47 p.m., adjourned until Thursday, April 27, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, April 26, 2006:

THE JUDICIARY

PATRICK JOSEPH SCHILTZ, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA.
EXTENSIONS OF REMARKS

IN HONOR AND RECOGNITION OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Council on American-Islamic Relations (CAIR) whose Cleveland office is hosting its 4th Annual Banquet and Fundraiser on Sunday, April 30, 2006. CAIR is a non-profit, grassroots civil rights and advocacy group and the nation’s largest Islamic civil liberties organization, with regional offices nationwide and in Canada. Since its establishment in 1994, CAIR has worked to promote a positive image of Islam and Muslims in America. Through media relations, lobbying, education, and advocacy, CAIR puts forth an Islamic perspective to ensure the Muslim voice is represented. Through its promotion of civil rights, research, education, conferences, seminars, internships, and public events such as the Cleveland chapter’s 4th annual banquet, CAIR seeks to empower the American Muslim community and encourage its participation in political and social activism.

Mr. Speaker, I am pleased that CAIR is working nationwide and locally in the Greater Cleveland community to promote civil rights, civil liberties, and free speech and is able to educate the public about these issues by bringing such an outstanding program to the people of Northeast Ohio for their 4th annual banquet.

VICTIMS’ RIGHTS WEEK

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to recognize and honor the goals and ideals set forth by the 2006 National Crime Victims’ Rights Week taking place April 23 through April 29. The efforts to raise public awareness for—and participation in—the rights and concerns of crime victims in the United States is the noteworthy message advocated by Victims’ Rights Week, whose theme this year is “Victims’ Rights: Strength in Unity.”

Crime is an indiscriminate crisis that impacts all constituencies. This week is one in which all people are encouraged to strengthen the voice of those victims and survivors of crime through involvement in crime prevention, victim assistance, and community safety. It is not only through my tenure as a former law enforcement officer that I know firsthand the tragedies of crime, but it is also through the knowledge and experiences that people have shared with me. A member of my staff has been affected by the consequences of crime very recently. Her nieces were victims of a domestic dispute that escalated into an appalling scenario. The criminal shot both his wife and six-year-old daughter in the head before failing in his suicide attempt. He was found guilty of attempted capital murder, injury to a child, and aggravated assault.

The long-term repercussions from this horrifying episode will be felt by all family members for the rest of their lives. The mother and child will live their entire lives with the physical disabilities they incurred, as well as the psychological trauma the daughter suffers from seizures, and the mother has lost vision in one eye, which remains permanently closed. To help families and victims through such difficult moments, I am proud to support the observance of Victims’ Rights Week, which acknowledges crime victims and upholds their rights. The encouragement of public participation promoted by the Victims’ Rights movement will support crime victims and address the impact of crime on communities with a single voice.

As I speak to the House of Representatives to join me and my fellow Victims’ Rights Caucus colleagues today in honoring the observance of this noble cause—which through its advocacy for victims’ justice, increased public awareness, and community collaboration has revolutionized American criminal jurisprudence—one voice.

TRIBUTE TO COLONEL MICHAEL J. CONRAD, JR.

HON. JOHN E. SWEENEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take a moment to honor a distinguished constituent of the 20th District of New York; Mr. Lewis Golub. Mr. Golub’s tireless contributions to his business, employees, and community are outstanding and have resulted in the formation of a successful company that has benefited many.

Over the past 50 years, Lewis Golub has worked vigorously to develop and support the Golub Corporation/Price Chopper Supermarkets, a large and extremely successful supermarket chain in Northern New York. Yet, Mr. Golub does not limit his efforts to his business. As the Regional Vice Chair of the New York State Business Council, an active member of the Board of Directors of the Saratoga Performing Arts Center, the Empire State College, and the Food Marketing Institute, Mr. Golub plays a pivotal role in many other facets of the community, extending himself to the services of his fellow neighbors. In addition, Mr. Golub has received the Humanitarian of the Year Award from the New York Chiefs of Police, the Arthritis Foundation’s Accolade for Community Service, and the Community Service Award from the Interfaith Community of Schenectady New York. These many awards reflect Mr. Golub’s strong commitment to his community. He has distinguished himself through his financial support for his community; there are few who possess the same passion.

Mr. Golub has received numerous awards including, the United Way’s CEO of the Year Award and the John J. O’Connor Excellence in Leadership Award, as well as the American Marketing Association’s Marketer of the Year Award, the New York Capital District Business Review’s Executive of the Year Award, and the Capital Region Business Hall of Fame Award, among others. The Golub Corporation/Price Chopper Supermarkets remain a sturdy pillar of business in the Upstate Region of New York.

Mr. Golub’s charitable spirit is evident in every aspect of his life. It is through his tenacious character and generous qualities that...
Mr. RANGEL. Mr. Speaker, I rise today to commend Tavis Smiley for his publication of a remarkable analysis of the status of Black America, “The Covenant With Black America.” Smiley, an instrumental American author, political commentator, and radio talk show host, has contributed a great deal to the discussion on the goals of African Americans from fair minimum wage increases to equal and accessible healthcare. Smiley is determined to bring the plight of Blacks to the forefront of the national agenda by convincing African American leaders to embrace it. He introduced the covenant at a leadership conference in Atlanta and it appears to be succeeding in taking the covenant to other cities.

His Covenant with Black America is now number one on the Washington Post best seller list and number two on the New York Times best seller list, an indication of a significant audience for its proposals which is being augmented by the taking of the proposals to audiences in the Black community such as the Shiloh Baptist Church in downtown Washington.

The covenant includes pieces from an array of notable contemporary African Americans including former U.S. Surgeon General David Satcher; Marian Wright Edelman, founder of the Children’s Defense Fund; Angela Glover Blackwell, founder of the think tank PolicyLink; and Cornel West, who teaches religion at Princeton University.

The 250-plus-page book is divided into 10 core chapters, each plumbing a single subject. Smiley, an influential African American author, points out that he chose Third World Press and responsibility and to buy a bunch of cans are gathering, mostly in churches, to hear Smiley spread his gospel of responsibility. And that he has bypassed the Great Mouth. And that he has bypassed the Great Mouth to move from moment to momentum to move.

The volume could also be titled “The Purpose Driven Community.” “Covenant” is a collection of pieces by notable contemporary African Americans, including former U.S. Surgeon General David Satcher; Marian Wright Edelman, founder of the Children’s Defense Fund; Angela Glover Blackwell, founder of the think tank PolicyLink; and Cornel West, who teaches religion at Princeton University.

The 250-plus page book is divided into 10 core chapters, each addressing a single subject. Smiley, an influential African American author, has chosen Third World Press to publish his book, which is not a bible. It’s not 100 percent right on each issue, but it’s a little frame to touch a certain chord with some people. Pamela Johnson, 38, of Upper Marlboro, for instance, who is sitting near an aisle in the church. She heard Smiley talking about his ideas on the Tom Joyner morning radio show. African Americans have to “understand what we have to do to improve our situations,” Smiley says. An industrial engineer and a mathematics professor at Strayer University, she is especially interested in the book’s emphasis on establishing an equitable system of public education.

Edelman, who is on stage with Smiley, wrote the book’s statement of purpose. “Covenant,” she writes, “calls on parents, educators, preachers, social service providers, community leaders, and policy-makers to act now and create a brighter future for our children.”

The book grew out of several annual State of the Black Union symposiums that Smiley conducted. Contributor Blackwell explains from her home in Chicago, an influential African American publishing house founded in 1967, to publish Smiley’s paperback nonfiction best seller list, “The Covenant With Black America,” is from his life and benefit from his example. My congratulations to Mr. Golub and wish him all the best in the community enjoys the services of Mr. Lewis Golub and wish him all the best in his bright future. We can all take a chapter from his life and benefit from his example. My Congressional District is better served through the canvass Mr. Golub conducts and our communities are fortunate to call him a neighbor and friend.
her family members and many friends. Betty Friedan’s unwavering commitment to change and equality has served to make a difference within the lives of countless individuals, and on history itself. Betty Friedan’s legacy of service and revolution will be honored and remembered for all time.

RETIREE OF SERGEANT MAJOR MICHAEL DUDLEY, USA

HON. SOLOMON P. ORTIZ
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. ORTIZ. Mr. Speaker, I hope the House will join me today to pay tribute to an exceptional patriot and Non-Commissioned Officer in the United States Army, Sergeant Major Michael Roy Dudley, upon his retirement from active military service.

Sergeant Major Dudley’s remarkable career spans over 31 years in the United States Army culminating with his appointment to Principal Announcer of The United States Army Chorus, “Pershing’s Own” and Non-commissioned Officer-in-Charge of the United States Army Chorus.

He was also a producer, performer and announcer for numerous inaugural events for Presidents Carter, Reagan, G.H.W. Bush and Clinton. He was the announcer for the nationally televised September 11 Pentagon Memorial Services on September 11, 2002; interment of the Unknown Soldier from Vietnam at Arlington National Cemetery; narrative soloist with the Boston Pops Orchestra and the Penn Woods Festival Orchestra at Penn State University for the 2000 National Governors’ Conference performing Aaron Copland’s “A Lincoln Portrait.”

He has been the featured announcer and soloist numerous times for The United States Army Band’s concerts at Lincoln Center and Carnegie Hall in New York City from 1993 to the present. Sergeant Major Dudley’s talent and professionalism has been instrumental in the flawless performance of these international events.

Other significant performances by Sergeant Major Dudley include: The White House performance for the signing of the peace treaty between Egypt and Israel; featured vocal soloist for Gerald Ford and Friends Gala in Vail, Colorado; White House State Dinners and Christmas receptions (1975-present); numerous performances for the Kennedy Center Honors Program and the July 4, 1976 Bicentennial Concert of the United States with Johnnny Carson on the grounds of the Washington Monument.

Sergeant Major Dudley has truly represented The United States Army and The United States of America in an exemplary manner which was quintessential to the overwhelming success of these very important events in the history of our nation. This soldier is the recipient of the United States Armed Forces Legion of Merit award for exceptionally meritorious conduct in his performance of outstanding service to this country.

He has established a renowned reputation both nationally and globally as a musical ambassador of goodwill. I ask my colleagues to join me today to thank Sergeant Major Dudley, his wife, Mary Lou, and his entire family for the commitment, sacrifice, and contribution that they have made throughout his honorable military career.

IN MEMORY OF THE HONORABLE JOHN J. POLLARD

HON. IRE SKELETON
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SKELETON. Mr. Speaker, it is with deep sadness that I inform the House of Representatives of the passing of my friend, the Honorable John J. Pollard of Lexington, Missouri. He was 96.

Judge Pollard was born on November 14, 1909, in Lexington, Missouri. After he graduated from Lexington High School in 1928, Judge Pollard worked various odd jobs. Judge Pollard was offered a special commission as deputy constable in 1931 and began, like his father before him, a lifelong career in law enforcement. In 1934, he was appointed deputy sheriff, designated the court bailiff, and moonlighted as a city fireman.

Judge Pollard married Genevieve Bray on January 11, 1936. That same year, Judge Pollard was the only security man elected Constable. Judge Pollard was elected Constable twice more; in 1938 and again in 1940. He also continued as deputy sheriff until 1940.

In the fall of 1940, a conversation with Senator Harry S. Truman from Independence, Missouri, led to a position as one of the very first members of a security force being established at the new Lake City Ordinance Plant. Shortly after Judge Pollard was hired as a dispatcher and firearms inspector, war was declared. During World War II, the ammunition plant would reach a high of 23,000 employees, 600 of whom were on the security force. After World War II officially ended on September 2, 1945, Judge Pollard received a special “Certificate of Meritorious Conduct” from the United States Army, recognizing his service to the war effort.

Judge Pollard was the only security man kept on staff after the Lake City Ordinance Plant closed a month after the war. When the plant reopened in 1949, Judge Pollard was made Chief of Security. When the Korean Conflict began in 1950, the plant once again aided in the war effort and Judge Pollard, as head of security, held the military rank equivalent of Colonel. Before retiring in 1974, Judge Pollard attended a 40-hour course in shooting at the FBI Academy, completed the MP School at Fort Gordon, Georgia; and graduated from the U.S. Army Intelligence School. He also took courses in industrial security management, effective speaking, human relations, communications, and job relations.

In 1978, Judge Pollard was elected to the office of Municipal Judge of Lexington. When the legal qualifications to hold the office changed a year later, he was in the first group of judges to take the Supreme Court’s mandatory test for Municipal Judges. His background in law enforcement served him well and he easily passed the test. He was held in high esteem by the community. He was invited to become an ex-officio member of the Lafayette County Bar, a high honor for a non-lawyer. Judge Pollard resided from office on May 30, 1989, having served for eleven years and one month.

Mr. Speaker, Judge John J. Pollard was more than a civil servant, he was a true friend. He is survived by his son Jack Pollard; Jack’s wife Beth; one brother, Dale Pollard, and two grandchildren. He will be missed and I know the members of the House join me in offering heartfelt condolences to his loved ones.

TRIBUTE TO JOHN J. SANVIDGE

HON. JOHN E. SWEENEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor and pay tribute to the late John J. Sanvidge, a dedicated and loyal public servant, and one of my outstanding constituents from the 20th District of New York. His professional and personal achievements are numerous and varied, and have positively shaped the lives of many in my District.

Throughout his life John worked to protect the people of his community and nation. He courageously defended our country in the European Theatre of World War II, while serving in the U.S. Navy. Locally, he was an advocate for the citizens of the 20th District through his service as Commissioner of Public Safety for the city of Troy, and while serving as Director of Civil Defense for Rensselaer County, John worked to help those less fortunate. For over 50 years, the John J. Sanvidge Funeral Home, Inc., founded by John, has helped countless citizens of Rensselaer, Albany, and Saratoga counties cope with some of the most difficult times in their life. He served as chairman of the Rensselaer County Muscular Dystrophy Association Drive and was influential in the first Jerry Lewis Telethon in New York City. John was an active member of his community as a member of the CSEA, Veteran of Foreign Affairs Post 8764, the Tibbits Cadets of Troy and the American Legion.

It is my privilege to honor such a dedicated member of my district. The selfless work of individuals like John Sanvidge constitutes the foundation of good citizenship and embodies true American values. The residents of my district have benefited from the efforts and achievements of John J. Sanvidge. I thank him for his contribution to our community and our Nation.

REV. AL’S NEW FLOCK—SHARPTON NURTURES UP-AND-COMING ACTIVISTS

HON. CHARLES B. RANGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. RANGEL. Mr. Speaker, I rise today to acknowledge the Reverend Al Sharpton for his continued encouragement of black youths in America to rise up and join the struggle against poverty, low performing schools, corruption and other ills that plague many of our inner cities across this nation. The Reverend believes that the time is now for new blood
with new and exciting ideas to speak up and become participants in the issues that directly influence their livelihood.

Sharpton is trying to train today's inner city youth on how to become leaders just as he was trained so many years ago. Reverend Al Sharpton was known as the "Wonder Boy" in his youth. He was also known as the one who began delivering sermons at the Washington Temple Church in Brooklyn as a first-grader. Later at age 10, Sharpton preached a sermon before 10,000 people at the Washington Temple Church. During this time, Sharpton was a teenager and had attracted the attention of the late Representative Adam Clayton Powell becoming part of the Harlem congressman's entourage.

Sharpton held his annual National Action Network meeting in New York this past week and in attendance were many of his up-and-comers who will likely be running cities and other municipalities along with Congress before long. The list includes Yaphet El-Amin who became the first female Muslim to hold state office in Missouri when she was elected in 2002. There are also Alicia Reece, an officer in Sharpton's organization who is considered a rising star, and then there is the Reverend Jarrett Maupin, a 17-year-old from Phoenix, Arizona who is now Sharpton's youth director. Maupin made an unsuccessful bid for the Phoenix City Council last year and plans to mount a run for school board this year.

I enter into the RECORD an article published in the New York Daily News on Friday April 7, 2006 entitled, "Reverend Al's new flock", for highlighting the importance of implementing forms of community mentoring. As members of the old guard grow older, the time is now for the youth in our nation to stand up as we hand them their futures. More people need to take the time to do the same and encourage the leaders of tomorrow to rightfully take their place in society.

REVEREND AL'S NEW FLOCK

(By Errol Louis)

Here in New York, the Rev. Al Sharpton tends to be seen as a perennial political outsider. But if detractors inevitably dismiss him as a publicity-seeking hustler—but that cynical, out-of-date view ignores the impressive political network Sharpton has diligently been building from coast to coast.

In a dozen or so black communities where elders tend to monopolize leadership of the churches, schools, civic groups, political clubs and other key institutions, Sharpton has been busy grooming young, ambitious candidates for office.

By playing the role of mentor, promoter and fund-raiser, Sharpton does what many short-sighted black politicians refuse to do: activate young people to join the struggle against poverty, broken schools, corruption and other inner-city ills.

Sharpton's approach should be copied by politicians and their detractors inevitably dismiss him as a publicity-seeking hustler—but that cynical, out-of-date view ignores the impressive political network Sharpton has diligently been building from coast to coast.

A patch of hopefuls from Generation Al—many of whom were in New York City this week for the annual meeting of Sharpton's National Action Network—has been particularly active lately. The list includes Yaphet El-Amin, a 35-year-old from St. Louis who became the first female Muslim to hold state office in Missouri when voters elected her to the legislature in 2002. She is running for state office this year.

Alicia Reece, an officer in Sharpton's organization who served as vice mayor of Cincinnati and lost a race for mayor last year, is considered a rising star. Brooklyn's own Kirsten Foy, one of Sharpton's staff members, is running for a district leadership in Crown Heights.

And then there's the Rev. Jarrett Maupin, Sharpton's national youth director.

The 17-year-old from Phoenix, a college freshman who began delivering sermons in Brooklyn's Washington Temple Church as a first-grader.

At age 18, Sharpton preached a sermon before 10,000 at the World's Fair. By the time he was a teenager, Sharpton had attracted the attention of the late Rep. Adam Clayton Powell, becoming part of the Harlem congressman's entourage. When Powell called him to his office another run for President in 2008—is smartly playing the odds, collecting friends, fans and favors among a network of up-and-comers who will likely be running cities, states and Congress before long.

The reverend's interest in grooming young leaders dates to his own background as the Wonder Boy, a prodigy who began delivering sermons in Brooklyn's Washington Temple Church as a first-grader.

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These are the cadets who earned Flour Bluff’s 10th consecutive Navy National Championship: Adrian Altamirano, Sade Auzenne, Arielle Carchidi, Sara Carmony, Leslie Cox, Dirk de Haan, Valerie Dimalanta, Miranda Edison, Julisa Ellerbe, Thomas Falkenberg, Deon Galindo, Melinda Garibay, Pancho Gonzales, Tyler Grant, David Guillen, Caz Haas, Jonathan Hadar, Gustavo Hernandez, Josef Horn, Matthew Horn, William Joyce, Cassandra Leal, Gilbert Lozano, Ellysa Luehrs, Conor Morrison, Steven Murawski, Ruby Neisser, Amielyn Nillo, Danielle Petretich, Rudy Ponce, Roxie Perea Reeder, Daniel Samuelson, Raffaela Sheehan, Jaclyn Stewart, Tanis Thompson, Tempest Thompson, Tyler Warren, Eric Webb, and Jeremiah Widder.

The coaches who led them to victory are CDR Armando R. Solis and assistants HMCS Lee Holloway and SKI David Pitts. I ask the House of Representatives to join me today in recognizing these young champions who know first hand how to compete and win graciously. Mr. Speaker, these young students have inspired us to continually strive for success.

IN HONOR OF THE RELATIONSHIP BETWEEN MONTEREY BAY AND MINAMIBOSO OF THE BOSO PENINSULA OF JAPAN

HON. SAM FARR OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. FARR. Mr. Speaker, Ms. Eshoo and I rise today to honor the 109th Anniversary of the Abalone Connection, a treasured connection between two Pacific regions, the Monterey Bay and Minamiboso of the Boso Peninsula of Japan. Both regions are centrally located on the Pacific Coasts of their respective regions and share not only the beautiful scenery of the Pacific Rim, but also the abalone fishing culture and the business that developed because of the abundant marine life found in the sea along their coastlines.

In 1897, Gennosuke and Nakajiro Kodani of Minamiboso, and Alexander M. Allan of Monterey partnered to create the first successful deep-water abalone diving business in the East Pacific. Mr. Allan firmly defended his Japanese partners and employees through the tense period of anti-Japanese sentiment in the United States, and brought the contributions made by the citizens of each region to celebrate the 109th anniversary of the Abalone Connection as it celebrates its 109th anniversary. After more than a century, the Abalone Connection remains a source of pride for the Monterey Bay Region.

TRIBUTE TO STEVE LUKENS

HON. JO ANN EMERSON OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to honor Steve Lukens, Assistant Principal at R.O. Hawkins Junior High School in Jackson, Missouri. Recently, Mr. Lukens announced his retirement after 20 years of distinguished service in Missouri’s Public Schools.

Mr. Lukens was born on June 23, 1947, to Harry and Ella Lukens in St. Louis, Missouri. Upon graduation from high school he joined the U.S. Navy and served as an air traffic controller from 1965 to 1970. After his honorable discharge, Mr. Lukens pursued a degree in education from Southeast Missouri State University, which is also where he met his future wife, Ellen. Upon graduation from the Southeast Missouri State, he commenced what would be a long and laudable career in education.

Mr. Lukens has dedicated his life to public education over the past 31 years. He embarked on his teaching career in the Cape Girardeau, Missouri, public school system, where he served as a language arts teacher for 21 years. Throughout his time in the Cape Girardeau Public Schools, he served in several capacities for many extracurricular activities, including sponsor of the Red Dagger Club and set director for theatrical productions. In order to play an active role in the lives of even more students, Mr. Lukens pursued a position in school administration.

In 1996, Mr. Lukens accepted a position as Assistant Principal at R.O. Hawkins Junior High School and has served the school in this capacity for the past ten years. During his tenure, Mr. Lukens has overseen several massive construction projects to the school, a growing student population, and the everyday challenges associated with the instruction of adolescents. As the faces change every year in the halls of R.O. Hawkins Junior High, Mr. Lukens’ dedication to education and cultivating the leaders of tomorrow remains a constant.

To the students of R.O. Hawkins Junior High, Mr. Lukens is more than just a school administrator; he is a friend and mentor. Although Mr. Lukens has led an exemplary career in education, it would not have been possible without the love and support of his family. Mr. Lukens’ wonderful wife, Ellen, and two loving children, Jennie and Laura, undoubtedly enhanced his ability to change the lives of area youth. As I commend Mr. Lukens, I also recognize the efforts of his family to further his career. I once again congratulate Mr. Lukens on a successful career in education and wish him well in all his future endeavors.

IN HONOR OF THE VIETNAMESE COMMUNITY OF CLEVELAND AND THE 31ST ANNIVERSARY OF THE FALL OF SAIGON

HON. DENNIS J. KUCINICH OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance and recognition of the 31st Anniversary of the Fall of Saigon. This historical date commemorates the end of the Vietnam War, and represents the beginning of a new life for tens of thousands of Vietnamese people, as they began their hopeful journey to America.

On April 30, 1975, the ancient city of Saigon fell to the conquest of communist troops. This action solidified the communist takeover of South Vietnam. Thirty-one years later, I rise to honor the memory and sacrifice of the hundreds of thousands of American soldiers, South Vietnamese soldiers and civilians who made the ultimate sacrifice in the name of liberty.

Despite the takeover and the Communist rule that followed, the culture, spirit and hope reflected by the Vietnamese people remained steadfast. After the fall of Saigon, thousands of Vietnamese, determined to rebuild their lives, began a treacherous exodus out of Vietnam. Their daring escape was on foot, through thick jungles and over jagged mountains. They escaped by boat, through snake-infested rivers and across turbulent seas. They became refugees in many nations, including America, with nothing more than the clothes on their backs and the hope for freedom in their hearts.

Mr. Speaker and Colleagues, please join me to honor and remember the hundreds of thousands of men and women who struggle for peace and freedom, then and now. We also honor agencies and churches such as The Vietnamese Community of Greater Cleveland and St. Helena Catholic Church, which offer a haven of support, services and hope to immigrants from all over the world. The Vietnamese culture, through the care and commitment of its people, has flourished in Cleveland and across America, yet remains forever connected to its ancient cultural and historical traditions that spiral back throughout the centuries, connecting the old world to the new, spanning oceans and borders in the ageless quest for peace—from Vietnam to America.

THE PORTER COWBOYS’ 5A SOCCER TITLE

HON. SOLOMON P. ORTIZ OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the Porter Cowboys, winners of the University Interscholastic League Class 5A...
boys’ soccer state championship. These young players came painstakingly close to defeat, but rose to victory in a 2–1 double-overtime win, earning Brownsville’s first 5A state championship, and the pride of South Texas.

The Cowboys came back from a 1–0 deficit against the highly regarded team of Coppell in a matter of only 10-minutes. The agility and perseverance of this team gained the recognition of even the rival coach who could not deny the heart the Cowboys put forth.

Less than a minute later, Porter tied up the game 1–1, after Coppell’s only goal. The winning shot scored with 3:42 left on the stadium scoreboard, leaving the Cowboys’ solid defense squad to protect the lead. The team left it all on the field to earn the Rio Grande Valley’s first 5A title in soccer.

With such dedicated players and skilled coaching, it seems only right that their remarkable qualities led them to this year’s championship. Their triumph is significant to both the team and their fans because it tells the story of how the road to victory is paved by teamwork and faith, and commitment. Mr. Speaker, these young men have learned the supreme principles of both sports and life. They have experienced that winning is great but success is sweeter when teamwork and faith defy expectations and confront challenge.

These are the young champions: Eric Chapa, Edgar Sanchez, Aldo Sierra, Juan Razo, Jose Alvarado, Peter Ruiz, Victor Vela, Cristian Sierra, Wilfredo Fernandez, Edgar Acuna, Jorge Briones, Jovanny Briones, Alex Lara, Humberto Lopez, Gerardo Hernandez, Mario Perez, Gerardo Martinez, Diego Rodriguez, Michael Cedillo, Angel Cardenas, Jesus Sanchez, Miguel Vasquez, Jose Mojica, Jorge Gandara, Abpsa Cardenas, Jose Sosa, and Abel Perez.

The coaches who led them to victory are Luis Zarate, Arturo A. Puig Jr., Pedro Valdez, and Miguel Marroquin.

I congratulate the Porter Cowboys who through their unwavering endurance and determination have brought great pride and joy to all of South Texas. I ask the House of Representatives to join me today in commending this outstanding band of champions who have learned the most important lessons of competition, faith, and commitment. Mr. Speaker, these young men have inspired us and made us exceptionally proud.

COMMENDING APSEA ON THEIR SUCCESS AND ANNUAL DINNER

HON. DORIS O. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Ms. MATSUI. Mr. Speaker, I rise in tribute to California’s Asian Pacific State Employees Association as they celebrate their 31st anniversary and honor two of Sacramento’s most outstanding citizens. Genevieve Shiroma will receive the President’s Award for her distinguished career and advocacy in support the Asian Pacific Islander community and Raynor Tsuneyoshi will be honored with the Members Award for his dedication to APSEA and State employees. I ask all my colleagues to join me in saluting the Asian Pacific State Employees Association, as well as Ms. Shiroma and Mr. Tsuneyoshi for their accomplishments.

The Asian Pacific State Employees Association, formerly known as the Asian State Employees Association, was founded in 1975 for the purpose of working toward achieving equal opportunity for the Asian Pacific workforce through professional development and community empowerment. The Association’s vision is one of Asian Pacific State employee serving, enhancing, and leading State government agencies and their community.

Objectives achieved by the Association include advocating for Asian Pacific Islander State employee interests; providing an Asian Pacific network for its members and employers; advancing personal and professional development of its membership; consulting with members facing adverse action or other employment problems; working with the community to promote career opportunities, professionalism, cultural pride, self-esteem, and citizenship; and providing services and interchange with community, academic, and business groups.

Benefits and services offered by the Association include employee development, networking, scholarship opportunities, communications, and celebration of Asian Pacific contributions. At present time, the Asian Pacific State Employees Association has over 1,000 members statewide and includes chapters in the Southern, Central Valley, and Bay Area. Officers frequently serve on legislative fact-finding committees, and provide testimony before the legislative committees regarding advocacy and affirmative action policies.

I also would like to acknowledge and congratulate APSEA’s special honorees. Through her work at the Agricultural Labor Relations Board and California Air Resources Board, Genevieve has constantly advocated for policies that benefit all Californians. In Sacramento, she continues to make her mark as a civic leader by working with numerous non-profits and currently serves as president of the Sacramento Metropolitan Utility District’s Board of Directors. Ray Tauneyoshi is the director of the California Department of Boating and Waterways and serves on the National Boating Safety Advisory Council. He is known by many as one who all State employees can turn to for assistance.

Mr. Speaker, the Asian Pacific State Employees Association has evolved into a leading organization within the State, a dynamic force striving to improve the quality of life of its members and the general community. I am confident that Asian Pacific State Employees Association will continue to do great work and yield tremendous benefits to the Asian Pacific Islander State workers of California. I ask all my colleagues to join me in wishing the Asian Pacific State Employees Association continued success in the future.

HONORING THE LIFE OF PHILIP THORNTON HAIRE

HON. ALCIE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the memory of Philip Thornton Haire, a very good friend and a beloved figure in Clewiston, Florida and the surrounding Glades area.

Phil led a remarkable life. As a marine in World War II, he fought in the Pacific Theater, winning a Bronze Star and a Purple Heart. Following his military service, Phil began a career in radio sales executive working throughout the West and Midwest. In 1950, he moved to the Glades area, where he began his long association with radio station WSWN, known as “Sugar 900.” In addition to his duties in sales, he became a sports announcer, commentator, and eventually, Vice President and General Manager.

Phil Haire was an honest, decent man who always had a smile and a kind word for people he met. He was loved and respected throughout the Glades area. Phil truly left his mark on the community and on everyone who knew him. We will all miss him greatly.

On behalf of the Members of the House of Representatives, I would like to pass along our deepest condolences to Phil’s family, friends, and loved ones.

IN HONOR OF OFFICER CARTER JONES, RESERVE OFFICER SCOTT CHRISTIE, AND DEPUTY STEFAN FISH

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the exceptional courage demonstrated by Officer Carter Jones, Reserve Officer Scott Christie, and Deputy Stefan Fish on February 2, 2006. The circumstance in which this heroic act was carried out is indeed incredible and it is my privilege to honor the selfless actions these officers performed.

On February 2, 2006, these individuals assisted in a pursuit of a wanted parolee trying to evade arrest. The wanted parolee was driving a stolen vehicle and had an extensive criminal history, including weapon and narcotic violations.

Officer Jones and Reserve Officer Christie pursued the suspect as he dangerously attempted to evade arrest. Eventually the suspect crashed head-on into another vehicle, engulfing it in flames and pinning his own vehicle against the victim’s car.

The suspect had managed to escape from his vehicle and attempted to flee on foot. The initial officers on the scene physically apprehended the suspect, despite his continued efforts to resist arrest. They removed the suspect from the area due to the intense heat of the burning vehicle, only to return moments later to rescue the victims. Deputy Fish attempted to open the victim’s car doors but could not due to its precarious position. As smoke quickly filled the car, Deputy Fish used his baton to smash the rear window. Immediately, Deputy Fish, Officer Jones, and Reserve Officer Christie rushed in and successfully evacuated two children; a 7-year-old girl and her 5-year-old sister; and two adults.

Mr. Speaker, Officer Jones, Reserve Officer Christie, and Deputy Fish put their lives to rescue four innocent people. Without their quick response under extreme emergency conditions, this incident could have turned
THE MILITARY DOMESTIC AND SEXUAL VIOLENCE RESPONSE ACT

HON. LOUISE MCINTOSH SLAUGHTER
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Ms. SLAUGHTER. Mr. Speaker, today, I am proud to introduce the Military Domestic and Sexual Violence Response Act. This important piece of legislation will ensure greater protections for service members and their families if they become victims of violence. It also will strengthen programs to prevent violence against fellow soldiers and military families.

Unfortunately, sexual assault and domestic violence are pervasive and serious problems throughout all branches of the military. In March 2006, the Department of Defense (DoD) released their second annual sexual assault report, which stated that there were 2,374 allegations of sexual assaults reported in 2005; this is up from 1,700 the previous year. In 2004, the DoD reported 9,000 incidents of spousal abuse. A 2006 Sexual Harassment and Assault Survey of the Service Academies found 6 percent of females and 1 percent of males said they were sexually assaulted in 2004-2005, and less than half the females who experienced sexual assault reported it. In this same survey, 60 percent of female cadets indicated sexual harassment was about the same as when they first enrolled at their academy.

While the DoD has been making efforts to improve its prevention and response to domestic and sexual violence, victim services remain incomplete and inconsistent among the various branches. There have been reports that victims advocates, charged with protecting the victim’s rights, have been denied resources to do their job, and in some instances been forced off the base all together. Furthermore, DoD policies are not codified in the Uniform Code of Military Justice (UCMJ) and do not offer the same level of rights and protections afforded to civilian victims. Perhaps most importantly, victims are unable to seek confidential counseling and treatment without fear that their records might become public if they press charges against their assailant.

My bill, the Military Domestic and Sexual Violence Response Act, seeks to bring military law up to par with civilian laws by establishing a comprehensive approach for the military to address domestic violence and sexual assault among our soldiers. Specifically, this bill will:

- Codify rights, restitution policies, treatment and other services for victims within the UCMJ, including creating comprehensive confidentiality protocols to protect the rights of victims within military and among military families;
- Strengthen policies for reporting, prosecuting and treating perpetrators of violence; and
- Create counseling and treatment programs through the Department of Veterans Affairs.

The military should be at the forefront of prosecuting assailants and setting the highest standards for treatment of servicemen and women, or military family members, victimized by sexual assault and domestic violence. Our Armed Forces must take every step to guarantee the most basic protections to ensure these victims can receive necessary counseling, treatment, and justice.

If a victim cannot access essential care for fear of stigma, public embarrassment, threats, or being denied care because they do not know what resources are available, the military will continue to lose valuable female and male soldiers. These service members put themselves in harms way to protect us and our Nation from threats at home and abroad. They should not be given lesser rights and protections than the civilians whose freedoms they protect. My bill ensures they are adequately protected when dealing with the horrible tragedy of sexual assault or domestic violence.

Do not allow our brave service members to be victimized twice, once by their perpetrator and then again by the military’s lack of appropriate, compassionate, and confidential treatment and response.

Mr. Speaker, I encourage all Members to join me in cosponsoring the Military Domestic and Sexual Violence Response Act.

RECOGNIZING REVEREND JOHN H. ROUSE, ON THE OCCASION OF HIS 51ST ANNIVERSARY OF SERVICE IN THE MINISTRY AND 31ST ANNIVERSARY AS PASTOR OF THE MOUNT ZION MISSIONARY BAPTIST CHURCH IN EAST ST. LOUIS, ILLINOIS

HON. JERRY F. COSTELLO
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Reverend John H. Rouse, of the Mount Zion Missionary Baptist Church, in East St. Louis, Illinois, on the occasion of his 51st anniversary of service in the ministry and 31st anniversary as Pastor of Mt. Zion.

John Rouse is the son of Dr. W.B. and Evelyn Rouse. A native of Nashville, Tennessee, Rev. Rouse graduated with honors from Lincoln High School in East St. Louis, Illinois. Even though he was the president of his graduating class, Rev. Rouse was once counseled at Lincoln High School to compromise his ambition and settle for employment that did not require public speaking. How fortunate for all those who have benefited from his years of ministry that Rev. Rouse did not follow that advice.

Rev. Rouse began his formal ministry at the First Ward Baptist Church, in Clarksville, Tennessee, where he was pastor until 1970. During his time in Tennessee, Rev. Rouse continued his extensive education at American Baptist Theological Seminary and College of the Bible, Tennessee State University, Austin Peay State University and George Peabody College.

Also during his years in Tennessee, Rev. Rouse became very involved in the civil rights struggle. His work to end segregation in Tennessee and later in Henderson, Kentucky has continued throughout his years of ministry as he has been a constant champion of civil rights and social justice.

It was through activities as a member of the NAACP that Rev. Rouse met Mary G. Avent, who would become his wife and mother of their four children.

In 1975, Rev. Rouse returned to East St. Louis to begin his pastorate at Mount Zion Missionary Baptist Church where he still serves as pastor today. While at Mt. Zion, Rev. Rouse has expanded his ministry to include Mt. Zion Baptist Mission East, as well as a community-based prison ministry. In addition to their own four children, Rev. and Mrs. Rouse have taken in a number of foster children and opened their hearts and helping hands to many within their congregation.

While Rev. Rouse has built an impressive congregation in East St. Louis, he has extended his ministry through speaking engagements, workshops and revivals across the country and as far away as Seoul, South Korea. Rev. Rouse has officiated at over 2,000 weddings and over 5,000 funerals. He has served on governing boards and commissions serving the church, education, government and community.

Rev. Rouse has traveled far and wide in his service to the Lord. He has also been a teacher, coach and funeral director. He has built congregations and mentored others in their quest to become ministers. The good work that he has done has extended far beyond the boundaries of his present congregation and will be felt for years to come.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Reverend Rouse for his 51 years of dedicated ministry and to wish him and his family the very best in the future.

HONORING NEIL ARMSTRONG AS HE RECEIVES THE NASA AMBASSADOR OF EXPLORATION AWARD

HON. JEAN SCHMIDT
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor Neil Armstrong, a war hero, teacher, businessman, and one of the world’s greatest explorers, who received the prestigious National Aeronautics and Space Administration (NASA) Ambassador of Exploration Award on April 18, 2006 at the Cincinnati Museum Center in Cincinnati, Ohio.

An Ohio native son, Neil Armstrong rewrote history in July of 1969 when he was the first man to set foot on the moon. Mr. Armstrong served as commander of Apollo 11, the first manned lunar landing mission. He was accompanied on this historical journey to the moon by Command Module Pilot Michael Collins and Lunar Module Pilot Edwin (Buzz) Aldrin.

Born in 1930, Mr. Armstrong always had a fascination for airplanes and space travel. He started taking flying lessons at the age of fifteen and received his pilot’s license at the age of sixteen. After graduating from high school in 1947, Mr. Armstrong entered Purdue University with
a U.S. Navy Scholarship. He started working toward an aeronautical engineering degree, but in 1949, he was called to active duty with the U.S. Navy. He was awarded his jet wings at Pensacola Naval Air Station in Florida at the age of 20, making him the youngest pilot in his class. In his free time, he flew 78 combat missions in Navy panther jets earning three Air Medals. After his service, he returned to Purdue to complete his bachelor’s degree in aeronautical engineering in 1955. He went on to earn his master’s in aerospace engineering from the University of Southern California in 1970.

Mr. Armstrong joined NASA (National Advisory Committee for Aeronautics), NASA’s predecessor, where as a research test pilot he piloted the X-15, an experimental rocket plane. In 1962, he attained astronaut status and in 1966 served as command pilot for the Gemini 8 mission. Following his 1969 mission to the moon, Mr. Armstrong held the position of Deputy Associate Administrator for Aeronautics at NASA for several years.

Aside from his sizeable contributions to aeronautics, Mr. Armstrong has also made an impact in the college classroom. From 1971–1979, he was a professor of Aerospace Engineering at the University of Cincinnati.

He previously served as chairman of Computing Technologies for Aviation in Charlotteville, Virginia, and chairman of the board of ALL Systems, an electronics systems company located in New York. He currently serves as chairman of CTA Inc. in Lebanon, Ohio.

In addition to watching for recognition for his role on the Apollo 11, Mr. Armstrong has earned countless awards and distinctions for his many accomplishments, including the Presidential Medal of Freedom, the highest award bestowed upon a U.S. citizen; the NASA Distinguished Service Medal; the NASA Exceptional Service Medal; and the Congressional Space Medal of Honor. He is a former Chairman of the Cincinnati Museum of Natural History.

Mr. Armstrong and his wife Carol currently reside in Indian Hill and own a farm in Warren County where they have two grown sons. All of us in the Cincinnati area congratulate Neil Armstrong on receiving the National Aeronautics and Space Administration Ambassador of Exploration Award.

HUMAN RIGHTS IN CHINA: IMPROVING OR DETERIORATING CONDITIONS?

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. SMITH of New Jersey. Mr. Speaker, on April 19, the day before Chinese President Hu Jintao’s official visit to President George Bush, I held a hearing of the Subcommittee on Africa, Global Human Rights and International Operations to examine China’s human rights record. The hearing focused on such areas as China’s censorship of the internet, implementation of the right of Chinese citizens to worship freely, protection of minority rights, compliance with international labor standards, China’s barbaric practice of organ harvesting, and the destructive effects on Chinese society—especially on women—of its government’s coercive one-child policy.

Over the years, I have held more than 25 hearings on human rights abuses in China. While China’s economy has improved somewhat, the human rights situation remains abysmal. So-called economic reform has utterly failed to result in the protection of freedom of speech, expression, and association. President Hu Jintao’s visit to the United States provided the U.S. Congress and people an opportunity to bring to the attention of U.S. policy makers and the world community the terrible human rights situation as it exists in China today. It is absolutely providential to provide, in the vital context for any relationship we should have with China. And it conveyed our unshakable regard and commitment to press Beijing for serious, measurable and durable reform. The people of China deserves no less. It is our moral duty to stand with the oppressed, not with the oppressor.

State Department human rights reports and the consistent reporting from very reputable NGOs indicate that Chinese government repression of its citizens continues. In fact, the current events in China are one of the very worst violators of human rights in the world, and continues to commit every single day egregious crimes against its own citizens. China was first named a Country of Particular Concern (CPC) by the State Department in 1999 for its egregious and systematic violations of religious freedom, and has been a CPC every year since. Few if any nations can even begin to match China’s unseemly record, from the systematic denial of political freedom and use of torture to interference in the most private matters of family and conscience. At a rough count, the most recent State Department Human Rights Report for China ran to about 45,000 words. Before it even gets down to details, the report lists 22 major human rights problems:

- Denial of the right to change the government;
- Physical abuse resulting in deaths in custody;
- Torture and coerced confessions of prisoners;
- Harassment, detention, and imprisonment of those perceived as threatening to party and government authority;
- Arbitrary arrest and detention, including nonjudicial arrest and detention;
- Use of torture and other cruel, inhuman, or degrading treatment or punishment;
- Political and administrative torture;
- Torture and other cruel, inhuman, or degrading treatment or punishment; and
- Denial of liberty of religion.

Forcible repatriation of North Koreans and Pastor Xiong Zhenhai;

Increased restrictions on freedom of speech, including detention and abuse of demonstrators and petitioners;

Restrictions on religious freedom, control of religious groups, and harassment and detention of unregistered religious groups;

Restrictions on freedom of travel, especially for politically sensitive and underground religious figures;

Forcible repatriation of North Koreans and inadequate protection of refugees such as Xiong Zhenhai;

Severe government corruption;

Increased scrutiny, harassment and restrictions on independent domestic and foreign nongovernmental organization (NGO) operations;

Trafficking in women and children;

Societal discrimination against women, minorities, and persons with disabilities;

Cultural and religious repression of minorities in Tibetan areas and Muslim areas alike;

Restriction of labor rights, including freedom of association, the right to organize and bargain collectively, and worker health and safety;

Forced labor, including prison labor.

Beijing has increasingly viewed the information available on the internet as a potential threat to the Party’s ability to control the population and monopolize political power. It has turned China into one of the most internet restrictive countries in the world. It is important to note that the freedoms that we enjoy in America allow individuals to publish information and news on the Web unfiltered. Those freedoms do not exist in China. Individuals who attempt to speak freely are imprisoned forever. Additionally, I have asked under what terms and conditions—court order, police demand, a fishing trip—Yahoo surrenders emails and address files. Yahoo told us that they could not reveal this information because it would break Chinese law.

Google, for its part, created an exclusively Chinese search engine that only a Joseph Goebbels could love. Type in any number of vile words like human rights, or Tian An Men Square massacre, or Falun Gong, and you will get rerouted to government propaganda—much of it heavily anti-American and anti-President George Bush, and filled with hate, especially for the Falun Gong. How did Google respond to our deep concern about their enabling a dictatorship to expand its hate message? According to the New York Times report of late March, they hired big-time Washington lobbying firms like Podesta-Mattoon and the DCI group to put a good face on it all—and presumably kill my pending legislation, the Global Online Freedom Act of 2006, partnered with the much-hated Chinese secret police to find, apprehend, convict and jail religious believers and pro-democracy advocates.

Yahoo told us at the hearing how profoundly they regret sending Shi Tao to prison for 10 years but they couldn’t tell us—and didn’t seem to know—how many others were condemned to jail and torture because of Yahoo’s complicity with the secret police. When I asked under what terms and conditions—court order, police demand, a fishing trip—Yahoo surrenders emails and address files, Yahoo told us that they could not reveal this information because it would break Chinese law.

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Mr. SMITH of New Jersey. Mr. Speaker, on April 19, the day before Chinese President Hu Jintao’s official visit to President George Bush, I held a hearing of the Subcommittee on Africa, Global Human Rights and International Operations to examine China’s human rights record. The hearing focused on such areas as China’s censorship of the internet, implementation of the right of Chinese citizens to worship freely, protection of minority rights, compliance with international labor standards, China’s barbaric practice of organ harvesting, and the destructive effects on Chinese society—especially on women—of its government’s coercive one-child policy.
rights was on the agenda at President Hu visit with Bill Gates at Microsoft.

China’s continued repression of religion is among the most despicable in the world. In February, the BBC reported that China had warned Hong Kong’s newly-appointed Cardinal, a well-known critic of China’s suppression of religious freedoms, to remain quiet on political issues. Citizens practicing a faith other than officially sanctioned religions are often subject to torture, imprisonment, and death, at which time prisoners or their families consent. But what value are the lives of Chinese citizens who are threatened, harassed, beaten, disbarred and jailed for doing their simple duty. They join countless prisoners of conscience in China’s modern day concentration camps. These are found everywhere in China—more than 1,100 by one count.

Finally, we heard testimony about China’s barbaric policy of harvesting human organs for sale and transplant. China admits it does this. According to China’s Ministry of Health, since 1993, there have been over 65,000 transplant procedures performed in China. China’s Deputy Health Minister recently stated that 95 percent of the organs for organ transplants performed in China are from executed Chinese prisoners. Of course it claims it only harvests the organs of executed prisoners, and only if they or their families consent. But what value can such a statement have in a country where the death penalty is virtually an assembly line process? Where according to the Department of State’s Human Rights Report for 2005, foreign experts estimate between five and twelve thousand people are executed every year? Chinese courts hand down the death sentence for an ever-expanding range of crimes, including nonviolent and political crimes. Appeals are conducted hastily, if at all. In an effort to boost profits, it is reported that some provincial or local officials in China have begun to allow mobile medical vans at execution sites to facilitate the efficiency with which prisoners’ organs may be harvested. We have all heard the recent horrific stories that China is now targeting the thousands of innocent Falun Gong prisoners it holds for organ harvesting, and perhaps not even waiting until they are dead. The State Department and the UN Special Rapporteur for Torture, Manfred Nowak, have been investigating. They must get to the truth of these blood-curdling stories, and do everything to stop this shameful practice.

The most well-known campaign in China has slaughtered more innocent children than any war in human history. Coercive family planning policy has wounded Chinese women by the millions and the physical consequence is that 500 women commit suicide every day. China’s one-child per couple policy, decreed in 1979, has killed perhaps tens of millions of baby boys and imposing Draconian fines—up to ten times annual salaries—on their parents to force them to abort. In China today brothers and sisters are illegal. Sex selection abortions—a direct consequence of allowing only one baby per couple, has led to gendercide—approximately 100 million girls are missing—in China. One Chinese demographer has admitted that by 2020, forty million Chinese men won’t be able to find brides because Beijing’s weapon of mass destruction—population control—destroyed the girls.

There is no recourse for millions of Chinese laborers trapped in poor working conditions. Those who protest unjust wage and labor practices outside of the government-controlled labor union are arrested and imprisoned. Chinese citizens are often persecuted just for going to court to secure rights which even current Chinese law, as restrictive as it is, guarantees them. And the lawyers who seek to help them are threatened, harassed, beaten, disbarred and jailed for doing their simple duty. They join countless prisoners of conscience in China’s modern day concentration camps. These are found everywhere in China—more than 1,100 by one count.

HON. CATHY McMORRIS OF WASHINGTON

INTRODUCTION OF FAA WAR RISK INSURANCE EXTENSION LEGISLATION

HON. JOHN L. MICA OF FLORIDA

CONGRESSIONAL RECORD — Extensions of Remarks
continues today and there is no foreseeable end to this situation. If airlines don’t have that insurance coverage, as a practical matter they won’t be able to fly. Because of this situation, Congress must extend the program to provide U.S. airlines the war-risk insurance that they need. The accompanying legislation would do that for five years.

As many of us remember, immediately after 9/11 commercial insurers in lockstep cancelled the airlines’ war-risk policies. That withdrawal of essential insurance coverage caused a crisis that Congress on September 21, 2001 resolved by granting the Federal Aviation Administration the authority to issue war-risk insurance policies to U.S. airlines. The FAA program has been generating roughly $150 million annually in premium payments to the treasury and we can expect about the same amount of payments in 2006. That is 6 or 7 times what the U.S. airline industry paid for that coverage before 9/11.

Congress has repeatedly extended the FAA’s program since 2002 because we have recognized that war-risk insurance for the airlines is indispensable. Airlines won’t fly without that coverage because they cannot bear the financial risk of a catastrophic act of terrorism against them. Expressed another way, no one wants an aircraft operating in the United States that do not have adequate insurance coverage.

I wish that I could report that the commercial market for aviation war-risk insurance has returned to its pre-9/11 condition. Unfortunately, it has not; the marketplace is failing to cover the terrorism risks to which airlines are exposed. Indeed, the situation has worsened. Premium costs and coverage terms in the commercial market have not been and are not today reasonable.

Of immediate concern is how the marketplace is treating coverage of aviation losses attributable to weapons of mass destruction. The FAA’s insurance policy quite properly covers this risk. But if U.S. airlines were required to rely on the commercial market for war-risk insurance coverage, the FAA effectively could not get WMD coverage for their aircraft (in insurance terms, their “hulls”). More ominously, it appears that this year the commercial market will stop providing most third-party WMD coverage. This means that if a WMD incident were to occur on an aircraft in flight, commercial insurance would not cover the death and injury of persons on the ground, or damage to property on the ground.

Neither airlines nor their employees, who have borne so much of the financial adversity that this industry has experienced since 9/11, can afford such an increase in premiums. Between 2001 and 2005, U.S. airlines had net losses of more than $40 billion. A staggering 135,000 jobs have been lost in the airline industry since 2001. The compensation of those who remain in the industry in many instances has been slashed. Current projections are that the airlines will lose another $2 billion in 2006. With stubbornly high oil prices, now $67 per barrel, that projection may turn out to be optimistic.

If Congress does not act, the already ailing U.S. airlines will be forced into a commercial market that provides war-risk insurance that is extraordinarily expensive; does not provide anywhere near the coverage that is necessary; and continues to write war-risk insurance policies with seven-day cancellation clauses, the same clauses that caused so much turmoil right after 9/11.

We must therefore renew the FAA’s war-risk insurance program. And, realistically, we must do so for an extended period. We have had one-year renewals of the program since 2002. We would all be better served if the extension were lengthier, which is why the accompanying legislation would extend the program for 5 years. I am pleased to introduce this needed legislation today.

**STATEMENT ON THE LOSS OF CORPORAL BRIAN R. ST. GERMAIN**

**HON. JAMES R. LANGEVIN**

**OF RHODE ISLAND**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 26, 2006**

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave Marine in Iraq, Corporal Brian R. St. Germain, a Rhode Island citizen who served his country with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

Cpl. St. Germain grew up in West Warwick, RI. He was an honor student and a 2001 graduate of West Warwick High School, where determination and hard work led him to become an all-state hurdler on the track and field team. These traits were signs of the first-rate Marine that he would soon become.

Cpl. St. Germain was an active duty Marine on his second tour of duty in Iraq assigned to the 1st Marine Logistics Group, 1st Expeditionary Force. Cpl. St. Germain unselfishly volunteered to ride on dangerous convoys so that his fellow Marines with wives and children would be spared the additional risk. On April 2nd, Cpl. St. Germain was killed in a vehicle accident along with five other marines in the Al Anbar Province when their Medium Tactical Vehicle Replacement was caught in a flash flood and rolled over.

This loss is hard to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Cpl. St. Germain’s nation called him to duty to preserve freedom, liberty and security, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

Cpl. St. Germain is survived by his parents, Lynn and Robert; his brother Nicholas; his grandmother Louise; and his uncle and godfather, Terence Adamo. May we keep his loved ones in our thoughts and prayers as they endure this difficult period.

We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

**IN MEMORY OF DAN SCHAEFER**

**HON. MARK UDALL**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 26, 2006**

Mr. UDALL of Colorado. Mr. Speaker, I was saddened to learn of the death of former U.S. Representative Dan Schaefer, who represented Colorado’s 6th Congressional District for 15 years before he retired at the end of the 105th Congress.

While I did not serve with Dan, we occasionally found each other on the familiar flights between Washington and Denver after his retirement from Congress. As one of Colorado’s I am aware of his contributions to our state and the nation.

He took a leadership role in establishing the House’s renewable-energy caucus and in support of the important work of the National Renewable Energy Laboratory (NREL)—a role that was appropriately recognized when NREL’s visitors’ center was named for him.

He also worked closely with my predecessor, Representative David Skaggs, in pressing for timely cleanup of the closed Rocky Flats nuclear-weapons facility—a goal that was finally achieved just last year.

And as our state experienced rapid population growth, he also worked to provide federal assistance to help fund essential transportation infrastructure, including funds for highways and light-rail construction and improvements.

In the words of The Denver Post, “Schaefer had a fine ability to disagree with people without being disagreeable. Besides leaving cleaner lands and water as his legacy, he left a record of civility and decency in public affairs that will be greatly missed in today’s often strident politics.”

He will be missed, in Colorado and in Congress. For the information of our colleagues, I am attaching a recent editorial about his career and contributions.

[From the Denver Post, Apr. 24, 2006]

**SCHAEFER SERVED COLORADO WELL.**

Dan Schaefer’s legacy can be seen in the new grasses that were planted on the former Rocky Flats nuclear bomb factory and in the pavement of C-470. Schaefer, who last week died of cancer at age 70, represented Colorado’s 6th Congressional District for 15 years until retiring in 1998. Called a conservative moderate Republican.

“While in office, Schaefer focused on service to his district and state, and fiscal restraint in government. His national initiatives, to end the income tax and deregulate electrical utilities, failed on their merits. Close to home, though, he successfully worked with David Skaggs, the Boulder Democrat who then represented the 2nd Congressional District, to fast-track Rocky Flats’ cleanup. He pushed the U.S. government to meet the same environmental standards imposed on industry. He got crucial federal support for C-470 but supported mass transit, too. Schaefer was such a champion of renewable energy that the main building at the National Renewable Energy Laboratory in Golden is named after him.

Schaefer had a fine ability to disagree with people without being disagreeable. Besides leaving cleaner lands and water as his legacy, he left a record of civility and decency in public affairs that will be greatly missed in today’s often strident politics.”

**HONORING THE LADIES OF THE RED HAT SOCIETY**

**HON. JOHN D. DINGELL**

**OF MICHIGAN**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 26, 2006**

Mr. DINGELL. Mr. Speaker, I rise today to commemorate a very remarkable group of
women. As I'm sure many of us here can attest, the aging process can be a daunting experience. This special group has refused to accept that life after a certain age means confinement to a rocking chair. Now, it is hard for me personally to imagine that someone who is merely 50—the minimum age for membership—could approach this spry age with reservation; however, these women tell me that this birthday can be somewhat traumatic.

As the story goes, several years ago Sue Ellen Cooper of Fullerton, California read the poem, “Warning” by British poet Jenny Joseph. The poem begins,

“When I am an old woman I shall wear purple
With a red hat that doesn’t go...”

So inspired was Ms. Cooper by this poem, that she decided to pass along a copy of it to a friend, accompanied by a vintage red fedora. Her friend loved the gift, and did the same for a friend of hers. On April 25, 1998, under the direction of Exalted Queen Mother Sue Ellen, The Red Hat Society first convened in a tea-room of ladies wearing purple dresses and—of course—red hats.

Although it took some convincing, these ladies had to explain to me that red and purple do not actually match. Nevertheless, this fashion faux pas stuck and is quite a sight to see indeed.

These wonderful women refer to themselves as a “dis-organization” determined to take on aging with a sense of humor, camaraderie and a fun-loving spirit. They organize social events, hold conferences and communicate with “hat-quarters” via their own webpage. This inclusive group even allows women of lesser maturity to join their ranks. To differentiate these “ladies in waiting” from fully fledged members, this sub-sect is confined to wearing lavender dresses with pink hats, reserving the truly outrageous garb for those who have hit “the big one.” My wife Deborah tells me that lavender and pink do not go very well together either, but they are generally preferable to red and purple.

Sue Ellen Cooper realized that behind every woman, no matter how responsible and upstanding of a citizen she was in her youth, is a crazy old spirit waiting to get out and cause some trouble. Ms. Cooper and her friends found a way to connect these women, and since that day in 1998, they have seen nothing but success. Any woman who is of a certain age and willing to go out in public dressed in particular flare can start her own chapter of Red Hats. California, Florida, and Michigan lead the nation in Red Hat chapters, with the 15th Congressional District alone boasting 91. There are thousands more active chapters across the United States, and even some international chapters as far away as Egypt and Japan.

Mr. Speaker, I ask that all of my colleagues join me today in commemoration of the official first meeting of the Red Hat Society and honor these thousands of inspiring women who endeavor to remain young at heart and in soul.

RULE PROVIDING FOR CONSIDERATION OF AMENDMENTS TO H.R. 609

HON. JOHN F. TIERNEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. TIERNEY. Mr. Speaker, I rise in opposition to this restrictive rule and in opposition to H.R. 609.

First, I would like to state my support for specific provisions in the Manager’s Amendment to H.R. 609 that eliminated the funding formula change to campus-based aid.

As introduced, H.R. 609 changed the formula for campus-based aid programs, including Work Study, Supplemental Educational Opportunity Grants and low-interest Perkins Loans. This would have resulted in substantial losses of this aid to schools across the country with a history of participation in the program. Students at schools in my state of Massachusetts would have lost $9.4 million in work study aid alone.

During Subcommittee and full Committee mark-ups, Mr. Kインド and I offered amendments to ensure that students were not unfairly punished by the changes to the campus-based aid funding formula in H.R. 609. Our amendments provided support from both sides of the aisle and the votes were tied in both mark-ups. We were also joined by more than 80 of our colleagues in sending a letter to the Chairman of the Education and the Workforce Committee asking for these funding formula changes to be taken out of the floor consideration. I would like to express my thanks to the outgoing and incoming Chairmen for heeding our call. They realized that changing the distribution formula would harm thousands of students because it would have simply taken funds from one group of needy students and shifted those funds to another group of needy students. Unless we increased the appropriations for campus-based aid, Mr. Kインド and I felt strongly that we could not in good faith change the funding distribution formula.

While I am extremely pleased that the Manager’s Amendment eliminates the campus-based aid cuts, I must turn now to the Rule before us today.

I am disappointed, but not surprised, that this restrictive rule does not make in order the amendments I brought before the Rules Committee on Tuesday afternoon.

My amendments would have helped make college more affordable for low- and middle-income students and families across the country. After all, what is the point of reauthorizing the Higher Education Act if we aren’t going to make college more affordable?

Ms. McCOLLUM and I attempted to offer several amendments, including an amendment based on our bill, the College Affordability and Accountability Act. Quite simply, the amendment would have made college more affordable by:

Renewing states’ commitment to affordable college education by ensuring that they maintain their own level of college financing, so states will not longer be able to push higher tuition taxes onto students and families;

Providing incentives to make tuition affordable:

- Engaging schools in cost containment strategies; and

Putting students and families in control by giving them access to accurate information about the cost of college and steps individual schools are taking to offer affordable rates of tuition.

We also offered an amendment to commission a Government Accountability Office (GAO) study on college costs and the impact of state support for higher education on college costs. In my home state of Massachusetts and in other states around the country, state support for higher education has plummeted, pushing more of the burden of college on students and families.

I also sought to offer an amendment to commission a study by the Advisory Committee on Student Financial Assistance to review current student aid programs and recommend the steps that Congress must take in order to ensure that every qualified eligible student receives a sufficient comprehensive financial aid package. This financial aid package should come from a variety of sources, including the federal government, state governments, institutions of higher education and private sources, and it should cover at least the equivalent of a four-year public higher education.

All qualified high school graduates should be able to afford at least the equivalent of a four-year public higher education. Today, that is not the case. Many students are foregoing college, dropping out or incurring unmanageable levels of student loan debt.

Young people in their 20s and 30s are not only leaving college with much more personal debt—students graduate with an average of almost $20,000 of student loan debt—but also are burdened by rapidly increasing health care, energy and housing costs. To make matters worse, according to recent studies, young people are working longer hours and still earning less money. We must do more for young people in America today. We must restore the American dream so that young people can achieve financial prosperity through hard work and determination.

The amendments I offered to the Rules Committee would have helped us make college affordable and accessible for students and their families.

Mr. Speaker, we had a real opportunity to help make college affordable today, but instead students and families will be left to struggle with skyrocketing tuition costs and mounting debt on their own. H.R. 609 will not make college more affordable. I urge Members to oppose the restrictive rule and oppose final passage of H.R. 609.

WELCOMING THE PRESIDENT OF AZERBAIJAN

HON. MARSHA BLACKBURN
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mrs. BLACKBURN. Mr. Speaker, I would like to recognize Azerbaijan as a key ally in a region of significant importance and a valued partner to the United States. Azerbaijan has made important contributions in Iraq, Afghanistan and Kosovo and supports efforts to combat terrorism. The country has also taken effective steps to foster pro-democratic principles leading to fair and free elections.
I also would like to welcome President Ilham Aliyev to Washington this week for meetings with President Bush, senior Administration officials, and key Congressional leaders to discuss the need for continued democratic reforms, regional cooperation, energy security and diversification. Our nations’ commitment to working closely together to advance freedom, security, and economic independence is clear now more than ever that we must develop new sources of energy and partners not controlled by Middle East and South American dictatorships.

Azerbaijan has been identified as key to the East-West transit corridor from the Caspian Sea to international markets. Sharing a 379 mile border with Iran, we should recognize that Azerbaijan is important to the United States relations in the region. I encourage my colleagues in the House to support the opening of the one million barrel per day Baku-Ceyhan (BTC) oil pipeline and Baku-Erzerum (SCP) natural gas pipeline, set to increase energy exports and availability for the West.

I welcome President Ilham Aliyev upon his first official visit to Washington.

HONORING JUDY TRAMMELL AND THE MESQUITE WOMEN IN SERVICE AND ENTERPRISE

HON. JEB HENSARLING
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. HENSARLING. Mr. Speaker, for the past five years, the greater Mesquite area has embraced the opportunity to honor many exceptional women and men through the Women In Service and Enterprise (WISE) Award Luncheon and Style Show. Today I would like to honor this year’s award recipient, Judy Trammell, who is a shining example of strong, capable and dedicated leadership. I would also like to recognize honorees Sammie Motley Coats, Officer Cheryl Gregg and Jaidinda Grimland for their valuable service and commitment to their community.

Judy Trammell is a personal friend and is actually one of the first people I met in Mesquite. She has always been extremely helpful to me and I have had the chance to work firsthand with her on several occasions. Recently the Mesquite Service League was the recipient of a very kind charitable donation, and I was able to be there, with Judy, to witness the generosity and appreciation of the Mesquite community.

Judy is the Business Development/Marketing Director for Jefferson Bank in Mesquite. Since moving to Mesquite in 1985, she has held positions with Mesquite Savings and Loan, Mesquite National Bank and Colonial Bank.

Judy has served on numerous boards in the greater Mesquite community including: American Heart Association Mesquite, Exchange Club of Mesquite, Mesquite Chamber of Commerce, Mustanger Chamber of Commerce, Mesquite Service League, Advisory Board of Boys and Girls Club of Dallas—Mesquite Division, member of Main Street Mesquite and Mesquite Social Services.

In addition to being active in the community and holding leadership roles, Judy has also been recognized for her service. She has received the American Heart Association Regional Volunteer of the Year award in 1998, the Distinguished Service Award in 1999, and was awarded a research grant in her honor. She received the Mesquite Chamber of Commerce Volunteer of the Year award and the 2005 Committee Chair of the Year award.

Judy is not only constantly on the go at work and with community service activities, but she is also an energetic mother of two daughters and the proud grandmother of two. Judy truly embodies the ideals of a great volunteer; she knows how to lead, encourage others to follow her, and get her hands dirty.

The hulking skyscrapers. The bustling crowds. New York City is as vibrant as ever. We are often overwhelmed by its sheer size. The bustling crowds. The bright lights.

But the dynamism of Manhattan during rush hour is just a piece of the story.

A more complete picture of the Big Apple is colored by the scores of local communities that are defined not by big business of the world’s economic capital, but rather by the rhythm of parents walking kids to a local elementary school, families attending religious services at a local church or synagogue, and mothers and fathers shopping along the neighborhood shopping strip.

While the Manhattan skyline may spring to mind when someone mentions New York, the DNA of the City’s everyday life is defined much more by each local neighborhood. Forest Hills in Queens, Sheepshead Bay in Brooklyn, Throgs Neck in the Bronx, Stapleton on Staten Island. Jacobs’ beloved West Village in Manhattan. There are so many others.

It was Jacobs’ masterpiece—The Death and Life of Great American Cities—that argued that the health of the City as a whole depended on the vibrancy of its urban neighborhoods. At a time when grand visions of urban renewal were spurring planners to pave over entire communities, Jacobs stood at the forefront of a movement to preserve the City’s most fundamental building blocks.

And today, as a result in part of Jacobs’ efforts to preserve New York’s neighborhoods, New York City is as vibrant as ever. We are a magnet for what Richard Florida has termed the “Creative Class”—the highly-educated, highly-motivated young people who are key to economic growth.

And while scholars like Robert Putnam worry about the deterioration of social capital—afraid that Americans are interacting less and more atomistically—the neighborhoods of New York City continue to have dynamic communities that interact on the street with a swirl of new and old faces.

In fact, today, Jacobs’ successes have left New Yorkers with a new set of challenges. Because so many people want to live in New York, property prices have skyrocketed, and tax bills along with them. Because so many people are using our public transportation systems to get to work, we’re forced to invest in...
building new infrastructure. Because so many young people want to raise families in the five
boroughs, we are forced to foot the bill for
building more schools.

Our new burden in New York is to manage
the success of Jane Jacobs’ vision of a vi-
brant, dense, growing, exciting city.

And for that, we owe Jane Jacobs a debt of
gratitude.

IN HONOR OF THE GRAND OPEN-
NING OF LONOKE COUNTY SAFE
HAVEN, INC.

HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. BERRY. Mr. Speaker, I rise here today
to celebrate the grand opening of Lonoke
County Safe Haven, Inc., an organization that
provides critical resources to victims of do-
mestic violence. This center will give women
and their children a place to turn during
difficult times and is a valuable addition to our
community.

Lonoke County Safe Haven, Inc. was found-
ed in March 2005 after J.M. Park read an arti-
cle about a domestic violence victim. The arti-
cle inspired Park and others to create a pro-
gram where domestic violence victims can ac-
cess vital recovery services. The organization
began to help victims in September 2005, pro-
viding services such as a helpline, court advi-
cacy, information on county, state, and federal
resources, and recommendations for local
shelters.

Today’s grand opening is a significant step
for Lonoke County Safe Haven, Inc. and a
great milestone for our community. The new
center, directed by Teresa Sims, will give bat-
tered women and their children throughout
Lonoke County a place to seek assistance
from dangerous living conditions. The center
will provide services from 9 a.m. to 5 p.m.,
with hopes of one day expanding into a shel-
ter of its own. The organization is already rec-
ognized by the Arkansas Coalition Against Do-
meric Violence for its work to strengthen the
support system for battered women and their
children.

On April 17, 2006, our community will gath-
er to celebrate the grand opening of the
Lonoke County Safe Haven, Inc. I ask my col-
leagues to join me in expressing our apprecia-
tion for this center and for all of the individuals
committed to making Lonoke County a safer
place for women and children.

INTRODUCTION OF THE NATIONAL
DEFENSE ENHANCEMENT AND
NATIONAL GUARD EMPOWER-
MENT ACT OF 2006

HON. TOM DAVIS
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I
rise today to introduce the National Defense
Enhancement and National Guard Empower-
ment Act of 2006.

In support of this proposal, consider the fol-
lowing:

The U.S. continues to face a wide spectrum
of threats at home and abroad, including ter-
rorism, natural disasters, proliferation of weap-
ons of mass destruction and other emerging
perils. In meeting these threats, the U.S. relies
heavily on the men and women of the National
Guard. The National Guard is a force essential
to the Nation’s security and safety.

At no time in America’s history has the Na-
tional Guard played so critical a role in the se-
curity of our homeland and in our Nation’s
military objectives abroad.

The National Guard is a critical component
of Department of Defense’s contribution to the
security of our Nation and has been key to the
Department’s accomplishments at home and
abroad. Much of the success DOD has had
would not have been possible without the par-
ticipation of National Guard forces.

The National Guard’s response to our Na-
tion’s emergencies in the post 9/11 world has
been unparalleled.

The National Guard is a vital part of this Na-
tion’s security, and this country relies on the
exemplary service provided this Nation by the
members of the Guard, their families, their
employers and their communities.

The men and women of the National Guard
have earned the right to be represented at the
highest levels of the Department of Defense.

To ensure the appropriate representation,
manpower, training and equipment are pro-
voked to the National Guard for their future
missions at home and abroad, the National
Defense and National Guard Empowerment
Act of 2006:

Establishes the National Guard Bureau NGB
as a joint activity of the Department of De-
fense rather than strictly of the Depart-
ments of the Army and Air Force as it is now.

Increases the Chief of the National Guard
Bureau billet from the grade of Lieutenant
General to General.

Tasks the Chief of the National Guard Bu-
reau to serve as an advisor to the Chairman
of the Joint Chiefs of Staff and eliminates the
current National Guard major general position
established for that function.

Provides a seat on Joint Chiefs of Staff for
the Chief of the National Guard Bureau.

Elevates responsibility for development of
the NGB from the Secretaries of the Army
and Air Force to the Secretary of De-
fense.

Specifies in law one of the functions of NGB
for contingencies, military operations other
than war, natural disasters and support to civil
authorities—all in coordination with the States.

This function exists in policy as part of the cur-
rent NGB charter from the Departments of the
Army and Air Force.

Requires NGB to, in coordination with the
State Adjutant Generals, identify gaps be-
 tween Federal and State emergency response capa-
bilities which might best be filled through mi-
titary assistance to civil authorities and to make
recommendations for National Guard pro-
grams and capabilities to fill these gaps, in co-
ordination with the States.

Charges the Chief of the National Guard
Bureau, in coordination with the State Adjutant
Generals, to validate state requirements for
military assistance to civil authorities, develop
discipline and training requirements, and ac-
quire materiel, etc. for this purpose, in coordi-
nation with the States.

Requires a report on requirements for mili-
tary assistance to civilian authorities that are
validated but not funded—which in essence
will become an unfunded requirements list.

Changes the titles of the Directors of the
Army and Air National Guard to Vice Chiefs of
the National Guard Bureau for Army and Air
respectively to reflect the unity of purpose in-
side the organization.

Prohibits growth in the size of the NGB staff
in order to answer concerns about the possi-
bility of the NGB bureaucracy growing as a re-

result of the changes sought herein.

Strengthens the Total Force talent pool by
encouraging the Department of Defense to in-
clude Reserve Component general majors of
the line for promotion to fill Lieutenant General
positions.

Requires that the Deputy Commander of
NORTHCOM be a National Guard officer.

The Committee on Government Reform and
the Select Bipartisan Committee to Investigate
the Preparation and Response to Hurricane
Katrina, have conducted oversight investiga-
tions and have held many hearings that have
focused on the contributions of the men and
women of the National Guard. The following
are findings that I submit for the RECORD.

These 50 findings represent the States in
the Union we seek to defend.

1. Within hours of the attacks on the World
Trade Center, 1,500 New York National Guard
troops reported for duty. A few hours after
the attacks, over 8,000 New York National
Guard Soldiers and Air men and women
were on active duty supporting New York State’s
security needs. These troops provided not just
a calming presence on the streets of New
York during unsettling times; they provided
New York’s first responders with critical perim-
eter security support, refueling for civilian
emergency vehicles, emergency lighting,
power generation, communications, emer-
gency transportation, engineering assets and
other logistical support.

2. At the request of the President, State
Governors supplemented the security of the
Nation’s airports with National Guard per-
sönnel. Their missions encompassed over 400
airports in 52 States and territories. National
Guard troops along the northern and southern
boundaries of the United States were used to
support the U.S. Customs Service, the Immigra-
tion and Naturalization Service, and the Border
Patrol in the heightened post 9/11 security
posture.

3. In contrast to Hurricane Andrew, 1992, in
which National Guard forces constituted 24
percent of the military response, National
Guard forces represented more than 70 per-
cent of the military force for Hurricane Katrina.

4. The response to Hurricane Katrina
proved that the National Guard is the Nation’s
first military responder and that the over-
wheaping majority of forces that respond to
disasters in the United States will be National
Guard who will be on the scene before the
Department of Defense is requested to re-

5. More than 9,700 National Guard soldiers
and airmen were in New Orleans by August
30. National Guard deployed over 30,000 ad-
titional troops within 96 hours of the storms
passing. In wake of the Hurricane Katrina dev-
astation, the National Guard mobilized over
50,000 personnel in support of hurricane relief
in the largest and fastest domestic deployment
since World War II, saving over 17,000 lives.

The Air National Guard flew nearly 3,500
flights and over 12,000 tons of cargo in sup-
port of all Hurricane relief in the last year.
6. The National Guard Bureau will be a part of any large-scale emergency response. As demonstrated during the Hurricane Katrina response, the National Guard Bureau is a significant joint force provider for homeland security missions.

7. The National Guard is continuously on active duty supporting State security missions, Federal security missions under Operation Noble Eagle and overseas military operations as part of Operation Enduring Freedom, Iraqi Freedom and more are engaged in regularly scheduled training and operational requirements. In other words, the National Guard under Title 32, counter-drug activities are a daily operational mission of the National Guard, fortifying a longstanding successful relationship with civil authorities.

8. The Department of the Army and the Department of the Air Force could not fulfill current title 10 responsibilities without the Army and Air National Guard. In 2005, National Guard units at one time made up 50 percent of all domestic combat forces in Iraq.

9. The National Guard has mobilized over 340,000 soldiers and 60,000 airman supporting the Global War on Terror since September 11, 2001.

10. Since September 11, 2001, more than 85 percent of the Army National Guard has been mobilized. Since September 11, 2001, the Air National Guard has flown over 226,000 mission sorties accumulating over 680,000 flying hours. These deployments abroad have created a battle hardened and seasoned force of experienced veterans ready for the challenges of the 21st century.

11. All branches of National Guard forces have provided: 55 percent of the Army’s combat capability; 55 percent of the Air Force’s airlift capability; 50 percent of the Army strategic and tactical manpower; 45 percent of all in-flight refueling missions; 33 percent of all aircraft in Operation Iraqi Freedom; 100 percent of Operation Enduring Freedom A–10 missions; 66 percent of Operation Iraqi Freedom A–10 missions; 45 percent of all F–16 fighter missions; 86 percent of Operation Iraqi Freedom tanker sorties; 94 percent of Strategic Air Defense Alert; and 75 percent of all domestic combat air patrols in the Global War on Terror.

12. The National Guard offers unique efficiencies between State and Federal, and domestic and overseas missions, operating under three different command relationships: Federal funding and Federal control; Federal funding and State control; and State funding and State control.

13. National Guardsmen and women are their State’s primary emergency response force, providing support in their communities and to other Federal and other first responders throughout their States.

14. The National Guard is invaluable to civil support mission, homeland defense and emergency readiness. The National Guard has an undeniable record of military assistance to civilian authorities since the birth of this Nation, responding heroically and meeting every mission asked of them, particularly in times of crisis—terrorism, natural disasters, plane crashes, blizzards, wildfires, floods.

15. There must be strong agreement between State and Federal leadership as to the operational objectives during emergencies. State concerns about maintaining sovereignty must be respected. Governors, who are most intimately familiar with and better understand the National Guard’s unique capabilities, must retain the ability and authority to deploy their National Guard forces in times of crisis.

16. Governors using State-to-State emergency mutual assistance compacts are an integral part of the use of National Guard resources in responding to emergencies at home.

17. The National Guard and State Adjutants General provide an invaluable nexus of coordination between Federal and State planning, exercising and response to emergencies and disasters. Over 51 percent of State Adjutants General personnel are in charge of the State’s Emergency Management operations, thereby offering unparalleled integration of planning, preparation and response capabilities in emergencies.

18. National Guard forces are also uniquely positioned to engage within the U.S. and its territories by virtue of their geographic dispersion and relationships to State and local governments.

19. The National Guard is familiar with the local area and local culture. The National Guard has first responders, such as local and State law enforcement, fire departments, and other emergency service providers. The local community relies upon the National Guard because they are part of the community. National Guard personnel are more likely to have more experience working with local responders than the active component.

20. WMD Civil Support Teams are a specialized homeland security capability based entirely in the National Guard.

21. As America prepares for an influenza pandemic, the National Guard has more domestic response training and decentralized capabilities than any other military organization and is ready to respond on a moment’s notice.

22. The National Guard Bureau has proved its ability to plan for and respond to natural and man-made events with the development of essential concepts including: Joint Force Headquarters-State, Joint Task Force, CBRNE Enhanced Response Force Packages, CERFP, National Guard Reaction Force, NGRF, and the Joint COMIS Communications Support Environment, JCCSE.

23. The Department of Defense has not adapted to the significant role of the National Guard in this Nation’s security.

24. The Department of Defense, the Department of the Army and the Department of the Air Force have not sufficiently integrated the National Guard into planning, procuring or decision-making processes.

25. The Department of Defense, the Department of the Army and the Department of the Air Force have not integrated the National Guard into planning, procuring or decision-making processes.

26. The Department of Defense does not adequately resource the National Guard for its current operational missions. Currently the National Guard receives only 4.5 percent of the Department of Defense’s budget.

27. The Army National Guard has long been equipped at less than war-time readiness levels and is forced to transfer equipment to deploying units. Army National Guard units that have returned from overseas deployments have also been directed by the Department of the Army to leave behind hundreds and in many cases, thousands of equipment items for use by follow on units. Army officials do not track accurately or develop plans to replace this Guard equipment.

28. Army and Air National Guard forces are generally expected to perform homeland defense and civil support missions only with equipment supplied for warfighting mission or equipment supplied by the States.

29. In the current budget, the Department of the Air Force does not fund the Air Sovereignty Alert, ASA, mission of the Air National Guard at full capacity.

30. During the BRAC process, the Air Force failed to adequately solicit input of National Guard Bureau leadership and systemically failed to confer with State Adjutants General.

31. When developing the Force Strategy, the Air Force has failed to adequately consult Air National Guard leaders and State Adjutants General.

32. The Department of Defense does not have adequate knowledge of the role of the National Guard at home nor has it incorporated the National Guard’s significant capabilities into plans for homeland defense or security. Left unchecked, the Department of Defense will continue to ignore the Federal requirements of the National Guard to perform homeland defense and civil support missions.

33. The Department of Defense has not recognized the value of including State Adjutants General in all homeland defense and military support to civilian authority planning.

34. The Department of Defense has not recognized that Governors will rely on National Guard manpower and equipment before relying on Federal forces.

35. Although DOD has a Strategy for Homeland Defense and Civil Support, which recognizes the National Guard’s critical role in Federal and State missions, the strategy does not detail what the Army or Air National Guard’s role or requirements will be in implementing the strategy.

36. The Department of Defense and Northern Command have not articulated specific requirements or capabilities that National Guard forces need during major homeland disasters. Without formal Federal requirements, equipment deemed necessary for the National Guard to assist civilian authorities in Katrina had not been purchased by the Department of the Army or the Department of the Air Force.

37. The readiness of the National Guard to perform homeland missions that may be needed in the future is unknown because the National Guard’s roles in these missions has not been defined; requirements for manpower, equipment and training have not been established; and preparedness standards and measures have not been developed by the Department of Defense. The Department of Defense does not provide for the purchase of equipment for the National Guard specifically for military assistance to civilian authorities.

38. WMD Civil Support Teams face challenges and shortfalls in personnel, equipment acquisition and facilities under current Department of Defense and service budgets.

39. Lack of coordination of National Guard and active duty forces hampered the military response to Katrina. Advance planning between active-duty personnel and the Guard is vital during emergencies. The Department of Defense and the National Guard must plan and exercise together to prepare for events in the future.

40. National Guard Bureau leadership and State Adjutants General are not adequately involved in Department of Defense planning
guidance developed at Northern Command, including concept of operations plans and functional plans for military support to civilian authorities.

41. There was a lack of coordination of Joint Task Force Katrina and the National Guard Joint Forces headquarters in supporting states.

42. The Department of Defense has not adequately incorporated or funded the National Guard to participate in joint exercises in military assistance to civil authorities, which would have contributed to a more effective response to Hurricane Katrina and other homeland emergencies.

43. Northern Command does not have adequate insight into State response capabilities or adequate interface with governors, which contributed to a lack of mutual understanding and trust during the Katrina response.

44. There is an unresolved tension between the Department of Defense and the States regarding the role of the military in emergency response that could be resolved if along with the Department of Homeland Security, the Department of Defense adopted and made the National Incident Management System a priority for emergency management.

45. The National Guard lacked communications equipment during Hurricane Katrina, suggesting that the Pentagon does not assign homeland defense and military assistance to civilian authorities a sufficiently high priority.

46. The Department of the Army decided to reduce Army National Guard force structure and end-strength without substantive consultation with National Guard Bureau leaders or State Adjutants General, and the Air Force has decided to reduce Air National Guard force structure and end-strength without substantive consultation with National Guard Bureau leaders or State Adjutants General.

47. The Department of the Army currently plans to scale back the Army National Guard to 324,000 soldiers from 350,000. The Department of the Air Force plans to scale back the Air National Guard by 14,000 airmen and women. To cut Guard manpower in this time of increased homeland need, and the fluctuation of current demand for Defense transformation policies affecting the Army and Air National Guard, creates an unacceptable risk to the security of this Nation.

48. States and Governors are not adequately represented at the Department of Defense when planning and exercising for homeland events.

49. The role of the National Guard Bureau as the channel of communications between the Department of Defense and the Department of Homeland Security and the States needs to be enhanced.

50. USNORTHCOM and its subordinate headquarters lack knowledge of their domestic theater of operations, specifically State emergency plans and resources, and knowledge of National Guard resources. USNORTHCOM and its subordinate headquarters need to be reformed to include substantially increased National Guard general officer command presence and participation by other senior National Guard personnel in all levels of their operations.

Mr. Speaker, the front line in the global war against terrorism is right here at home. Cold War structures and distinctions separating projected active duty forces and stateside reserve components no longer meet the strategic imperatives of this century. This proposal updates those structures to reflect the integral role of the National Guard in the modern battle plan and ensures the Guard will have the clout and resources necessary to meet that vital mission.

HON. THOMAS M. DAVIS III, Chairman, Committee on Government Reform, House of Representatives, Washington, DC.


This legislation is a powerful first step in providing the appropriate presence for the leadership of the National Guard in the decision making processes of the Department of Defense. The security of American citizens was forever altered on September 11, 2001. Since that date, the National Guard has grown in stature and importance as a full partner in ensuring their well-being.

It is completely logical that the policies and procedures that heretofore have guided the effective use of the National Guard should be considered for revision in light of the sweeping changes to the missions and employment of our armed forces. NGAUS looks forward to working with you and with members of the United States Senate in passage of similarly innovative legislation.

Thank you for your efforts on behalf of the National Guard.

Sincerely,

STEPHEN M. KOPER, Brigadier General (ret), President.

NGAUS COMMUNITY SCHOOL AT BEIRUT

HON. DARRELL E. ISSA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. ISSA. Mr. Speaker, I rise today to honor the Centennial Anniversary of the American Community School at Beirut. The American Community School was founded in 1905 as the Faculty School by a group of American missionary families living in Lebanon. The school was supported by the American University of Beirut, the American Presbyterian Mission and Aramco. It was the first American K-12 school in Lebanon and is an independent, non-profit, co-educational school chartered in the state of New York. Today, the school’s enrollment exceeds 1,000 and the school is an ambassador of American education to the Middle East.

The American Community School’s student population has changed over the years and is now composed of a diverse community made up of students from American, Lebanese and international families. The school offers numerous activities to supplement the education of its students. Alumni of the school have gone on to do great things, with some of them excelling in careers serving the United States government and Lebanese-American relations.

I would like to commend the American Community School’s leadership for their innovative vision in implementing and carrying out the school’s mission of providing quality American-style education. The school’s teachers should be recognized for their consistent dedication and for inspiring their students to pursue a well-rounded, life-long education. Finally, past and present students of the school should be applauded for their success in such an independent, challenging environment.

The school is appreciative of the support of the United States Congress. America’s direct

INTRODUCTION OF THE CHILDREN’S DEVELOPMENT COMMISSION ACT

HON. CAROLYN B. MALONEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mrs. MALONEY. Mr. Speaker, today I am again re-introducing legislation that is intended to help solve the shortage of available, afford-
support of this and other educational institutions in the Middle East plays an important role in our public diplomacy efforts.

Mr. Speaker, it is an honor to pay tribute to the American Community School at Beirut in this year of its Centennial Anniversary. I congratulate the school on its distinguished history and look forward to its promising future.

HONORING DON DEHART

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. BILARAKIS. Mr. Speaker, I rise today to honor Don DeHart, a compassionate and caring man who dedicated his life to helping those in need.

Don DeHart grew up in Indiana and quickly became an indispensable part of his father’s construction business. He earned three engineering degrees and became the general manager of a successful road construction firm. Don also volunteered as a pastor in remote rural areas, but became restless because, as his wife Eva said, “he felt there was more to God’s work than thicker cushions on pew seats.”

Don and Eva began making mission trips to help impoverished Haitians in the late 1960s. They eventually co-founded “For Haiti With Love,” a charity dedicated to providing much needed medical and other services to poor Haitians. The DeHarts eventually moved to Florida to be closer to their mission work.

The DeHarts built a small medical clinic which helped provide basic medical services to some of Haiti’s neediest people. Though he was not trained as a medical doctor, Don quickly became an expert on treating burns, which are quite common in Haiti, saving many lives in the process. The DeHarts also helped nourish some of the country’s poorest residents in Cap Haitien, Haiti’s second-largest city.

Don befriended one of his patients, a young girl named Roseline, who had a crippling spinal condition. Don and Eva brought her to America for surgery, and when her mother died, adopted her. Roseline, now 22, graduated from one of the fine high schools in my congressional district and has taken over her adoptive father’s mission.

Mr. Speaker, Don DeHart left this earthly life on April 15 after a long battle against cancer, a disease he had beaten several decades ago. Don lived a life of service and compassion, leaving no doubt that the work is a much better place for having had him in it. I hope his friends and family can take comfort knowing that his legacy will live on long after his passing and he will have touched the lives of all of us who had the opportunity to know him.

Mr. Speaker, I am proud to recognize such a respected and beloved constituent. I urge my colleagues to join me in recognizing the great humanitarian achievements of Mrs. Edna Edwards Pritchett and extend my very best wishes to her as she celebrates this great milestone with her family and friends.

A TRIBUTE TO VINCENT HOSONG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Vincent HoSang, a distinguished member of the business community. He has been a conscientious citizen and a neighborhood leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Speaker, Vincent HoSang was born in Springfield St. James, Jamaica WI to Mr. and Mrs. Henry HoSang who migrated from China in the early 1960s. He is the eighth child of ten, six boys and four girls. Mr. HoSang’s parents operated a store, similar to a department store today, selling everything from groceries, hardware, and raw materials for making clothes, to liquor. They also operated a bakery, which consisted of a brick-oven and a machine called a “doughbreak”, everything else was done by hand; bear in mind that there was no electricity and no running water.

At the age of about 12 years, Mr. HoSang’s parents held the business near Mon-tego Bay where he went to live with an uncle. Mr. HoSang attended Cornwall College High School for three years and had the ambition of studying medicine; however, he had to leave in fourth form school to help his uncle in his grocery store. At age 19, Mr. HoSang rejoined his parents who had just started a grocery store in Kingston, at the same time; he also helped his cousin who operated a bakery nearby.

In February of 1968, Mr. HoSang migrated to the Bronx, New York. He got a job in a briefcase factory assembling attaché cases, where he received the minimum wage of $1.60 an hour, taking home $49 per week after taxes. Mr. HoSang stayed at that job for only a short time until he started a business with Imperial Dairies on East 233rd Street in the Bronx, delivering milk to homes at night. In 1974, Mr. HoSang met his wife, Jeanette, who is from Spanish Town, Jamaica, and got married in August 1976 and started a family in April of 1977.

Mr. HoSang always wanted to have his own business ever since he came to the United States, but lack of capital, inexperience, and he admits, a bit of cowardice held him back just a bit. However, with the burning desire of his wife ever-present, Mr. HoSang waited until he saved some money and built up his courage to jump right in. In February 1978, Mr. HoSang and his wife bought a fast food store known as “Kingsbridge Delight” in the West Bronx, selling fried chicken, steaks, and French fries. He knew the business was not making a profit but their goal was to introduce the Jamaican cuisine and patties. Jeanette was very instrumental in the development of the Jamaican dishes and after about six months, some long hours per day for seven days a week, and a lot of sacrifices, the business started to show a small profit. In 1980, Sunrise Bakery on Dyre Avenue, which was owned by another West Indian, became available. Mr. and Mrs. HoSang bought it in December 1980 with the intention of making it a full-fledged Jamaican bakery and changing its name to Royal Caribbean Bakery and operated as a retail bakery. In 1984, they expanded into a 15,000 sq. ft. facility on East 233rd street in the Bronx where Caribbean Food Delights was incorporated and became the frozen food division of Royal Caribbean Bakery. The company at this stage expanded into the wholesale trade. Three years later in 1987, both companies expanded into a 20,000 sq. ft. facility in Mount Vernon, New York.

The HoSangs took a big risk when they bought a 73,000 sq. ft. building on 10 acres of property in Tappan, New York in 1993 and named it Caribbean Food Delights. It produces a variety of Jamaican cuisine, including Jamaican style patties: beef, chicken, soy and shrimp, which are oven-baked, unbailed, and microwaveable. New to their product line are jerk chicken and jerk fish patties. Today, the HoSangs own the largest Jamaican frozen food plant in the U.S. and the Mount Vernon plant continues to manufacture the bread, buns, cakes, and pastries.

The patties, which are in great demand, are available nationwide through retailers such as...
Costco Wholesale, BJ’s Wholesale Club, Sam’s Wholesale Club, Wal-Mart, PathMark, Key Food, Stop & Shop, Met Food, and many other neighborhood supermarkets. The patties are also available through Caribbean Food Delights by contacting them directly at 845-398-3000. The company can also be found online at www.caribbeanfooddelights.com where one can learn more about product information and their upcoming Jerk’zine Caribbean Grille Franchise Opportunities.

The kindness shown by Mr. HoSang and his wife in giving back to communities, organizations, churches, fundraisers and scholastic events such as the Penn Relays keeps multiplying their efforts.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Vincent HoSang, CEO, Royal Caribbean Bakery and Caribbean Food Delights, Inc., as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Vincent HoSang’s selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

RECOGNIZING THE 84TH BIRTHDAY OF COACH GUY EDWARD PHIPPS

HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TANNER. Mr. Speaker, I rise today to recognize a man whom I consider to be one of the greatest influences of my early years—a man whose guidance helped change the lives of several generations of young people. I rise today to honor my high school basketball coach, a talented, caring educator and my dear friend, Coach Guy Edward Phipps, who earlier this month celebrated his 84th birthday.

Coach Phipps was born in Hickman, Kentucky, and, after graduating from Hickman High School, served 3 years in the United States Army. Following his honorable discharge, he attended nearby Murray State University while also raising a family; his daughter, now Janice Phipps Jones, was only three years old when Coach Phipps began his college education.

After earning both a Bachelors Degree and a Masters Degree at Murray State University, he began his career as a teacher and basketball coach in Fulton, Kentucky. Four years later, he moved just across the state line to South Fulton, Tennessee, for a new coaching job. Three seasons later, Coach Phipps and his team set school history with an unprecedented 28-0 record in the regular season.

That same year, however, Coach Phipps and the Red Devils were beaten in the district tournament by Union City High School in my hometown of Union City, Tennessee. Shortly thereafter, in 1956, Coach Phipps made the professional move 14 miles away to Union City High School to take over the coaching duties with the Union City Golden Tornadoes. Coach Phipps helped lead the team to five consecutive district and regional tournament wins and a trip to the state’s first-ever state tournament appearance.

In 1959, I joined the Union City High School basketball team as a sophomore and was honored to train under Coach Phipps for three years. His leadership helped teach my teammates and me sportsmanship, teamwork and maturity that have been important to me throughout my life, and I feel confident that my former teammates are as grateful as I am to have had the opportunity in our formative years to work with such an exceptionally talented leader.

Coach Phipps also taught courses in industrial arts and engineering drawing while at Union City High School. He was known in our school district for a special goal he set—to choose a different student every day or every week whom he felt needed a friend and someone to believe in him or her. This approach touched the lives of many students over Coach Phipps’ career and is still a tradition among many of the educators in northwest Tennessee.

After a brief time working at a local doctor’s clinic, Coach Phipps chose to return to Union City High School, but this time as principal, where he continued to serve for 4 years. Later he served as head basketball coach at David Lipscomb College in Nashville and as dean of students at Nashville Tech.

Mr. Speaker, I hope you and our colleagues will join me in honoring the 84th birthday of a man who has been a hero in Tennessee and Kentucky for generations. The true measure of a successful educator is how many young people’s lives he has touched. As one of Coach Phipps’ former players and a good friend of his today, I know he meets that test of being a truly successful teacher and coach.

TRIBUTE TO RUTH NAGLER

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to one of the most extraordinary women in the Bay Area, Ruth Nagler. Mrs. Nagler has lived in the 12th District of California for the past 50 plus years and her contributions to the community deserve recognition.

Ruth Nagler was born and raised in New York. Nagler received an undergraduate degree from College of the City of New York in 1943, and subsequently received a Master of Arts in education from New York University in 1945. She and her husband, Edmund, are parents to three children.

Mr. Speaker, after moving to San Mateo County American Cancer Society, San Mateo Parents Cooperative Nursery School, the San Mateo County American Cancer Society, San Mateo Parents Cooperative Nursery School, and the San Mateo City Citizens Task Force to Study Needs of Seniors. Mr. Speaker, the wide range of associations with which Ruth Nagler been has involved clearly highlight her commitment to our community.

For her diligent work, she has been duly recognized over the years. Notably, in 2003, she was named “Woman of the Year” by California Assemblyman Gene Mullin. In 1990, Ruth Nagler was the recipient of the Beyond War Foundation award for “helping to build a global community and thereby create a secure and sustainable future for all.”

Mr. Speaker, Ruth Nagler is an inspirational leader and we can learn much from her actions, her leadership and her ability to create change. I urge all of my colleagues to join me in tribute to Ruth Nagler for her tireless efforts to better the San Mateo County community and our nation.

CONGRATULATING JUDGE ROBERT C. BROOMEFIELD FOR RECEIVING THE UNIVERSITY OF ARIZONA’S DISTINGUISHED CITIZEN AWARD

HON. ED PASTOR
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PASTOR. Mr. Speaker, I rise today to recognize the Honorable Robert C. Broomfield, Senior United States District Judge and a 1961 graduate of the University of Arizona. James E. Rogers College of Law. It was my pleasure to work with Judge Broomfield when I was a County Supervisor, and I always found him to be reasonable, understanding, and well versed in the law. He has represented all, whether it be citizens, elected officials, or his judicial peers. Therefore I was pleased to learn that he was being honored by his alma mater on April 22nd with its Distinguished Citizen Award, and I would like to take this opportunity to acknowledge and thank him for many years of service to the nation and Arizona.

Judge Broomfield has served with distinction in the courts for more than 34 years, first as a judge and presiding judge on the Maricopa
The total scale of damage was immense with over 80% of the city destroyed and over $400 million in damage in 1906 dollars. Adjusted for today’s dollars, the cost would be over $8 billion in damage. I know some of you have read or are reading Simon Winchester’s ‘A Crack in the Edge of the World: America and the Great California Earthquake of 1906’, which recounts this extraordinary story of disaster, response and recovery, and I recommend his excellent book.

Mr. Speaker, the recovery from the quake changed San Francisco forever. The response to the disaster—its scale and much more impressive than the United States government’s response to the Katrina disaster last fall.

Following the devastation, the call for help went out. The first relief train with wagonloads of packaged food and medicine arrived in Oakland from Los Angeles at midnight on the day of the disaster—less than 20 hours after the first rumbling of the earthquake. The War Department and Congress acted. Trains were sent from every corner of the nation. Every community contributed to house the refugees. Within weeks 10 percent of the United States Army was in the Bay Area. A U.S. military officer, second in command at the Presidio, Brigadier General Fred Funston, did not wait for orders, did not wait for his boss to get there and did not hesitate to take the initiative. He immediately ordered troops from the Presidio and Fort Mason to come to the aid of the city, and he sent dispatches demanding help.

Mr. Speaker, the House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina recently released its final report entitled, “A Failure of Initiative.” This 379-page report details 90 findings of failure at all levels of government and lays primary fault with the passive reaction and misjudgments of top Administration officials, including the Homeland Security Secretary, the Homeland Security Operations Center and the White House Homeland Security Council. It concludes that “earlier presidential involvement could have speeded the response” because “the President could have cut through all bureaucratic resistance.”

The White House has issued its own report, “The Federal Response To Hurricane Katrina: Lessons Learned,” which identified 17 lessons the executive branch learned after reviewing and analyzing the response to Katrina, made 125 specific recommendations to the President, and listed 11 critical actions to be completed before June 1, 2006, when hurricane season begins again.

It is not like the events of Katrina were unique or original. The disaster in San Francisco a century earlier gave us clear indications of what to do and what not to do. On February 16, 2006 the San Francisco Chronicle editorialized that there is “a bigger message than the rearview-mirror blame-game that goes with every government bungling. California and the Bay Area remain at nature’s mercy from weather, earthquakes or fire. It’s time to check and recheck local plans to make sure everyone’s on the same page, and emergency planners can take on the dicey game of managing disasters on the fly.”

And furthermore, “Disaster workers have tried to anticipate such disasters, working hard to prepare the response of public-safety agencies and the public. Still, as Katrina showed, the results can hinge on official judgment and initiative. Let’s make sure we’re ready.”

In early 2001, FEMA warned against three major disasters that could face the nation: a terrorist attack on New York City, a major hurricane in New Orleans, and an earthquake in San Francisco. Yet according to a recent letter from Department of Homeland Security Secretary Chertoff to California Senator Barbara Boxer, the Department of Homeland Security has no specific federal strategy for responding to a catastrophic earthquake in California and will depend primarily on local and state efforts. Another lesson from Katrina is that we must prepare to face all disasters.

Mr. Speaker, as we remember the 100th Anniversary of the great San Francisco Earthquake and Fire I commend the people of San Francisco who demonstrated the determination of recovery and renewal that rebuilt the great city by the Bay. To me that San Francisco spirit is a key part of the American spirit. It is the dream that brought the 49ers of the Gold Rush era to California, and it was the dream that rebuilt San Francisco after the disaster of 1906. It was the dream that built Silicon Valley, that brought to California the miracle of biotechnology and stem cell research.

Mr. Speaker, I invite my colleagues to join me in commending the people of San Francisco and the Bay Area as they celebrate this historic anniversary, and in calling on federal, state and local government officials to learn from the tragic events of the Earthquake of 1906 and the equally tragic events of the Katrina disaster of 2005 to prepare for the catastrophic events that will surely come in the future.

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Grants and participating in the development of long-term management of the area. Worley also created and maintains the Friends of Wilson Canyon Web site which helps keep the public informed and teaches proper land use ethics and OHV responsibility.

Because of his dedicated service, Chuck has been chosen as one of the Bureau of Land Management's, BLM, national volunteer award winners. The national Making a Difference volunteer awards will be presented May 11, 2006, at a special ceremony at the Department of the Interior in Washington, DC. Chuck was honored around the U.S. chosen for his outstanding volunteer service to BLM. The BLM's Making a Difference national awards program supports the President's call for increased service to America and is part of the Take Pride in America initiative.

Mr. Speaker, I am honored to recognize Chuck Worley on the floor of the House today. I commend him for his service to southern Nevada.

REMARKS OF DEMOCRATIC LEADER OF THE HOUSE, CONGRESSWOMAN NANCY PELOSI, ON THE 100TH ANNIVERSARY OF THE 1906 SAN FRANCISCO EARTHQUAKE

TOM LANTOS OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. LANTOS. Mr. Speaker, very, very early on the morning of April 18, 2006, I joined thousands of San Franciscans and Bay Area residents on the corner of Kearny and Market Streets at Lotta’s Fountain—one of San Francisco’s most beloved landmarks. The Fountain was donated to the citizens of San Francisco in 1875 by Lotta Crabtree, a performer who began her show business career at age 6 dancing for miners in the gold country and eventually becoming one of America’s most popular performers. During the 1906 Earthquake the fountain became a famous meeting place for populations of survivors and survivors. It is the oldest surviving landmark in the city of San Francisco, and survivors of the 1906 Earthquake still gather for reunions around the fountain at each anniversary of the ‘06 quake.

This year’s commemoration was a celebration of the centennial anniversary of the Earthquake. My dear friend and our most distinguished colleague Democratic Leader Nancy Pelosi and San Francisco Mayor Gavin Newsom spoke at this historic occasion remembering this great tragedy. They spoke of the courage and the pioneering spirit of the people of San Francisco following this devastating event.

Mr. Speaker, I ask my colleagues to join me in remembering the 100th anniversary of the great San Francisco Earthquake, and I ask unanimous consent that the full text of the excellent statement by Congresswoman Pelosi be placed in the RECORD.

THE PEOPLE OF SAN FRANCISCO DID THE IMPOSSIBLE—REBUILT OUR CITY BETTER THAN BEFORE ADDRESS OF CONGRESSWOMAN NANCY PELOSI

Good Morning, San Francisco. Thank you all for coming this morning, and thank you Mayor Newsom. It is appropriate that the Mayor would be presiding over San Francisco rising. He comes from good pioneer stock. His family was here at the time of the earthquake, and they have contributed to rebuilding this city ever since. Let’s hear it again for Mayor Newsom.

I am pleased to be here with my colleague Tom Lantos of California and other members of the office branch of the House.

To some, it may have seemed impossible that San Francisco could be rebuilt when they saw this headline in the Call Chronicle the day after the earthquake and fire: San Francisco in Ruins.” But they had faith and they had the San Francisco Fire Department.

The City of San Francisco lived by the words of our patron saint, St. Francis of Assisi: “Start by doing what is necessary; then do what is possible; and suddenly you are doing the impossible.” That is what the people of San Francisco did. The Mayor said 250,000 were left homeless. They lived in our parks, built temporary shelters, thousands lost loved ones, and they gathered here at this fountain to find news of the missing. Separated by class and race and neighborhood, they came together.

Francis Mae Duffy, who was 11 months old at the time of the quake and is here this morning, said it best: “No matter how rich or poor you were, you got shook up just the same.”

One week after the quake, Governor Pardee declared, “I expect to see the great metropolis replaced on a much grander scale than ever before.” And indeed that happened.

A year later, just a year later, a newspaper reported that “a miracle was wrought. Discipline was restored in a day; orderly government was established in a week; relief was organized almost before there was hunger to assuage; repairs were planned before the destruction was complete, and begun before the ashes had cooled; courage was never lost.” That is our San Francisco.

Courage was never lost because the San Franciscans of a century ago were pioneers or they were children of pioneers. Winston Churchill could have been speaking of them and our great survivors here whom we honor when he said: “We have not journeyed all this way across the centuries, across the oceans, across the mountains, across the prairies because we are made of sugar candy.” We are made of stern stuff. For many of them, just getting here was a dangerous journey—over the Rockies, through the swamps of the Pacific, or around Cape Horn. They were pioneers and risk-takers. Once they arrived, they began building a city and a future limited only by their imagination. And when the earthquake and fire leveled the city, their imagination was sparked even further, and they began rebuilding San Francisco better than before.

Today as we commemorate a tragedy, we also celebrate the survivors here today. You represent the heart and soul of San Francisco.

And when we have the moment of silence here at Lotta’s Fountain we must remember that this is hallowed ground. This is where people came 100 years ago in the hopes of finding news of their loved ones, and sometimes they found their loved ones.

Over the years, these survivors and their fellow citizens did what was necessary, they did what was possible, and then did the impossible—they made San Francisco what it is today.

And so to the survivors I say, there’s an Italian expression: Cent’anni—may you live 100 years. Well, they did. We are very fortunate indeed of a community about us that we are truly honoring by their great contribution to our city. Cent’anni all over again.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. HENRY A. WAXMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. WAXMAN. Mr. Speaker, this week marks the 91st anniversary of the start of the Armenian Genocide. We remember and mourn the mass killing of more than 1.5 million Armenians and the forced relocation of over one million others.

The painful memory of this brutal campaign is only compounded by the Turkish government’s refusal to acknowledge the events of history. Instead of recognizing the crimes perpetrated by the Ottoman Empire, Turkish leaders have prosecuted journalists who write about the massacres. Turkey also continues to blockade Armenia and stifle the economic growth by locking Armenia out of the regional economy.

Despite these challenges, Armenia has worked diligently to overcome its difficult past and make progress on democratic reform, promote development and expand public services. The United States has been a strong partner in this effort. In 2001, the U.S. and Armenia signed a Millennium Challenge Corporation compact to provide $235 million for programs to reduce rural poverty in Armenia over the next five years. Our close ties are further reinforced with the robust investment in the Armenian economy by Armenian businesses and communities across the United States.

Today, as we remember the victims of the Armenian Genocide, we endeavor to ensure that the atrocities are not forgotten. As we pay tribute to the survivors who preserved the history, culture and tradition that paved the way for the emergence of an independent Armenian state, let us pledge to continue building an even brighter future of prosperity and opportunity for the Armenian people.

PAYING TRIBUTE TO ANGELA BERG

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Angela Berg, whose passion for nursing and care for the poor has greatly improved the lives of children.

Angela Berg began working as a licensed practical nurse in 1991 and subsequently got her nursing degree in 1992. She later earned her Bachelor of Science degree in nursing in 1999. Angela has worked with children throughout her career, and has looked for ways to assist parents to care for critically ill children. She has campaigning for their safety and creates plans to keep children with their families. Since 2001, Angela has been playing an advocacy role in the fight to immunize children from the threat of childhood disease. She has served as co-chair of the Southern Nevada Immunization Coalition and has created a number of campaigns to educate the medical community about immunization. Angela has also worked with the state of Nevada to create an electronic immunization database.
Mr. Speaker. I am proud to honor Angela Berg for her efforts to educate the public regarding the importance of childhood immunization. Her work as greatly contributed to the overall welfare of the children in the state of Nevada. I wish her the best in her future endeavors.

CONGRATULATING NORM SIELING
HON. GIL GUTKNECHT
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Mr. Norm Sieling of Lake Crystal, Minnesota, on his induction into the Minnesota Future Farmers of America Hall of Fame.

The Minnesota Future Farmers of America strives to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education. By maintaining the ideals of the past and incorporating the ideas of the future, the Minnesota Future Farmers of America continually seeks new, innovative ways to join agriculture and education with today's world of technology. The Hall of Fame is an honor reserved for those alumni who are a living example of this mission.

For his commitment to these ideals, Mr. Norm Sieling was inducted into Minnesota FFA Hall of Fame. As an agriculture teacher for 39 years in Lake Crystal, Minnesota, and a mentor for new agriculture teachers at the University of Minnesota, Mr. Sieling has demonstrated his dedication to the future of agriculture. He has helped students to achieve their goals, while encouraging the expansion of the agricultural industry.

I extend my sincere congratulations to Mr. Sieling on receiving this achievement. His dedicated service to the young farmers of Minnesota and the agricultural community is greatly appreciated.

PAYING TRIBUTE TO FRANCES WRIGHT
HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the memory of Frances Wright, a resident of Henderson Nevada, who died at the age of 110.

Born Fanny Schneider on Feb. 14, 1905, in Poland, she was the third of four children of Louis and Molly Schneider. Her family came to the United States when she was 6 months old. Her father was a tailor for an upscale men's clothing store on Temple Street in Los Angeles. By the time she was 10, Frances was an aspiring child actress who took the stage name of Fanny Snyder. She claimed to have had a big part in the classic and controversial 1915 silent film “The Birth of a Nation” and often told friends that she enjoyed working on the film, which paid 50 cents a day and included a box lunch.

Fanny attended Los Angeles Polytechnic High School where she lettered in volleyball, swimming and softball and was captain of those teams. She also was senior class president. Her yearbook listed her as most likely to become the “first woman president of the United States.” After graduating in 1921, Fanny became a part of the flapper scene while attending business school. In 1927 she married car salesman David Wright. They were married for 71 years. He died in 1998. Adept at poker, mah-jongg, canasta and pan, Fanny was a long-time regular in Southern California card rooms. From the early 1950s until the late 1990s, she would alternate her residence between Los Angeles and Las Vegas. She worked at Bains and Sloats, a women's clothing store on the Las Vegas strip, but Fanny's real love was hanging around Strip resorts, getting a deep tan at the poolside and hobnobbing with celebrities. She was a frequent patron at the Sahara's Cabaret Lounge when Louis Prima and the Mary Kaye Trio performed there.

Unconventional to the end, Fanny took her doctors advice last month to start using medical marijuana so she would get “the munchies” and eat to bulk up her thin frame. Fanny credited her longevity to being a good athlete in her youth, maintaining a good diet and taking a shot of bourbon at 4 p.m. every day.

In addition to her daughter, Wright is survived by a son, Ronald Wright of Los Angeles; six grandchildren; six great-grandchildren, and one great-great-granddaughter. Mr. Speaker, I am honored to recognize the life of Frances Wright on the floor of the House.

SIKH ACTIVIST ARRESTED FOR MAKING SPEECH—BETRAYAL OF DEMOCRATIC PRINCIPLE OF FREEDOM OF SPEECH
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. TOWNS. Mr. Speaker, I was distressed to note that on April 20, Sikh activist Daljit Singh Bittu was arrested after making a speech. He was charged with sedition and “making inflammatory speeches.” Mr. Bittu spoke out against the acquisition of the land of poor farmers by Punjab on behalf of private business firms. We have had cases in this country where the government has taken land by eminent domain for private usage, Mr. Speaker, and no one ever gets arrested for speaking out against it. Radio and television commentators across the spectrum have opposed this and they are still on the air. Yet in India, speaking out against this can now get you arrested.

Mr. Bittu is a proponent of freedom for Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. Recently, Dr. Jagjit Singh Chohan, another Sikh activist, was arrested for predicting on television that Khalistan will be free by 2007. All he did was make a prediction. Is that a crime? If that is a crime, then the jails will overflow with sportscasters, weather reporters, psychics, and others who predict things routinely.

In addition, leaders of Dal Khalsa have been arrested for holding marches, making speech(es), and raising a flag. A former member of Parliament was also arrested. It looks like the late General Naninder Singh was right when he said that “Punjab is a police state.” This is unacceptable, Mr. Speaker, especially as the United States and India move to further strengthen cooperation in numerous endeavors. We must insist on the full expression of democracy and basic human rights there if we are going to do business with India as a normal member of the family of free nations. And the essence of democracy is the right to self-determination.

The time has come to stop our aid and trade with India until it stops arresting people for making speeches, raising flags, and holding marches. The time has come for the U.S. Congress to put itself on record in support of freedom and self-determination for all the nations of South Asia. In 1948, India promised a free and fair plebiscite on the status of Kashmir. No such vote has ever been held in “the world's largest democracy.” Why don't we insist on a simple democratic vote, with monitors, in Kashmir, in Punjab, in Kashmir, in predominantly Christian Nagalim, and wherever people seek their freedom from India? As long as we turn a blind eye to the repression, the repression will continue. We must be the ones to blow the whistle on it. And when all people in the subcontinent enjoy freedom fully, there will be stability and peace there.

Mr. Speaker, the Council of Khalistan recently published a press release on the arrest of Daljit Singh Bittu. I would like to place it in the Record at this time.

DALJIT SINGH BITTU ARRESTED FOR MAKING SPEECH—WHERE IS FREEDOM OF SPEECH IN INDIA?
WASHINGTON, DC—April 26, 2006—Indian police arrested Daljit Singh Bittu, leader of the Shromani Khalisa Dal, on charges of sedition and “delivering inflammatory speeches” at Fatehgarh Channa. Sardar Bittu was arrested on April 21 from his home in Ludhiana. He was held by the police, who sought “foreign currency” and a CD of his speeches.

“Where is the freedom of speech in India?” asked Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. “How can a democratic state arrest people for making speeches? This shows us again that there is no place for Sikhs in India.”

India proudly bills itself as “the world's largest democracy” and its constitution guarantees freedom of speech. But the arrest of Sardar Bittu is the latest incident in which people have been arrested for making speeches, holding marches, or raising a flag. “The drive for freedom is alive and strong in Punjab,” he said. “What kind of democracy arrests people for demanding freedom?” asked Dr. Aulakh.

Leaders of Dal Khalsa have been arrested for sponsoring marches in Punjab in support of free Khalistan, the homeland that declared its independence from India on October 7, 1987. In addition, Dr. Jagjit Singh Chohan was arrested for making a statement in which he made the prediction that Khalistan will be free by 2007. “Since when is making a prediction a crime in India?” Dr. Aulakh asked. “The weathermen in Delhi now are arrested for predicting rain?”

“The time is now to begin a Shantmit Morcha to liberate Khalistan,” said Dr. Aulakh. “India is showing its weakness with these arrests,” he said. “As Professor Darshan Singh, a former Jathedar of the Akal Takht Sahib, said, if a Sikh is not for Khalistan, he is not a Sikh. And in prayer Sikhs recite ‘Raj Kare Ga Khalsa,’ which means ‘The khalsa shall rule.’”
The Indian government has murdered over 250,000 Sikhs since 1984, more than 300 Christians since 1948 as well as tens of thousands of Muslims throughout the country, over 90,000 Muslims in Kashmir since 1989, 2,000 to 5,000 Muslims in Gujarat, tens of thousands of Muslims elsewhere in India, and tens of thousands of Assamese, Bodos, Dalits, Gypsies, and others. An Indian newspaper reported that the police in Gujarat were ordered to stand aside in that massacre and not to get involved, a frightening parallel to the Delhi massacre of Sikhs in 1984. The Indian Supreme Court called the Indian government’s murders of Sikhs “worse than a genocide.”

India's religiously-inspired human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akali Takht S. Guru Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Kaunke kidnapping and murder or for the murder of Jathedar Kaunke. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs have been arrested/cited for the murder of Jathedar Kaunke after SSP Swaran Singh Ghotna was arrested for making a speech. Sikh activist Dr. Jagjit Singh Chohan was arrested after he said on India’s Zee TV that Khalistan will be free by 2007. Leaders of Dal Khalsa have been arrested for leading marches, making speeches, and raising the Khalistani flag. In January, Sikh farmers were expelled from Utlaranchal Pradesh and their land was seized. They were beaten up by the police. Their homes were bulldozed by paratroopers. Their homes in many cases were built using their life savings and by their own hands.

“It is evident that the Indian government is scared of the rise of peace and peaceful activism in Punjab in support of Khalistan,” said Dr. Aulakh. “The birth of Khalistan is near. India will fall apart soon,” he said. “This office has worked tirelessly for a sovereign Khalistan for over 20 years,” he noted.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India’s long time friend Czechoslovakia, and Czechoslovakia, and others prove this point. India is not one country; it is a polycrat like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. “We only hope that the breakup will be peaceful like that of Czechoslovakia and not violent like that of Yugoslavia,” said Dr. Aulakh.

The Indian government has murdered over 250,000 Sikhs since 1984! More than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Hindus, Assamese, Manipurs, and others prove this point. The Indian Supreme Court called the Indian government’s murders of Sikhs “worse than a genocide.”

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akali Takht S. Guru Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Kaunke kidnapping and murder. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial, some since 1984.

A TRIBUTE TO MAYOR ROBERTA COOPER

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mayor Roberta Cooper for her 26 years of dedicated service to the City of Hayward, California. On June 15, 2006, the City of Hayward will host a farewell dinner to honor her as she retires from office at the end of her term on June 6, 2006.

The Mayor has been instrumental in the initiation of major development projects in Hayward including a new City Hall, B Street Marketplace and Parking Structure, Alberston’s Shopping Center, Atherton Place Condominiums, City Walk Condominiums, Fire Station 1 at C and Main, and the Theater Complex at Foothill & B coming in 2007. All of the mentioned projects were related to Hayward’s downtown redevelopment. Other areas of Hayward have also benefited from her exemplary leadership including the development of Fire Station 9, Oliver Sports Park, Blackhawk Springs Golf Course, the City Project, Hayward Public Library, the Twin Bridges neighborhood and the accompanying Mission Foothills of Hayward Golf Course and the Route 238 Corridor Improvement Project.

Mayor Cooper is a longtime resident of Hayward. Prior to assuming the helm of the city’s leadership as Mayor, she was an educator. She taught in the Hayward Unified School District from 1968 until her retirement in 1994.

She was elected to the Hayward City Council in 1988 and re-elected to the Council in 1992. She was elected Mayor in April 1994, re-elected in 1998 and re-elected again in March 2002.

Mayor Cooper serves on many public agencies focused on economic development, capital improvement, transportation, the environment and city governance. She involves herself in community service with equal interest and dedication. A host of non-profit organizations have benefited from her leadership, such as The Kids Breakfast Club, Literacy Plus Project, Hayward’s Human Services Commission and the Eden Youth Center.

She lists among her personal pet projects the Hayward New Start, a Tattoo Removal Program, the Hayward Honor Band, and Chime-In.

I join Mayor Cooper’s constituents, friends and admirers in congratulating her on a job well done. She plans to use her time to garden, read, learn to use her home computer and travel. I hope she accomplishes all this and much more as she embarks on a well-deserved retirement.

Thank you to my friend, Bertie Cooper, for all you have done to make a difference in our community.

PAYING TRIBUTE TO SERGEANT MARK A. PLEASANTS

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Sergeant Mark A. Pleasants, currently
This year, The Service to Mankind Award was given to Dr. Ann Vogel by the New Ulm Sertoma Club. Dr. Vogel devotes her time to working at the Open Door Health Center in Manaktoko, a non-profit organization that seeks to provide care to uninsured and underinsured people in the community. Dr. Vogel led the funding drive for the Friends of German Park, a group dedicated to the redevelopment of the community area; while also dedicating her time as a storyteller with Bavarian Blast. Her community involvement also includes volunteering at Heritagefest and the Oak Hills Assistance, where I extend my sincere congratulations to Dr. Ann Vogel for receiving this commendable award. Her commitment to public service is greatly appreciated and an inspiration to all.

CONGRATULATING DR. ANN VOGEL
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Dr. Ann Vogel of New Ulm, Minnesota, on receiving the Sertoma Club’s Service to Mankind Award.

The Sertoma Club is an organization that strives to better people’s lives through philanthropic activities. Since 1960, the Sertoma Foundation has positively influenced the lives of millions of people through community projects. Sertoma primarily focuses on service projects assisting the more than 50 million people with speech, hearing and language disorders. Sertoma also sponsors community projects helping people achieve freedom and democracy, to assist youth, and to benefit a variety of other local community needs. Every Sertoma club raises more than $20 million for these local community service projects.

The Sertoma Club also recognizes the efforts of citizens who volunteer their time and service to the local community. The Service to Mankind Award recognizes those members who have given the most recognition to their communities through their work.

I wish him the best in his future endeavors.

CONGRATULATING DR. ANN VOGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. TOWNS. Mr. Speaker, I would like to congratulate the Sikhs on celebrating their important holiday, Vaisakhi Day, around the world. There were marches in Washington, Vancouver, London, and many other cities around the world. There will be a parade April 29 in New York, the annual Sikh Day event. Vaisakhi Day marks the revelation of the Sikh Nation as a distinct entity by guru Gobind Singh in 1699. At that time, he proclaimed the Sikhs sovereign. Today, Sikhs struggle to retain possession of lost land that has been occupied by their country, Khalistan. As you know, Mr. Speaker, the Sikhs declared themselves independent in 1987, but Indian troops to the tune of half a million continue to occupy Khalistan.

Recently, several activist activists have been arrested for simply making speeches, raising flags, or holding peaceful marches in support of Khalistan. Is this democracy, Mr. Speaker? Is this how a free country conducts itself? Mr. Speaker, without the most basic freedoms, such as freedom of self-determination, how can the Sikhs hope to survive as a people? In India, it is now illegal in many parts of the country to join another religion besides Hinduism. The intent to establish a Hindu state is clear. We can help put an end to these practices as we congratulate the Sikhs on Vaisakhi Day. We must cut off our aid and our trade with India. Although there is a burgeoning middle class, half the country lives under the international poverty line. Losing our dollars would have a much greater impact on India. And we must stand up for the principles on which America was founded.

About the same time in the calendar as Vaisakhi Day is the birthday of Thomas Jefferson, who wrote that government is legitimately responsible to protect the minorities of South Asia, including the Sikhs of Khalistan, the Muslims in Kashmir, the predominantly Christian Nagas, and so many others. Let us help them to achieve the basic right of self-determination by putting our Congress on record in support of a free and fair plebiscite in these places on the question of independence. By doing so, we are helping to achieve freedom, peace, dignity, and prosperity for all the peoples and nations of South Asia.

SIKHS CELEBRATE VAISAKHI, REVELATION OF SIKH NATION
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. Speaker, I request the permission of the House to add the Council of Khalistan’s press release and open letter on Vaisakhi to the Record today.

SIKHS WILL CELEBRATE VAISAKHI DAY
APRIL 14
Happy Vaisakhi Day to you and your family and the Khalsa Panth. On April 14, the Sikh Nation will be observing the 307th anniversary of the day Guru Gobind Singh established the Khalsa Panth. The Guru granted sovereignty to the Sikh Nation, saying “In Grieb Sikh Koon Deen Patshahi.” We must remind ourselves of our heritage by raising slogans of “Khalistan Zindabad” and beginning a Shantmai Morcha to liberate our homeland, Khalistan. Whoever is honest and dedicated in leading that Shantmai Morcha deserves our support. Every morning and evening we recite, “Raj Kare Ga Khalsa.” Now is the time to act on it. Do we mean by this, “We say every morning and evening, ‘Raj Kare Ga Khalsa.’” The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. Within the past few days, Dal Khalsa and the Shiromani Khalistan Dal announced that they are uniting for sovereignty for Khalistan. This was met with chants of “Khalistan Zindabad.” Chief Minister Amarder Singh, whose own Legislative Assembly proclaimed the sovereignty of Punjab when he cancelled the water agreements, has ordered the leaders of Dal Khalsa and the Shiromani Khalista Dal placed under police watch for their speeches. Kanwarpal Singh Dhami of the Guru Asra Trust, and Dr. Jagjit Singh Chohan were arrested this month for making speeches in support of Khalistan. Dr. Chohan said, “Khalistan will be free.” In January of last year and again in June of last year Sikhs from the Shiromani Khalista Dal, were arrested merely for raising the Khalistani flag and making pro-Khalistan speeches. During his recent visit to the United States, President Bush walked over to Sukhbir Singh Badal and said, “Give my best wishes and regards to your people from the people of America.” Even the President of the United States is aware of our situation. “I wish you could visit Punjab,” said Sukhbir Singh. When Khalistan is free, that will happen. President Bush has said, “Freeedom to birthright to Singh, Chohan, and child.” These events show that the movement to free our homeland is on the rise. It has gotten the attention of the world. The sentiment to liberate our homeland is stronger than it has ever been and it has frightened the Indian regime. Now is the time to reeducate ourselves to the liberation of Khalistan.

The Indian government is reacting to the rising tide of freedom for the Sikh Nation. Earlier this year, Prime Minister Manmohan Singh apologized to the Sikh Nation for the Delhi massacres of November 1984 that killed over 20,000 Sikhs. It is good that he apologized and it clearly shows India’s responsibility, but what good does it do the Sikh Nation? Where are the apologies for the Golden Temple attack and the other atrocities? Where is the compensation for the victims’ losses? In January, Sikh farmers were expelled from Uttaranchal Pradesh and their land was
It appears the Indian regime is even willing to arrest its own agents to suppress the movement for Khalistan! Now Badal and Chief Minister Amarinder Singh have been accusing each other of being tied in with “terrorists.” These leaders view support for Khalistan as terrorism, as the Indian government does. They have shown where their loyalties lie. How will those so-called Sikh leaders account for themselves? Remember the words of former Jathedar of the Akal Takht Professor Darshan Singh: “If a Sikh is not a Khalistani, he is not a Sikh.” It seems that Badal and Amarinder are not Sikhs.

Never forget that the Akal Takht Sahib and Darbar Sahib and the present Akali and Dal leaders, under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel’s memo calling Sikhs “a criminal tribe.” What a shame for Home Minister Patel and the Indian government to issue this memo when the Sikh Nation gave over 80 percent of the sacrifices to free India.

There is no place for Sikhs in supposedly secular, supposedly democratic India. Our moment of freedom is closer than ever. Let us work to make certain that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,

GURMIT SINGH AULAKH,
President, Council of Khalistan.

OPPOSING PRESIDENT BUSH’S MARCH TO WAR IN IRAN

HON. FORTNEY PETE STARK
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. STARK. Mr. Speaker, I rise in opposition to the Iran Freedom Support Act. I certainly share my colleagues’ concerns about Iran’s apparent push to develop nuclear weapons, but I oppose H.R. 282 because I fear President Bush will use this legislation to lead America into an unnecessary war with Iran. This President used this same pattern in his last march to war in Iraq.

The resolution calls upon the United States to request that the United Nations Security Council impose sanctions against Iran. President Bush used Iran’s violation of similar sanctions to justify his initiation of the ill-fated Iraq War.

The legislation also authorizes President Bush to fund the Iranian opposition to radical Ayatollah Ali Khamenei and President Mahmoud Ahmadinejad despite the fact that American support for pro-Western leaders has often backfired. In fact it’s backfired in Iran before! America’s historic support for the Shah propelled former radical leader Ayatollah Ruhollah Khomeini to power. Is it any wonder then that the Washington Post recently reported that pro-democracy forces in Iran do not want U.S. funding since their association with America taints their credibility within their country?

The United States spent millions of dollars in Iraq to fund the opposition to Saddam Hussein. In return, the Bush Administration received bogus information from informants that claimed that Iraq had weapons of mass destruction. The Administration then used this information to scare America into war with Iraq.

Finally, H.R. 282 advocates regime change and I find it difficult to believe Iran will cooperate with our diplomatic proposals if they understand our ultimate goal to be the overthrow of their government.

America can prevent Iran from acquiring nuclear weapons through peaceful and thoughtful diplomacy. But this legislation sets us on the road to war rather than diplomacy. I therefore urge my colleagues to join me in voting against it.

PAYING TRIBUTE TO COLBY RUPERT

HON. JON C. PORTER
OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Colby Rupert for his heroic actions following an accident on Interstate 15 on March 18, 2006.

Colby and an ambulance crew had initially responded to a pickup truck that had run off the road. While responding to the emergency, a bus heading southbound on I-15 struck their rescue unit, virtually destroying the vehicle. Colby and his partner were still in their vehicle at the time of the collision and received painful injuries as a result. Nonetheless, Paramedic Rupert administered aid to a number of passengers on the bus. He carried a generator and the Jaws of Life from the crashed rescue truck to the Greyhound bus while dragging his injured leg. Despite his serious injuries, he ignored his wounds and aided injured persons in a desperate and critical accident scene. Only after assistance arrived sometime later did Colby receive medical treatment. He had to be literally forced to stop assisting others so he could receive medical care.

Mr. Speaker, I am proud to honor Colby Rupert for his heroic actions. Colby’s unwavering courage speaks volumes about his character. His dismissal of his own injuries serves as an example of the dedication our First Responders show in their service to their fellow citizens.

CONGRATULATING JULIE STEVENSON

HON. GIL GUTKNECHT
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Mrs. Julie Stevenson of Worthington, Minnesota, on receiving the 2006 Athena Award from the Worthington Area Chamber of Commerce. The Athena Award is presented each year to a woman who has demonstrated excellence, initiative and creativity in her profession.
This award recognizes one woman’s time and energy put in to improving the lives of her peers. This woman also acts as a mentor for other women in the community.

Mrs. Julie Stevenson received this award for her many contributions to the community of Worthington. She has served as the executive director of the Southwest Minnesota Chapter of the American Red Cross and she has volunteered with Big Brothers/Big Sisters, United Way, YMCA, Youth Area Baseball Association, Junior Achievement, Nobles County Integration Collaborative and the Worthington Area Chamber of Commerce. Currently, at the Minnesota West Campus, Mrs. Stevenson has helped bridge the college and the community together through a variety of programs. These include the Winter Wonderland and Golf the Links at Minnesota West and Kids College. She has been a co-host for a United Way telethon as well as a trainer in a teen asset building workshop at Thrivent Financial for Lutherans.

I extend my sincere congratulations to Mrs. Stevenson for receiving this commendable award. Her commitment to service has helped to grow many individuals and to strengthen the community.

HONORING THE ACHIEVEMENTS OF WILLIAM A. KOCH TO PRESERVE THE ABRAM LINCOLN BOYHOOD HOME IN LINCOLN CITY, INDIANA

HON. MICHAEL E. SODREL
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. SODREL. Mr. Speaker, I rise today to call attention to an upcoming meeting of the Abraham Lincoln Bicentennial Commission (ALBC) at the Lincoln Boyhood National Memorial in my district and to honor the achievements of the deceased William A. Koch and Congressman Winfield K. Denton, for their contributions to preserving the memory of Abraham Lincoln’s early life in Indiana by establishing this national park.

On May 1, 2006, the Abraham Lincoln Bicentennial Commission will meet in Lincoln City, Indiana, at the Lincoln Boyhood National Memorial, established through legislation signed into law by President John F. Kennedy on February 19, 1962. This national park is the site of the farm on which Abraham Lincoln spent 14 years of his early life, a time when Lincoln grew physically and intellectually into a man. This was a place where he laughed with his father, cried over the death of his mother, read books, and faced the adversities of life at his father, cried over the death of his mother, read books, and faced the adversities of life at that time. It is only fitting that the ALBC meet at this site while planning events for the celebration in 2009 of Lincoln’s birth and, while there, to honor the family of the man who contributed so much to preserve the legacy of President Lincoln’s early life, William A. Koch.

A local, influential businessman, Mr. Koch conceived the idea of a national park to preserve Lincoln’s early life in the late 1950s. With the cooperation and leadership of Congressman Denton, he worked tirelessly and patiently through studies, hearings, and debates. And, in 1962, the idea that Bill Koch developed and nurtured was accomplished. The transfer of the Nancy Hanks part of the Lincoln Memorial to the Department of the Interior was completed.

To William Koch, whose widow and children carry on his mission, we owe a debt of gratitude, for without his vision and perseverance, the memory of Lincoln’s Indiana years would be greatly diminished and lost to future generations. Today, visitors from around the world can visit his boyhood home to learn what life was like for Lincoln and other early pioneers in the Midwest.

INTRODUCTION OF U.S.-CHINA ENGAGEMENT ACT

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. KIRK. Mr. Speaker, today I am introducing the U.S. China Engagement Act of 2006 with Congressman Rick Larsen. The goal of our bill is to ensure that American students and businesses are equipped to compete with China throughout the 21st century.

The U.S. China Engagement Act of 2006 provides grants for Chinese language instruction programs for American students, expands the U.S. diplomatic presence in China, and establishes new trade offices which support our U.S. exports to China, ensuring our small and medium size businesses are able to compete in Asia.

This legislation will help give our American students the tools to compete in a global marketplace. By one measure, China is now the world’s second largest economy. According to the Asian Conference, 50,000 American students are studying Chinese versus 110 million Chinese students studying English. The U.S. China Engagement Act of 2006 will provide resources to primary, secondary and post-secondary schools so that all levels of our educational system can provide the proper exposure to the Chinese and American economy.

The U.S. China Engagement Act of 2006 triples funding to the State Department for public diplomacy in China and authorizes the creation of a new consulate and ten “diplomatic presence posts” in larger Chinese cities. It also increases the U.S. contribution to the Asia-Pacific Economic Cooperation, a 21 Member Organization whose goal is to promote free trade throughout the Asia-Pacific region. America must embrace a strong diplomatic partnership to increase the chance our children will enjoy a stable, economically prosperous and peaceful future with China.

Today, China produces more steel than the U.S.; it has more than twice as many cell phone users and is building its own space station. Hundreds of U.S. companies from McDonald’s to Motorola are heavily invested in the Chinese market. China has bought several airplanes from Boeing and Chinese purchases of other U.S. exports are climbing at a rate of 15 percent a year. At her present rate of growth, China’s economy has the potential to become larger than America’s. The U.S. China Engagement Act takes steps to help small and medium size American businesses enter the China market by increasing resources to the Foreign Commercial Service Office of the Commerce Department and creating new export promotion programs.

The U.S. China Engagement Act is an important step in addressing the most critical relationship of the 21st century. It is vital that Americans be prepared for this relationship. We must be prepared diplomatically, educationally, and economically. Our students must have the ability to both culturally understand our competition while also having the ability to communicate with them in their language. This bill will give American students and American businesses the tools to compete in the new and expanding market of China.

I want to thank my co-chair of the U.S.-China Working Group, Congressman Rick Larsen, for being the lead co-sponsor on this legislation. And I want to thank Senators Lieberman and Alexander who have a companion bill. I look forward to working with them on these important issues surrounding China.

PAYING TRIBUTE TO ROBERT SEARS

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Bob “Chief” Sears for his 40 years of service in the Fire Service.

Bob Sears has vigilantly served in a number of different capacities in the fire service in several different cities. Sears, a graduate of the National Fire Academy in Maryland, began his career in 1951 and was promoted to Fire Chief of the Richfield Township Fire Department in Ohio in 1960, at that time he was the youngest Fire Chief in the State of Ohio. He subsequently served for 5 years as the Fire Chief for Kerr-McGee Chemical Corporation in California. Bob has also served over 21 years as Boulder Cities Fire Chief, while in this role he designed innovative programs which increased the efficiency of the Department in terms of firefighting capabilities, community awareness, and staff management.

Chief Sears is very active in the community, donating his time to many organizations; Bob is currently on the Board of Directors, Past President, Life Member and has served as interim Executive Director of the Boulder City Commander. Bob is also served as President of the Nevada Fire Chiefs Association and Charter President of the Southern Nevada Fire Chiefs Association. He has served as chairman for the American Heart Association’s Nevada Affiliate, the local Salvation Army, and is a charter member of the Boulder Sunrise Rotary Club. Chief Sears also serves on the Military Selection Committee for the United States Service Academy and has served on the Military Selection Committee for the United States Service Academy.

Mr. Speaker, I am proud to honor Bob Sears for his long career in the Fire Service and for his dedication to many different communities and organizations. Chief Sears professional service and devotion to the many organizations he was involved with serves as an inspiration to us all. I wish him the best in his retirement.
TRIBUTE TO PRESTONSBURG, KENTUCKY SOCIAL SECURITY OFFICE

HON. HAROLD ROGERS OF KENTUCKY IN THE HOUSE OF REPRESENTATIVES Wednesday, April 26, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to commend the staff of the Prestonsburg Social Security Office for their strong, effective, and compassionate service to the people of Kentucky.

Social Security plays an important role in the lives of more Americans than any other federal program. Whether providing a Social Security number for a newborn baby, mailing a check to a retired worker, or helping a disabled individual receive benefits, the Social Security Administration touches the lives of just about everyone.

The field office in Prestonsburg, Kentucky, is a shining example for this massive federal agency. The Prestonsburg staff consistently goes beyond the call of duty to provide valuable assistance, and the people of Kentucky. Because of this unwavering commitment to helping others, the Social Security Administration recognized the Prestonsburg Office as the Best Level I Field Office in the Atlantic Region for fiscal year 2005.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank the staff at the Prestonsburg Social Security Office for their hard work and dedication to serving the people of Kentucky. These fine Americans are an inspiration to us all, and I salute them for their commitment to helping others.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

SPEECH OF HON. RUBÉN HINOJOSA OF TEXAS IN THE HOUSE OF REPRESENTATIVES Wednesday, April 5, 2006

Mr. HINOJOSA. Mr. Speaker, I would like to submit for the RECORD the following letters in support of H. Res. 737, a bill “Recognizing the Goals and Ideals of Financial Literacy Month” that falls in April of each year. The bill was reported to the House favorably by the Committee on Government Reform and passed the House on April 6, 2006 by a recorded vote of 423–1. The documents I am submitting include letters of support for the bill from the Texas Credit Union League, the Texas State Securities Board, the Credit Union National Association, and the National Association of Mortgage Brokers.

TEXAS CREDIT UNION LEAGUE, Dallas, TX, April 10, 2006.

Hon. Rubén Hinojosa, House of Representatives, Washington, DC.

Dear Congressman Hinojosa: On behalf of the Texas Credit Union League, I would like to thank you for your work to pass H. Res. 737 and your commitment to improving financial literacy in our country. Credit Unions see financial education as a cornerstone of financial independence. Knowledge of financial products, with their benefits along with their disadvantages, allows consumers to make better decisions and improve their lives and the lives of their families.

Recognizing Financial Literacy month helps in the effort to educate our citizens about financial products and services. We look forward to working with you on this important issue in the future and applaud your leadership in bringing it to the forefront of the Congressional agenda. Respectfully,

DENISE VOIGT CRAWFORD, Securities Commissioner.


Hon. Rubén Hinojosa, Washington, DC.

Dear Representative Hinojosa: On behalf of the Credit Union National Association (CUNA), which represents $7 million credit union members, I would like to thank you for your introduction of H. Res. 737, which supports the goals and ideals of Financial Literacy Month.

CUNA strongly supports H. Res. 737 which supports financial literacy initiatives by calling on schools, nonprofit organizations, businesses, government entities on the federal, state, and local levels, and citizens to observe the month with appropriate programs and activities.

To aid in this endeavor, CUNA establishes a yearly National Credit Union Youth Week this year scheduled to take place April 23rd–29th. To date, 278 credit unions have committed to participating in CUNA’s Youth Savings Challenge. Twenty credit unions are estimating to tally 50,000 youth deposits valued at $3.6 million.

CUNA provides financial literacy resources to credit unions year-round to assist young people and help them manage their own money wisely, and has partnered with the National Endowment for Financial Education (NEFE) and the Cooperative Extension Service to provide schools with free workbooks on financial literacy that can fit into an existing curriculum. Many credit unions have volunteered their time to teach the materials to better prepare students for college, covering issues such as credit cards, interest, minimum payments, and checking accounts. Additionally, CUNA recently developed a program called “Thrive by Five” which offers free, easy-to-use tools on our website for parents to work with pre-school, aged children on basic financial concepts such as saving and spending.

Again, CUNA and its member credit unions strongly support H. Res. 737, as well as your leadership with the Congressional Caucus on Financial and Economic Literacy. We look forward to working with you and greatly appreciate your efforts to bring financial literacy to students nationwide.

Very truly yours,

DENISE VOIGT CRAWFORD,
Securities Commissioner.

Texas State Securities Board, Austin, TX, April 11, 2006.

HON. RUBÉN HINOJOSA, Congressmen, Washington, DC.

DEAR CONGRESSIONAL HINOJOSA: Congratulations on being awarded the Federal Legislator Award from the Jump$tart Coalition for Personal Financial Literacy. Texas investors are fortunate to have someone in Washington who understands the need for financial education and awareness and works so hard to help address that need.

I also want to thank you for co-sponsoring H. Res. 737 which supports the goals and ideals of Financial Literacy Month. As the Resolution details, the need for financial education since 1989 has never been greater. By teaching our state’s investors about personal finance, we can encourage Texans to focus on saving, investing, and home ownership and help them avoid investment fraud.

The Texas State Securities Board will join, in celebrating “Financial Literacy Month” now reaching all 50 states and the District of Columbia, in working to improve financial understanding of all Americans. As you know, it is important to make individuals more knowledgeable about personal finance, the capital markets, investment choices, and fraud. Our staff continues to make presentations throughout the state to help educate people of Texas about saving and preparing for retirement.

Enclosed are brochures both in English and Spanish that exemplify our investor education initiatives. We look forward to working with you in the future regarding this and other important financial-related issues.

Very truly yours,

DENISE VOIGT CRAWFORD,
Securities Commissioner.

TEXAS STATE SECURITIES BOARD, Austin, TX, April 11, 2006.


Representative Hinojosa: On behalf of the 27,000 members of the National Association of Mortgage Brokers (NAMB), I would like to thank you and your colleagues for your work on House Resolution 737, supporting the goals of National Financial Literacy Month.

At a time when home buyers and consumers in general face the hurdles of a complex marketplace, lenders, mortgage brokers, and your work educating consumers is invaluable. As you know, an educated consumer is a protected consumer. Too often, home buyers and other consumers are neither educated nor protected when it comes to making sound financial decisions. As H. Res. 737 makes clear, smart financial management is the result of a lifetime of sound spending habits and financial education. Encouraging consumers to develop these good habits is essential to ensuring strong credit and a healthy financial outlook.

NAMB is dedicated to maintaining the highest commitment to consumer education on mortgage and home buying information.

NAMB works to improve the financial understanding of consumers across the country in a variety of ways. First, our work with Freddie Mac’s CreditSmart and CreditSmart Español has helped lower-income workers and families better manage their financial futures. Second, we inspire a commitment to consumer education in the next generation of mortgage brokers through our work with Delta Epsilon Chi (DECA). DECA is an international association of high school and college students studying business and entrepreneurship.

NAMB also works closely with the financial services industry in support of its ongoing commitment to consumer education, and to helping all Americans realize the American dream of homeownership. For example, NAMB has created the Industry Partners Program to make it easier for a wide range of financial professionals to collaborate with mortgage brokers and bring greater professionalism to the industry.

NAMB applauds your commitment to this issue and your dedication on behalf of consumers. As a Texan and a Democrat, we salute your efforts to improve the lives and financial futures of hard-working Americans.

Sincerely,

JIM NABORS II, CRS,
President,
National Association of Mortgage Brokers.
PAYING TRIBUTE TO CATHOLIC CHARITIES OF SOUTHERN NEVADA

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the Catholic Charities of Southern Nevada, who recognize their 65 years of distinguished service to the community.

The Catholic Charities of Southern Nevada was formed to carry on charitable work in the fields of religion, education, and social services. Catholic Charities is one of the largest nonprofit social service providers in the state of Nevada, offering the most comprehensive range of human services which include Adoption Services, Child Care Services, St. Vincent Lied Dining Facility, Immigration Services, Migration and Refugee Services, Residential Services, Senior Services and Thrift Stores. The agency now encompasses many diverse programs that are designed to aid individuals in gaining self-sufficiency, independence and dignity.

Mr. Speaker, I am proud to honor the Catholic Charities of Southern Nevada for their 65 years of admirable service. Their tireless work to provide a wide array of services to the people of southern Nevada is a noble mission and I wish them the best in their continued efforts.

U.S. FAMILY HEALTH PLAN MARKS 25 YEARS OF CARING FOR UNIFORMED SERVICES FAMILIES

HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. EDWARDS. Mr. Speaker, on this the 26th day of April 2006, the U.S. Family Health Plan celebrates its commitment and service to the nation’s military health system with 25 years caring for our military families. Through the years, the U.S. Family Health Plan has been a valued partner with the U.S. Department of Defense by continuing to serve nearly 100,000 military beneficiaries today.

U.S. Family Health Plan’s roots date back to 1981 when the Omnibus Reconciliation Act designated 10 public health hospitals as U.S. Treatment Facilities to provide care for the uniformed services through and agreement with DoD. In 1993, that designation evolved into a fully at-risk managed healthcare plan named U.S. Family Health Plan. The Plan’s popularity grew in the regions where it was offered. In 1996, the National Defense Authorization Act designated the U.S. Treatment Facilities as TRICARE Prime Designated Providers and made the U.S. Family Plan Health a permanent part of the military health system.

The U.S. Family Health Plan is a proud member of the TRICARE program. It has distinguished itself by constantly earning the highest beneficiary satisfaction ratings among all TRICARE providers. The plan is administered by some of this nation’s finest health care institutions, including John Hopkins (Maryland), Brighton Marine Health Center (Massachusetts), Martin’s Point Health Care (Maine), St. Vincent Catholic Medical Centers (New York), CHRISTUS Health (Texas), and Pacific Medical Centers (Washington State).

Please join me in congratulating the U.S. Family Health Plan on their 25 years of service to our nation’s military families and for their outstanding contributions to military health care.

INTRODUCTION OF H. RES. 777

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 26, 2006

Mr. MEEK of Florida. Mr. Speaker, yesterday I introduced H. Res. 777, which would establish a month as Haitian-American Heritage Month.

I think it is important to recognize the many influences of the Haitian people to the history and culture of the United States. Since our Revolutionary War, Haitians have allied themselves with the United States, sharing our common values of democratic governance and self-determination. While their country was still bound by servitude, Haitian freemen fought alongside U.S. troops at the Siege of Savannah in 1779, even as their own fate remained uncertain at home.

It was eight years after the end of our revolution that Haitians rose up to fight for their own independence from France—a struggle for freedom that was to play a key role in U.S. history.

In an effort to subjugate the Haitian people and suppress Haiti’s revolution, France assembled in Haiti the largest expeditionary force it had ever sent to the Americas, composed of its finest troops. However, by 1803, France had lost most of these troops and expended countless resources. As a result, instead of fortifying and exploiting its position in Louisiana, France was forced to sell it to the United States. In what became known as the Louisiana Purchase, this territory now comprised 22.3 percent of the United States.

Haiti’s independence, which was officially declared in 1804, made it the first black republic in the world; the second democracy in our hemisphere; and the only country born of a successful slave revolt.

Haitians and their descendents have been instrumental in numerous American achievements, including John James Audubon, the acclaimed naturalist and wildlife artist who inspired the American conservation society that bears his name, and W.E.B. DuBois, the Haitian-American author and political activist, who became one of the most prominent, intellectual leaders of African-American society during the twentieth century.

The close proximity of Haiti to American shores, in conjunction with our common bond of mutual values and commitment to democracy, ensures lasting comity of nations and continued trade and diplomatic relations.

Haiti—the only republic to rise from a successful slave rebellion—inspires pride, solidarity, and self-reliance.

The last Sunday of May is commemorated in Haiti as Mother’s Day.

The 18th of May is Flag Day, the most celebrated holiday in Haiti, and is observed by people of Haitian descent throughout the world.

In Miami, Florida, home to the largest Haitian-American population in the United States, there are numerous cultural events and celebrations planned during the month of May to honor Haitian culture; and

Haiti’s first United States Minister and Consul-General was the first Black Major in the United States. In 1834, he was appointed to represent Haiti to the United States in what became known as the Louisiana Purchase.

Haiti was the first Black republic and the second democracy after the United States.

Haiti declared its independence from France to become the Black American and the second democracy after the United States.

Whereas Major Joseph Savary, a Haitian, was the first Black Major in the United States Army, and led the Second Battalion of Freemen of Color at the Battle of New Orleans, January 8, 1815, under then-General Andrew Jackson, who became the first Governor of the Territory of Florida in 1821;

Whereas, in 1889, Frederic Douglass, the period’s foremost spokesman on human rights and a prominent leader in the abolition movement in the United States, became the first United States Minister and Consul-General to Haiti;

Whereas the longest occupancy of a foreign state by American troops was in Haiti, circa 1915–1934;

Whereas an estimated 1,200,000 persons of Haitian descent now live throughout the United States;

Whereas Haitians and their descendents have contributed greatly to the arts and sciences, including John James Audubon, the acclaimed naturalist and wildlife artist who inspired the American conservation society that bears his name, and W.E.B. DuBois, the Haitian-American author and political activist, who became one of the most prominent, intellectual leaders of African-American society during the twentieth century;

Resolved, That it is the sense of the House of Representatives that—

(1) “Haitian-American Heritage Month” be established; and

(2) the people of the United States should observe the month with appropriate ceremonies, celebrations, and activities.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 27, 2006 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

MAY 1

2:30 p.m.
Energy and Natural Resources
To resume hearings to examine the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.

SD-366

MAY 2

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the peanut provisions of the Farm Security and Rural Investment Act of 2002.

SH-216

Budget
To hold hearings to examine S. 2381, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority.

SD-608

Judiciary
To hold hearings to examine Federal Bureau of Investigation oversight.

SD-226

2:30 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.

SR-222

3:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.

SR-222

4 p.m.
Judiciary
To hold hearings to examine certain judicial and executive nominations.

SD-226

MAY 3

9 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.

SR-222

10 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.

SR-222

10 a.m.
Armed Services
Technology, Innovation, and Competitiveness Subcommittee
To resume hearings to examine accelerating the adoption of health information technology.

Room to be announced

MAY 4

9:30 a.m.
Armed Services

SR-222

MAY 5

9:30 a.m.
Armed Services

SR-222

MAY 10

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the sugar provisions of the Farm Security and Rural Investment Act of 2002.

SR-328A

MAY 17

10 a.m.
Commerce, Science, and Transportation Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.

Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.

SD-138

JUNE 14

10 a.m.
Commerce, Science, and Transportation Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.

Room to be announced

### Senate

**Chamber Action**

**Routine Proceedings, pages S3527–S3634**

**Measures Introduced:** Eleven bills and two resolutions were introduced, as follows: S. 2652–2662, and S. Res. 446–447.  
**Pages S3588–89**

**Measures Passed:**

- **Recognizing Crop Science Society of America:** Senate agreed to S. Res. 446, recognizing the 50th Anniversary of the Crop Science Society of America.  
  **Pages S3631–32**

- **Congratulating University of Wisconsin Men’s Hockey Team:** Senate agreed to S. Res. 447, congratulating the University of Wisconsin Badgers men’s hockey team for winning the 2006 National Collegiate Athletic Association Division I Men’s Hockey Championship.  
  **Page S3632**

**Emergency Supplemental Appropriations:** Senate continued consideration of H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto:  
**Pages S3532–68, S3632–34**

- **Adopted:** By 59 yeas to 39 nays (Vote No. 94), Gregg Modified Amendment No. 3594, to provide, with an offset, emergency funding for border security efforts.  
  **Pages S3532–43**

- **Durbin Amendment No. 3632,** to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.  
  **Pages S3553–55**

- **Hutchison/Burns Amendment No. 3647** (to Amendment No. 3642), to clarify the availability of funds.  
  **Page S3563**

  By 84 yeas to 13 nays (Vote No. 98), Akaka Amendment No. 3642, to provide an additional $430,000,000 for the Department of Veterans Affairs for Medical Services for outpatient and inpatient care and treatment for veterans, as amended.  
  **Pages S3560–64**

- **Rejected:**  
  By 44 yeas to 54 nays (Vote No. 95), Reid Amendment No. 3604, to provide, with an offset, emergency funding for border security efforts.  
  **Pages S3532–44**

  Thomas Amendment No. 3615, in the nature of a substitute. (By 72 yeas to 26 nays (Vote No. 96), Senate tabled the amendment.)  
  **Pages S3551–52**

  Ensign Motion to Recommit the bill to the Committee on Appropriations, with instructions that it be reported back with a total net spending not exceeding $94.5 billion. (By 68 yeas to 28 nays (Vote No. 97), Senate tabled the motion to recommit.)  
  **Pages S3562–63**

  Coburn Amendment No. 3641 (Division I), to prohibit the availability of certain funds for the Rail Line Relocation Capital Grant program. (By 49 yeas to 48 nays (Vote No. 99), Senate tabled Division I of the amendment.)  
  **Pages S3557–60, S3564–66**

- **Pending:**  
  Harkin/Grassley Amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.  
  **Page S3532**

  McCain/Ensign Amendment No. 3616, to strike a provision that provides $74.5 million to States based on their production of certain types of crops, livestock and or dairy products, which was not included in the Administration’s emergency supplemental request.  
  **Page S3544**

  McCain/Ensign Amendment No. 3617, to strike a provision providing $6 million to sugarcane growers
in Hawaii, which was not included in the Administration’s emergency supplemental request. Page S3544

McCain/Ensign Amendment No. 3618, to strike $15 million for a seafood promotion strategy that was not included in the Administration’s emergency supplemental request. Page S3544

McCain/Ensign Amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of “actual control” of airlines. Page S3544

Warner Amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy. Page S3544–48

Warner Amendment No. 3621, to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan. Page S3544

Coburn Amendment No. 3641 (Divisions II through XIX), of a perfecting nature. Pages S3557–60

Vitter Amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita. Page S3567

Vitter/Landrieu Amendment No. 3626, to increase the limits on community disaster loans. Page S3567

Vitter Amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages. Pages S3567–68

Vitter Modified Amendment No. 3648, to expand the scope of use of amounts appropriated for hurricane disaster relief and recovery to the National Oceanic and Atmospheric Administration for Operations, Research, and Facilities. Pages S3568, S3569

Wyden Amendment No. 3665, to prohibit the use of funds to provide royalty relief. Pages S3632–34

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order against Stabenow Amendment No. 3633, to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, as being in violation of rule XVI of the Standing Rules of the Senate, which prohibits legislation on appropriation matters, and the amendment thus fell. Pages S3548–50

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Thursday, April 27, 2006. Page S3632

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the notification of an Executive Order blocking property of additional persons in connection with the national emergency with respect to Syria; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM—45) Pages S3586

Nominations Confirmed: Senate confirmed the following nomination:

Patrick Joseph Schiltz, of Minnesota, to be United States District Judge for the District of Minnesota. Pages S3631, S3634

Messages From the House:

Measures Referred: Pages S3586–87

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors: Pages S3589–91

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Intent:

Notices of Hearings/Meetings:

Authorities for Committees to Meet:

Privileges of the Floor:

Record Votes: Six record votes were taken today. (Total—99) Pages S3543, S3543–44, S3552, S3563, S3564, S3566

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:47 p.m., until 9:30 a.m., on Thursday, April 27, 2006. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S3632.)

Committee Meetings

(Committees not listed did not meet)

BIOFUELS INDUSTRY

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the state of the biofuels industry, after receiving testimony from Bob Dinneen, Renewable Fuels Association, Washington, D.C.; Joe Jobe, National Biodiesel Board, Jefferson City, Missouri; Jay Derbertin, CHS, Inc., St. Paul, Minnesota; and Robert C. Brown, Iowa State University Center for Sustainable Environmental Technologies, Ames.
APPROPRIATIONS: NATIONAL GUARD & RESERVE

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the National Guard and Reserve, after receiving testimony from Lieutenant General H. Steven Blum, Chief, National Guard Bureau; Lieutenant General Clyde A. Vaughn, Director, Army National Guard; Major General Charles Ickes, II, Acting Director, Air National Guard; Lieutenant General James R. Helmy, Chief, Army Reserve; Vice Admiral John G. Cotton, Chief, Naval Reserve; Lieutenant General John W. Bergman, Commander, Marine Forces Reserve; and Lieutenant General John A. Bradley, Chief, Air Force Reserve.

APPROPRIATIONS: GAO


APPROPRIATIONS: NASA

Committee on Appropriations: Subcommittee on Commerce, Justice, and Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the National Aeronautics and Space Administration, after receiving testimony from Michael D. Griffin, Administrator, National Aeronautics and Space Administration.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration, Department of Transportation, and James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances, and William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator, both of the Environmental Protection Agency.

Also, Committee adopted a proposal to amend Committee Rule 7(d) on the naming of public buildings and facilities.

CUSTOMS AND TRADE AUTHORIZATIONS

Committee on Finance: Committee held a hearing to examine authorizations for activities of the United States International Trade Commission, United States Immigration and Customs Enforcement, United States Customs and Border Protection, and for an International Trade Data System, receiving testimony from Stephen Koplan, Chairman, International Trade Commission; Julie Myers, Assistant Secretary for Immigration and Customs Enforcement, and Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, United States Customs and Border Protection, both of the Department of Homeland Security; Timothy E. Skud, Deputy Assistant Secretary of the Treasury for Tax, Trade, and Tariff Policy; Marian Duntley, Toyota Motor Sales USA, Inc., Torrance, California, on behalf of the American Association of Exporters and Importers; Peter H. Powell, C.H. Powell, Company, Westwood, Massachusetts, on behalf of the National Customs Brokers and Forwarders Association of America, Inc.; Brian Monks, Underwriters Laboratories, Inc., Northbrook, Illinois; Jerry Cook, Sara Lee Brands Apparel, Winston-Salem, North Carolina; and Mic Dinsmore, Port of Seattle, Seattle, Washington.

Hearing recessed subject to the call.
U.S.-INDIA ATOMIC ENERGY COOPERATION

Committee on Foreign Relations: Committee concluded a hearing to examine United States-India atomic energy cooperation, focusing on strategic and non-proliferation implications, including S. 2429, to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India, after receiving testimony from Ashton B. Carter, Harvard University Belfer Center for Science and International Affairs, Cambridge, Massachusetts; William J. Perry, Stanford University Hoover Institution, Stanford, California; Robert L. Gallucci, Georgetown University Edmund A. Walsh School of Foreign Service, Ashley J. Tellis, Carnegie Endowment for International Peace, Robert J. Einhorn, Center for Strategic and International Studies, Gary Milhollin, Wisconsin Project on Nuclear Arms Control, and Stephen P. Cohen, Brookings Institution, all of Washington, D.C.; and Ronald F. Lehman, II, Lawrence Livermore National Laboratory, Livermore, California.

Hearing recessed subject to the call.

DIGITAL RADIO REVOLUTION

Committee on the Judiciary: Committee held a hearing to examine the future of the music industry in the digital radio revolution, focusing on parity, platforms, and protection issues, receiving testimony from Edgar Bronfman, Jr., Warner Music Group, New York, New York; Gary Parsons, XM Satellite Radio Inc., Washington, D.C.; Bruce T. Reese, Bonneville International Corporation, Salt Lake City, Utah, on behalf of the National Association of Broadcasters; N. Mark Lam, Live365, Inc., Foster City, California, on behalf of the Digital Media Association; Anita Baker, Grosse Point, Michigan; Todd Rundgren, Darby, Pennsylvania; and Victoria Shaw, Nashville, Tennessee.

Hearings recessed subject to the call.

FINANCING AND ENTREPRENEURIAL DEVELOPMENT PROGRAMS

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the reauthorization of the Financing and Entrepreneurial Development programs administered by the Small Business Administration, after receiving testimony from Hector V. Barreto, Administrator, Small Business Administration; Harry C. Alford, National Black Chamber of Commerce, Inc., Washington, D.C.; Mark Morissette, North Atlantic Capital, Portland, Maine, on behalf of the National Association of Small Business Investment Companies; James R. Baird, Bay Area Development Company, Walnut Creek, California; and James A. Maxwell, Granite State Economic Development Corporation/New England Business Finance, Portsmouth, New Hampshire.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 5196–5215; and 10 resolutions, H. Con. Res. 390–394; and H. Res. 778–782 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H.R. 3496, to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes, amended (H. Rept. 109–440); and

H. Res. 783, providing for consideration of the bill (H.R. 4975) to provide greater transparency
with respect to lobbying activities, and for other purposes (H. Rept. 109–441).

Speaker: Read a letter from the Speaker wherein he appointed Representative Capito to act as Speaker pro tempore for today.

Chaplain: The prayer was offered by the guest Chaplain, Rev. John Hergenrother, Presiding Judge, Tribunal of the Archdiocese of Chicago.

Suspensions: The House agreed to suspend the rules and pass the following measures:

_Urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards:_ H. Con. Res. 365, to urge the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards, by a yea-and-nay vote of 421 yea to 21 nay votes, Roll No. 104; and

_Iran Freedom Support Act:_ H.R. 282, amended, to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran, by a yea-and-nay vote of 397 yeas to 21 nays, Roll No. 105.

Discharge Petition: Representative Markey moved to discharge the Committees on Ways and Means, Energy and Commerce and Education and the Workforce from the consideration of H.R. 4263, to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to establish the Consumer Energy Assistance Trust Fund, and to provide for a rebate to energy consumers (Discharge Petition No. 12).

Committee Election: The House agreed to H. Res. 778, electing Representative Berman to the Committee on Standards of Official Conduct, to rank immediately ahead of Representative Jones of Ohio.


Pursuant to the rule, the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

Rejected Mr. Schiff motion to recommit the bill to the Committee on Intelligence with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 195 ayes to 250 noes, Roll No. 107, after ordering the previous question without objection.

Agreed to:

_Hoekstra amendment (No. 1 printed in H. Rept. 109–438) requires a report to the Freedom of Information Act in Section 421 of the Committee Amendment, relating to protection of intelligence sources and methods. The amendment clarifies that the membership of the Drug Enforcement Administration on the intelligence community is limited to the Office of National Security Intelligence of the Drug Enforcement Administration;_ Pages H1800–01

_Fossella amendment (No. 2 printed in H. Rept. 109–438) authorizes $5 million for a study to be conducted by the Secretary of the Department of Homeland Security (DHS) and the Director of National Intelligence (DNI) to identify the problems and the successes of terrorist-threat information sharing between the Federal, State, and local levels of government. The amendment also authorizes $10 million to establish centers of best practices. $3 million is authorized for the following five years to cover operational expenses of the centers;_ Pages H1801–02

_Lee amendment (No. 3 printed in H. Rept. 109–438) requires a report to House and Senate Intelligence committees describing any authority granted during the past 10 years to engage in intelligence activities related to the overthrow of a democratically elected government;_ Pages H1803–04

_Price of North Carolina amendment (No. 4 printed in H. Rept. 109–438) requires: (1) the DNI to report to Congress on regulations issued by agencies within the Intelligence Community regarding minimum standards for hiring and training of contractors, functions appropriate for private sector contractors, and procedures for preventing waste, fraud, and abuse; (2) contractors awarded Intelligence Community contracts to provide a transparent accounting of their work to their contracting officers within Intelligence Community agencies; (3) the DNI to submit an annual report to Congress on the contracts awarded by Intelligence Community agencies; and (4) the
DNI to make recommendations to Congress on enhancing the Intelligence Community’s ability to hire, promote, and retain highly qualified and experienced professional staff; Pages H1804–05

Andrews amendment (No. 5 printed in H. Rept. 109–438) requires the Director of National Intelligence to provide the Congress with a quarterly classified intelligence report on insurgent forces in Iraq. The report would contain intelligence on (1) the number of insurgent forces in Iraq, (2) the number of insurgent forces that are former members of the Ba’ath Party, (3) the number of insurgent forces that are members of al Qaeda or other known terrorist organizations, and (4) a description of where the insurgent forces are located, their capabilities and sources of funding; and

Pages H1805–06

Renzi amendment (No. 6 printed in H. Rept. 109–438) makes findings with respect to the President’s authority to protect national security information and the harm from unauthorized disclosures of classified information, and express the Sense of Congress that the President should utilize his constitutional authority to the fullest extent practicable (where warranted) to classify and protect national security information and take action against persons who commit unauthorized disclosures (by a recorded vote of 366 ayes to 56 noes with 1 voting “present”, Roll No. 106).

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. Page H1812

H. Res. 774, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 227 yeas to 198 nays, Roll No. 103, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 194 nays, Roll No. 102.

Pages H1774–85

Tax Relief Act of 2005—Motion to Instruct Conferees: The House completed general debate on the McDermott motion to instruct conferees on H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006. Further consideration will resume at a later date. Pages H1813–19

Presidential Message: Read a letter from the President wherein he transmitted notification of his issuance of an Executive Order blocking property of persons in connection with the terrorist act in Beirut, Lebanon, on February 14, 2005 and to take additional steps to a national emergency with respect to the Government of Syria—referred to the Committee on International Relations (H. Doc. 109–100). Pages H1819–20

Senate Message: Message received from the Senate today appears on page H1750.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007


NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007


GULF COAST RECOVERY

Committee on Education and the Workforce: Held a hearing entitled “Gulf Coast Recovery: Facing Challenges and Coming Back Stronger in Education.” Testimony was heard from public witnesses.

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT

Committee on Energy and Commerce: Ordered reported, as amended, the Communications Opportunity, Promotion, and Enhancement Act.

AMERICA’s CAPITAL MARKETS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing entitled “America’s Capital Markets: Maintaining Our Lead in the 21st Century.” Testimony was heard from former Speaker of the House of Representatives Newt Gingrich of Georgia; and public witnesses.

TITLE INSURANCE: COST AND COMPETITION

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled “Title Insurance: Cost and Competition.” Testimony was heard from Orice M. Williams, Director, Financial Markets and Community Investment, GAO; Gary M. Cunningham, Deputy Assistant Secretary, Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development; and public witnesses.

TRANSIT ZONE OPERATIONS

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled “Transit Zone Operations: Can We Sustain Record Seizures and Declining Resources.” Testimony was heard from James F. X. O’Gara, Deputy Director, Supply Reduction, Office of National Drug Control Policy; RADM Jeffrey Hathaway, USN, Director, Joint Interagency Task Force—South, Department of Defense; Michael Braun, Director, Operations, DEA, Department of Justice; the following officials of the Department of Homeland Security: RADM Wayne Justice, USCG, Assistant Commandant, Enforcement and Incident Management, U.S. Coast Guard; and MG Michael Kostelnick, USAF (ret.), Assistant Commissioner, Customs and Border Protection; and a public witness.

REAL ESTATE INVESTMENT THRIFT SAVINGS ACT; REAL ESTATE INVESTMENT TRUST

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing “Adding a Real Estate Investment Trust (REIT) Index Option to the Thrift Savings Plan: Considering the Views and Advisory Role of the Employee Thrift Advisory Council (ETAC).” Testimony was heard from the following officials of the Federal Retirement Thrift Investment Board: Gary A. Amelio, Executive Director; and Thomas J. Trabucco, Director, External Affairs; and public witnesses.

SAFE PORT ACT


IRAQ: UPDATE ON U.S. POLICY

Committee on International Relations: Held a hearing on Iraq: Update on U.S. Policy. Testimony was heard from James Jeffrey, Senior Advisor to the Secretary and Coordinator for Iraq, Department of State; and the following officials of the Department of Defense: Peter W. Rodman, Assistant Secretary, International Security Affairs; and BG Michael D. Jones, USA, Deputy Director, Politico-Military Affairs (Middle East), J–5, The Joint Staff.

ENDANGERED CHILDREN OF NORTHERN UGANDA

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on the Endangered Children of Northern Uganda. Testimony was heard from the following officials of the Department of State: Jeffrey Krilla, Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor; and Leonard Rogers, Senior Deputy Assistant Administrator, U.S. Agency for International Development; and public witnesses.

U.S. POLICY IN CENTRAL ASIA

Committee on International Relations: Subcommittee on the Middle East and Central Asia continued hearings
on U.S. Policy in Central Asia: Balancing Priorities (Part II). Testimony was heard from the following officials of the Department of State: Richard A. Boucher, Assistant Secretary, South and Central Asian Affairs; and Drew W. Luten, Acting Assistant Administrator, Bureau for Europe and Eurasia, U.S. Agency for International Development; James McDougal, Deputy Assistant Secretary, Department of Defense; and public witnesses.

U.S.-MEXICO RELATIONS
Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on U.S.-Mexico Relations. Testimony was heard from Elizabeth A. Whitaker, Deputy Assistant Secretary, Mexico, Canada, and Public Diplomacy, Department of State; John M. Melle, Deputy Assistant Trade Representative, North America, Office of the United States Trade Representative; Audrey Adams, Deputy Assistant Commissioner, Office of International Affairs, U.S. Customs and Border Protection, Department of Homeland Security; and public witnesses.

OVERSIGHT—DEPARTMENT OF JUSTICE
Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the Department of Justice: Executive Office for United States Attorneys, Civil Division, Environment and Natural Resources Division, Executive Office for United States Trustees, and Office of the Solicitor General. Testimony was heard from the following officials of the Department of Justice: Michael Battle, Director, Executive Office for United States Attorneys; Peter D. Keisler, Assistant Attorney General, Civil Division; Sue Ellen Woolridge, Assistant Attorney General, Environment and Natural Resources Division; and Clifford White, Acting Director, Executive Office for United States Trustees.

MISCELLANEOUS WATER MEASURES
Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 1711, New Mexico Water Planning Assistance Act; H.R. 4750, Lower Republican River Basin Study Act; and S. 166, Deschutes River Conservancy Reauthorization Act of 2005. Testimony was heard from Larry Todd, Deputy Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

LOYING ACCOUNTABILITY AND TRANSPARENCY ACT
Committee on Rules: Granted, by a vote of 9 to 2, a structured rule providing one hour of general debate on H.R. 4975, to provide greater transparency with respect to lobbying activities, and for other purposes, equally divided and controlled by the Majority Leader and the Minority Leader, or their designees. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendments recommended by the Committees on the Judiciary, Rules, and Government Reform now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated April 21, 2006, modified by the amendment printed in part A of the Rules Committee report accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the bill, as amended, shall be considered as the original bill for purpose of further amendment, and shall be considered as read. The rule makes in order only those amendments printed in part B of the Rules Committee report, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in part B of the Rules Committee report. The rule provides one motion to recommit with or without instructions.

The rule provides that in the engrossment of H.R. 4975, the Clerk shall add the text of H.R. 513, as passed by the House, as new matter at the end of H.R. 4975 and shall make appropriate conforming changes. The rule provides that after the passage of H.R. 4975, it shall be in order to take from the Speaker’s table S. 2349 and to consider the Senate bill in the House. The rule waives all points of order against consideration of the Senate bill. The rule provides that it shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4975 as passed by the House. The rule waives all points of order against that motion. Finally, the rule provides that if that motion is adopted and the Senate bill, as amended, is passed, it then shall be in order to move that the House insist on its amendment to the Senate bill and request a conference thereon. Testimony was heard from Chairman Tom Davis of Virginia and Representatives Daniel E. Lungren of California, King of Iowa, Gohmert, Shays, Leach, Hefley, Castle, Wicker, Shadegg, Kirk, Garrett of New Jersey, Conyers, Jackson-Lee of Texas, Waters, Meehan, Van Hollen, Waxman, Obey, George Miller of California, Doggett, Sherman, Bordallo, Emanuel, and Bean.
CUTTING THE TRADE DEFICIT

Committee on Small Business: Held a hearing entitled “Cutting Our Trade Deficit: Can the U.S. Muster Its Diverse Trade Promotion Operations to Make an Impact?” Testimony was heard from Representative Mica; Franklin Lavin, Under Secretary, International Trade, Department of Commerce; Loren Yager, Director, International Affairs and Trade, GAO; and public witnesses.

OVERSIGHT—U.S. RAIL CAPACITY CRUNCH

Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on the U.S. Rail Capacity Crunch. Testimony was heard from Joseph Boardman, Administrator, Federal Railroad Administration, Department of Transportation; Frank Busalacchi, Secretary, Department of Transportation, State of Wisconsin; and public witnesses.

OVERSIGHT—CORPORATE COMMITMENT TO HIRING VETERANS

Committee on Veterans’ Affairs: Held an oversight hearing on Corporate Commitment to Hiring Veterans. Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 27, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Internal Revenue Service, Department of the Treasury, 9:30 a.m., SD–138.

Subcommittee on Legislative Branch, to resume hearings to examine the progress of the Capitol Visitor Center construction, 10:30 a.m., SD–124.

Committee on Armed Services: to hold a closed briefing on operations and intelligence, 10 a.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine drought issues, 10 a.m., SD–562.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine the progress of implementing the Western Hemisphere Travel Initiative, 2:30 p.m., SD–419.

Committee on the Judiciary: business meeting to consider the nominations of Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit, Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, Michael Ryan Barrett, to be United States District Judge for the Southern District of Ohio, Brian M. Cogan, to be United States District Judge for the Eastern District of NewYork, Thomas M. Golden, to be United States District Judge for the Eastern District of Pennsylvania, Timothy Anthony Junker, to be United States Marshal for the Northern District of Iowa, and Patrick Carroll Smith, Sr., of Maryland, to be United States Marshal for the Western District of North Carolina, S. 2557, to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S. 2292, to provide relief for the Federal judiciary from excessive rent charges, S. 489, to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine renewing the temporary provisions of the Voting Rights Act, 2:30 p.m., SD–226.

Committee on Veterans’ Affairs: business meeting to consider the nomination of Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs; to be followed by a hearing on issues relating to VA research, 10 a.m., SR–418.

Select Committee on Intelligence: closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to review the Futures Market and Gasoline Prices, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Science, the Departments of State, Justice, Commerce, and Related Agencies, on SEC, 10 a.m., H–309 Capitol.


Subcommittee on Terrorism, Unconventional Threats and Capabilities, to mark up H.R. 5122, National Defense Authorization Act for Fiscal Year 2007, 1 p.m., 2118 Rayburn.

Subcommittee on Education and the Workforce, Subcommittee on Workforce Protections, hearing entitled “Examining the Use of Non-Consensus Standards in Workplace Health and Safety,” 10:30 a.m., 2175 Rayburn.

Subcommittee on Health, hearing entitled “Reauthorizing the Ryan White CARE Act: How to Improve the Program to Ensure Access to Care,” 9 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade and Technology, hearing entitled “CFIUS and the Role of Foreign Direct Investment in the United States,” 11 a.m., 2128 Rayburn.


Committee on International Relations, hearing on United Nations Reform: Improving Internal Oversight Within the UN, 1 p.m., 2172 Rayburn.


Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on the Constitution and Line Item Veto, 2 p.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Patent Harmonization, 9 a.m., 2141 Rayburn.

Committee on Resources, oversight hearing on The Report by the Administration’s Task Force on Puerto Rico’s Status, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on the GAO Report on Promoting Woody Biomass for Energy and Other Uses, 1 p.m., 1324 Longworth.

Subcommittee on National Parks, hearing on the following bills: H.R. 1796, Mississippi River Trail Study Act; H.R. 3085, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, and components, and campgrounds associated with that trail; and H.R. 4612 Wright Brothers-Dunbar National Historic Park Designation Act, 2:30 p.m., 1324 Longworth.

Committee on Science, hearing on H.R. 5143, H-Prize Act of 2006, 9:30 a.m., 2318 Rayburn.


Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Implementation of the Oil Pollution Act, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Economic Opportunity, hearing on the following: H.R. 4791, Disabled Veterans Adaptive Housing Improvement Act; the Veterans Employment State Grant Improvement Act of 2006; the GI Bill Flexibility Act of 2006; the Veterans and Credentialing Act of 2006; and a proposal to amend to H.R. 3082, Veterans-Owned Small Business Promotion Act of 2005, 1:30 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Global Updates/Hotspots, 9 a.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the current economic outlook, 10 a.m., SH–216.
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