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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 2, 2006.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK) for 5 minutes.

THE PRICE OF GAS

Mr. STUPAK. Mr. Speaker, as the ranking Democrat on the Energy and Commerce Committee's Subcommittee on Oversight and Investigations, I have been calling for hearings on gas price gouging for over 8 months. For 8 months I have been asking for consideration of my legislation, the Federal Response to Energy Emergencies Act, which is designated to crack down on gas price gouging. For 8 months, Republicans in Congress have stone walled. When Republicans finally started to feel the political heat, they put forth shallow imitations of Democratic ideas and returned to their old standby, drilling in the Arctic National Wildlife Refuge.

The simple fact is this: as gas prices climb, the majority party has been shamed into doing something, but they still are out of ideas. Our legislation, the Democratic legislation, the FREE Act, the Federal Response to Energy Emergencies, would instruct the Federal Trade Commission to develop a legal definition of gas price gouging, predatory pricing and market manipulation. Most people are shocked to find that there is no Federal law against gas price gouging. Therefore, the Federal Trade Commission has never brought a case to court for gas price gouging. Let me repeat that. Never in the history of the Federal Trade Commission has it brought a case of price gouging to court. Why is this? Because there is no definition of price gouging.

Well, even if the President and congressional Republicans don't know how to define price gouging, consumers know it when they see it. Gas costs 70 cents more a gallon right now than it did at the same time last year. Profits for refineries are up 255 percent between September 2004 and September 2005. Last week, Valero, the Nation's largest refinery company, posted a 60 percent increase in profit in the first quarter alone. That's gouging. And while it happens, unfortunately the majority party turns a blind eye.

In contrast, 125 House Democrats have signed a discharge petition. A discharge petition removes our legislation from the committee of jurisdiction and brings it to the floor for a vote. More and more Members each day are signing their name to the discharge petition. These Members are tired of the Republicans' stonewalling. We want action on a real price gouging bill with teeth, not a watered-down imitation.

Just as we need to address gouging, Congress should also take a look at the way oil futures are bought and sold. Seventy-five percent of the multibillion-dollar oil futures industry is completely unregulated, without transparency or oversight by the Federal Government or the Commodity Futures Trading Commission. This is Enron all over again. Without Federal oversight, there is no way to ensure that speculators are not manipulating the market to drive up the price of oil.

Last week, I introduced the PUMP Act, or the Prevent Unfair Manipulation of Prices Act. This bill would require all traders to play by the same rules, ending the speculation, fear and greed that drives today's oil prices. It has been estimated that by stopping this speculative trading, we could reduce the price of a barrel of oil by as much as $20 per barrel, providing consumers with immediate relief at the gas pump.

These are the kind of ideas that Democrats are promoting to provide consumers with immediate relief. But, instead, we get the same thing from the majority party: drill in the Arctic National Wildlife Refuge and provide big tax breaks to big oil. You don't drill your way to energy independence. Tax breaks for the big oil companies don't result in lower gas prices.

Today's USA Today, the Money section, has an article, States Find It Tough to Prove Gas Prices Illegal. In California, the Attorney General says that in 2006 in the first 4 months of this year, prices have gone up 14 percent, but the difference between what oil companies pay for crude oil and the price at the pump is up 130 percent. If that's not price gouging, I don't know what is. In Arizona, they showed that the profit margins realized by every segment of the oil industry were two or three times greater than normal. Is that price gouging? I think it is. But as Arizona says, the State has no law making price gouging illegal, underscoring, the report says, the need for Federal price gouging legislation.

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I would hope, Mr. Speaker, that Speaker HASTERT would allow us to bring up the FREE Act so we could have a free and full debate on price gouging in this Congress.

Look at this next article: Fuel Costs Ease But Could Climb Higher. Why? Money is flowing into direct or indirect purchases of oil futures as an inflation hedge. That flow sends futures higher, fueling more inflation, and then fueling more money into futures positions as an inflation hedge. That is price gouging. That is market manipulation. That is why we have the PUMP Act.

If we would pass the PUMP Act, bring it to the floor for debate, get it out of committee and put it before the House here, we could lower the price of a barrel of oil by $20.

[From USA Today]

STATES FIND IT TOUGH TO PROVE GAS PRICES ILLEGAL

(By James R. Healey and Matt Krantz)

Arizona's comprehensive investigation into that state's high fuel prices after Hurricane Katrina concludes that while there was ''profiteering'' at all levels of the oil industry, nothing illegal took place.

Washington's attorney general's office said in a report last week that its more recent investigation of today's high prices ''has not found any evidence so far of illegal activity among gasoline retailers or producers in Washington.''

Together, the two reports show that it is hard for authorities to prove consumers are being ripped off even in times of extraordinary price increases.

Attorneys general in at least nine states, responding to outrage by their residents, are investigating whether current high gasoline prices are a result of wrongdoing by the petroleum industry. according to the National Association of Attorneys General

Arizona's statewide average price is $3.022, still nearly 11 cents less than the record $3.131 shortly after Katrina, according to travel club AM's daily survey.

Washington's average $3.011 Monday set a record for that state.

The attorney general in California, where the statewide average hit a record $3.251 a gallon Monday, says he will subpoena documents from the state's 21 refineries, including those operated by major oil companies ChevronTexaco, ExxonMobil and ConocoPhillips.

The attorney general's office said state data for 2006 show that crude oil prices have risen 14%, but the difference between what oil companies pay for crude oil and prices at the pump has soared 130%.

Gasoline is made from crude oil, which accounts for roughly 55% of the pump price for gasoline, the U.S. government says.

And Washington Attorney General Rob McKenna, in a statement about his investigation, said, ''Gas prices are influenced by the basic laws of supply and demand.''

Energy-industry veterans wonder if such probes are misleading.

California's own Energy Commission, for instance, acknowledges in an explanation of fuel prices on its website: ''Rumors and charges of collusion among the oil companies have been raised for decades with nothing ever proven.''

Charles Swanson, director of Ernst & Young's Energy Center, says, ''Politicians can posture all they want, but there's nothing they can do to help.''

Some states have made price-gouging cases. Florida sued individual gas stations for overcharging after Katrina.

But Florida, unlike Arizona, has an anti-gouging law. It is in effect only when a state of emergency is declared. Florida was a hurricane target, making an emergency declaration logical.

Arizona's report, unveiled last week, says, ''Profit margins realized by every segment of the oil industry were two or three times their normal margins.''

But the state has no law making that illegal, underscoring, the report says, the need for a federal price-gouging law.

The Federal Trade Commission is expected to deliver a report by May 22 that will say whether the agency found any price manipulation after Katrina.

[From USA Today, May 2, 2006]

FUEL COSTS EASE BUT COULD CLIMB HIGHER

(By James R. Healey)

Gasoline prices have stopped their spring-loaded daily leaps, but it's too soon to say the worst is over.

The numbers on the pump have declined slightly three consecutive days, to a nationwide average $2.919 a gallon Monday, according to travel club AAA. It's the first time that's happened since late March. But the March respite totaled just 0.8 of a cent over three days and turned out to be only a hiccup that before prices zipped higher.

AAA warns that might happen again. ''A few days of slight declines does not make a trend,'' spokesman Geoff Sundstrom cautions. ''We may continue to see higher prices between now and Memorial Day.''

That's the beginning of the warm-weather driving season, when gasoline consumption rises as Americans take more vacations and weekend trips.

A weekly report by the U.S. Energy Information Administration showed a U.S. average Monday identical to AAA's—$2.919—up a just 0.5 of a cent from a week ago. That's a big slowdown after four weeks of prices jumping an average 10.4 cents a gallon per week.

On one hand, it should be no surprise that prices are easing. U.S. gasoline supplies are ample. U.S. demand is a little soft. Refineries are mostly through with their routine maintenance and are cranking out generous amounts of gasoline.

But prices aren't down as far as they should be under those circumstances, energy veterans say. That's partly because petroleum products have become an investment instead of traders' best guess about the value of crude oil, gasoline and heating oil the next few months.

''Money is flowing into direct or indirect purchases of oil futures as an inflation hedge. That flow sends futures higher, fueling more inflation, and then fueling more money into futures positions as an inflation hedge,'' says Tom Kloza, senior analyst at the Oil Price Information Service. Oil rose $1.82 to settle at $73.70 Monday.

Still, ''We can put to rest some of the hyperbole—$3.50 average for gasoline, or $4-plus,'' he says.

Keeping upward pressure on prices:

Hostility toward the U.S. in oil-producers Iran and Venezuela implies shortages at any minute.

Indelible memories of disruptions caused by hurricanes in the Gulf of Mexico last year keep petroleum traders jumpy about supplies. That makes them willing to pay more for oil and for the gasoline made from it.

''We're heading into the peak demand season and the potenial for refinery outages'' from hurricanes, cautions Thomas Bentz, senior energy analyst at BNP Paribas, a big investment bank.

The U.S. Minerals Management Service in its latest report, April 19, said that 22.3% of Gulf oil output still hadn't restarted after hurricane damage last year. The MMS plans to update that number Wednesday.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY) at 2 p.m.

PRAYER

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

Most glorious Lord of life, You alone triumph over death and sin, for You alone are eternal and holy. Prove Your victory in us. Take this nation and make it Your own. With leadership from this body of Congress, raise up a people who are unafraid to look into the face of darkness, and by will, science, and prayer push back the door of death. Strengthen all human frailty that we may continue to fight against evil and become a Nation of hope and a people of virtue. For our soul takes wing by placing our trust in You, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PITTS 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.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the bill on the calendar.

BETTY DICK RESIDENCE PROTECTION ACT

The Clerk called the Senate bill (S. 584) to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

There being no objection, the Clerk read the Senate bill as follows:

S. 584

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 ''Betty Dick Residence Protection Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to require the Secretary of the Interior to permit the continued occupancy and use of the property described in section 4(b) by Betty Dick for the remainder of her natural life.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the agreement between the National Park Service and Fred Dick entitled ''Settlement Agreement'' and dated July 17, 1980.

(2) MAP.—The term ''map'' means the map entitled ''RMNP Land Occupancy'' and dated September 2005, which identifies approximately 8 acres for the occupancy and use by the tenant.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TENANT.—The term ''tenant'' means Betty Dick, widow of George Fredrick Dick, who held a 25-year reservation of occupancy and use at a property within the boundaries of Rocky Mountain National Park.

SEC. 4. RIGHT OF OCCUPANCY.

(a) IN GENERAL.—The Secretary shall allow the tenant to continue to occupy and use the property described in subsection (b) for the remainder of the natural life of the tenant, subject to the requirements of this Act.

(b) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land and any improvements to the land within the boundaries of Rocky Mountain National Park identified on the map as ''residence'' and ''occupancy area''.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the occupancy and use of the property identified in subsection (b) by the tenant shall be subject to the same terms and conditions specified in the Agreement.

(2) PAYMENTS.—

(A) IN GENERAL.—In exchange for the continued occupancy and use of the property, the tenant shall annually pay to the Secretary an amount equal to 1/25 of the amount specified in section 3(B) of the Agreement.

(B) ADVANCE PAYMENT REQUIRED.—The annual payments required under subparagraph (A) shall be paid in advance by not later than May 1 of each year.

(C) DISPOSITION.—Amounts received by the Secretary under this paragraph shall be—

(i) deposited in a special account in the Treasury of the United States; and

(ii) made available, without further appropriation, to the Rocky Mountain National Park until expended.

(3) PUBLIC ACCESS.—The public shall have access to both banks of the main channel of the Colorado River.

(d) TERMINATION.—The right of occupancy and use authorized under this Act—

(1) shall not be extended to any individual other than the tenant; and

(2) shall terminate—

(A) on the death of the tenant;

(B) if the tenant does not make a payment required under subsection (c)(2); or

(C) if the tenant otherwise fails to comply with the terms of this Act.

(e) EFFECT.—Nothing in this Act—

(1) allows the construction of any structure on the property described in subsection (b) not in existence on November 30, 2004; or

(2) applies to the occupancy or use of the property described in subsection (b) by any person other than the tenant.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

NO IS NOT AN ENERGY POLICY

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

Ms. FOXX. Mr. Speaker, House Democrats sure do like to stand on this floor and complain about energy costs, but when push comes to shove, they refuse to do anything about it. In fact, since President Clinton vetoed legislation to open ANWR to drilling in 1995, House Democrats have taken a page out of his book by voting no to energy solutions time and time again.

While House Republicans have proven our commitment to lowering the cost of fuel, House Democrats have opposed many measures to increase the supply of American energy.

A large number of Democrats voted against legislation expanding clean nuclear energy supplies. Democrats voted against legislation that would encourage refinery expansion. They voted against legislation that would ban price gouging, and many voted against legislation that would promote greater conservation.

I cannot for the life of me understand why the Democrats continue to complain about energy when they continue to vote ''no'' on every responsible proposal that would help us produce more American energy at affordable prices. Voting ''no'' is not a sound energy policy.

LESS THAN 2 WEEKS UNTIL PRESCRIPTION DRUG SIGN-UP DEADLINE

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

Mr. CLEAVER. Mr. Speaker, if this House does not act within the next 2 weeks, millions of American seniors will face the egregious and unfair prescription drug tax.

As this calendar shows, May 15 is the deadline President Bush and congressional Republicans created for seniors to sign up for a prescription drug plan. In town hall meetings I have held throughout my district, the seniors of Missouri District 5 are outraged by and confused over Medicare part D. If they do not sign up for a plan within the next 13 days, a penalty of at least a 7 percent premium tax will be forced on every single individual every single month for the rest of their lives simply because they did not sign up for this confusing and sometimes less beneficial Medicare part D program.

For over a month, Democrats have come to this floor almost daily urging Republicans to join us in preventing this grave injustice from taking place on May 15. Time is running out for Congress to do the right thing and support this extension. America seniors cannot afford a Bush prescription drug tax.

CONDEMNING MEXICO'S DECRIMINALIZATION OF DRUGS

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

Mr. KELLER. Mr. Speaker, I am here to talk about some things the protesters did not mention yesterday. Millions of American young people who travel to Mexico for spring break and summer vacation will now legally be able to use cocaine, heroin, ecstasy, and marijuana because the Mexican government just voted to legalize the possession of these drugs in small quantities.

How much is okay? Two ecstasy pills, four joints, four lines of cocaine, and 25 milligrams of heroin are now all allowed.

Are you surprised? Earlier this year, the Mexican government provided maps to illegals to help them cross our borders. The Mexican military recently got caught providing an armed escort to Mexican drug dealers into Texas. And Mexico's president, along with a million protesters, now want us to reward illegal behavior with amnesty and permanent citizenship. Why? So they can earn money here and send it back to Mexico. After all, at $16 billion, it is Mexico's second highest source revenue behind oil.

It makes you wonder. Were people protesting the wrong government yesterday?

GENOCIDE IN DARFUR

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

Mr. DAVIS of Illinois. Yes, there was a tremendous amount of demonstrating on yesterday, and people concerned about immigration were marching. But then also there were those of us marching who were concerned about genocide in the region of Darfur: Genocide that should never be allowed in a civilized society; genocide that this country and other nations throughout the world have stood idly by while hundreds of thousands of individuals are being killed, murdered, raped. It is the shame of the century. Our Nation can do better, and the world can do better. We must stop the genocide in Darfur.

AMERICA'S ENERGY NEEDS

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

Mr. WILSON of South Carolina. Mr. Speaker, today, the average cost of a gallon of unregulated gasoline in Columbia, South Carolina, is 72 cents higher than the price of May 2005.

Yesterday, I met with dozens of constituents at the West Metro Chamber of Commerce building who expressed their serious concerns about the rising gas prices and America's energy crisis. Fortunately, Republican leaders have announced a series of realistic, short-term steps to reduce the cost of gasoline. By opening up ANWR, banning price gouging, streamlining boutique fuels, and encouraging innovation for advancements in hydrogen technology, we are supporting realistic measures that will immediately help American families.

As we continue to actively address America's energy needs, Minority Leader PELOSI and House Democrats should support this critical mission. Gas prices continue to soar, and our country cannot afford for Democrats to continue to support policies that restrict American energy supplies.

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

IRAQ INSURGENCY'S EUROPEAN FUNDRAISING

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

Mr. PITTS. Mr. Speaker, we know that the Iraqi insurgent terrorists are shameless in their conduct. From blowing up crowded streets full of citizens to beheading innocent noncombatants, their ruthless brand of violence is well documented. What is not so well known is the funding sources these terrorists use to carry out their atrocities.

Thanks to the leadership of my colleague, SUE KELLY, some of the most outrageous fundraising sources for the Iraqi terrorists have recently come to light.

One fundraising campaign, called 10 Euros for Resistance, uses posters of bloody American soldiers to solicit funding in Europe. So far, it appears the terrorist extremists have found sympathetic radicals in more than one European country to donate to their cause. The funding is then funneled to Iraq, where insurgent terrorists use it to finance more attacks on American forces and innocent civilians.

This is an outrage, Mr. Speaker; and I applaud Congresswoman KELLY's efforts to call attention to it. European countries should be doing all they can to stop this fundraising practice within their borders. I do not think that is too much to ask of our allies.

MEDICARE PART D

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

Mr. GINGREY. Mr. Speaker, I rise today to share yet another Medicare part D success story. My colleagues might have noticed that I am sharing a different success story each week, which is pretty easy to do because the stories just keep rolling in. This week I would like to tell you about Mae Thacker of Bartow County, Georgia.

Mae and her husband came into my office unhappy. They had heard some disparaging things about Medicare part D and weren't sure if the program would even save them any money. Fortunately, the more the Thackers learned about part D, the more they wanted to enroll, another case of reality trumping rhetoric. I am happy to report that Mae Thacker is now signed up for a prescription drug plan, and her monthly medicine bill has dropped from $780 to $180.

Mr. Speaker, the May 15 enrollment deadline is less than 2 weeks away. Enrolled seniors are saving an average of $1,100 a year with Medicare part D, $3,700 a year for low-income seniors.

So my message to seniors is this: Sign up now and start saving.

TOP 100 HIGH SCHOOLS IN THE UNITED STATES

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON OF TEXAS. Mr. Speaker, each year Newsweek recognizes the top 100 schools in the United States. At the very top of the list, number one and number eight are right in the middle of my district. Not a pretty area, but wonderful education.

I am very proud to announce that the School for Talented and Gifted at Yvonne A. Ewell Townview Center was recognized as the number one high school in the country. Additionally, the School of Science and Engineering at the same school was ranked number eight.

For those who live in Dallas, this honor comes as no surprise. The President visited earlier this year, and each day talented students are challenged with rigorous coursework and provided with an outstanding teacher environment. Townview truly excels and proves that, it really proves that children, given the right environment, can learn.

Townview Center has managed to bridge the achievement gap that exists in schools throughout this country. Two-thirds of Townview students are minorities. These students are not only passing, they are excelling.

Townview has recognized that we must provide all of our students with the opportunity to pursue higher education. It is this commitment to success that distinguishes Townview.

I would like to congratulate the School for the Talented and Gifted and the School of Science and Engineering on this honor.

And also commend the leadership and commitment of Superintendent Hinojosa, Executive Principal Alice Black, Principal Michael Satarino, and Principal Richard White.

MEDICARE PRESCRIPTION PART D

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

Ms. HART. Mr. Speaker, the results are in on the new prescription drug program, and they are very encouraging. Nowhere is the success of this new prescription drug benefit more apparent than my home State of Pennsylvania.

Take these statistics into consideration. As of April 1, more than 1.2 million Pennsylvanians have enrolled in the new program. In my district alone, 73 percent of Medicare beneficiaries now have prescription drug coverage, and the Centers for Medicare and Medicaid Services project that that number will be near 100 percent by the end of this year.

With the May 15 enrollment deadline fast approaching, we should be doing everything we can to help seniors enroll in the new part D program so they can realize the incredible savings the plan offers.

Take the story about Tom and Dolores from Pittsburgh. Tom and Dolores need about a dozen medications, and they feared that they soon would not be able to afford these medicines. They were also afraid that they would not be able to find a plan in their prescription drug program that would cover all the medications that they need as well as their costs. With help from their Medicare Today counselor, both Tom and Dolores found plans that work for them. They now expect to save over $2,000 a year on their costs.

I encourage any Medicare recipient who is not yet enrolled to seek some information from Medicare Today and find out the savings it offers through Medicare part D.

□ 1415

DEFENDING AMERICA

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

Mr. FRANKS of Arizona. Mr. Speaker, I think it is wise for all of us to remind ourselves every day that our primary purpose for being here is defending this country against military threats and defending the constitutional rights of our citizens. In terms of defending this country, we have to continue to remind ourselves every day that there is a growing military build-up in China that is unprecedented in the world. We face an ideological enemy in terrorism that if left unchecked will mean humanity will ultimately never sleep again.

We face a growing nuclear threat in Iran that could destabilize the whole world in a matter of months or years.

Those who would undermine the defense of this country for political purposes disgrace this body and disgrace America. I pray that we will always remember, as George Orwell said, that we

sleep in our beds safe at night because rough men stand ready to visit violence on those who would do us harm.

May we continue to defend this Nation. May we continue to defend the constitutional rights of our citizens, and may we always remind ourselves of the price that military heroes of the past have paid so that can happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

EARL D. HUTTO POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5107) to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the ''Earl D. Hutto Post Office Building''.

The Clerk read as follows:

H.R. 5107

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

SECTION 1. EARL D. HUTTO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, shall be known and designated as the ''Earl D. Hutto Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Earl D. Hutto Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 5107, offered by the distinguished gentleman from Florida (Mr. MILLER), would designate the post office building in Pensacola, Florida, as the ''Earl D. Hutto Post Office Building.'' All Members of the Florida delegation have cosponsored this delegation.

Earl Hutto was born near Midland City, Alabama, and was educated in the public schools, graduating from Dale County High School in Ozark, Alabama. He served in the U.S. Navy as a seaman first class aboard heavy cruiser USS *Bremerton*. After graduating with degrees in business, English, and education in 1949, he went on to teach business at Cottonwood High School in Alabama for 2 years.

Later in his professional life, Hutto became the program director, sports director and announcer for WDIG in Dothan, Alabama, for 3 years. As his television career developed, he relocated to the State of Florida and became the sports director and State news editor of WJHG–TV in Panama City, Florida.

In 1972, he was elected to the Florida house of representatives where he served three terms. In 1978, he was elected to the U.S. Congress and served eight terms until his retirement in 1995. His dedication to Florida politics earned him such awards as Legislator of the Year by the Florida Association of Retarded Citizens, Legislator of the Year by the Florida Community College Association, and was named Watchdog of the Treasury for six straight Congresses.

I urge all Members to pay homage to a legislator who was truly dedicated to working for his constituents in every way by passing H.R. 5107.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 5107, legislation naming the postal facility in Pensacola, Florida, after Earl D. Hutto.

This measure, sponsored by Mr. Jeff Miller of Florida, has been cosponsored by the entire Florida delegation.

Earl Hutto was born in Alabama on May 12, 1926. He attended Dale County public schools and graduated from Troy State University. He did graduate work in broadcasting and served in World War II in the United States Navy. Prior to serving in the Florida legislature, Earl Hutto worked as a sports director and president of radio stations. He was elected to the Florida legislature in 1972 and reelected in 1974 and 1976.

In 1979, Earl Hutto was elected to represent the First Congressional District of Florida in the U.S. Congress where he served until 1995 when he did not seek reelection. Since then, former Representative Hutto has retired and remains active in his Pensacola community. It is my understanding that Representative Hutto will be celebrating his 80th birthday on May 12. I am sure my colleagues join me in wishing him a great day and many years to come.

Mr. Speaker, I commend my colleague for seeking to honor the political legacy of Earl Hutto and urge the swift passage of this legislation.

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

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I rise today in support of renaming the Jordan Street Post Office in Pensacola to the Earl D. Hutto Post Office Building.

Congressman Hutto represented the First Congressional District from 1978 to 1994. An interesting piece of trivia is that Mr. Hutto's initial congressional office was, in fact, temporarily located in what is now called the Jordan Street Post Office Building.

Congressman Hutto's life is a tale of a man who has achieved the American Dream. Born into a poor, hardworking family in Midland City, Alabama, Earl was the first in his family to graduate from high school and to graduate from college. After several years in the broadcasting business and earning the nickname Captain Supreme from participating in an ice cream commercial, Congressman Hutto entered the life of public service. In 1972, he began his distinguished career in the Florida house of representatives, serving three terms there before running for the U.S. House of Representatives.

In 1978, like all new Members of Congress in search of office space, Mr. Hutto was lucky enough to draw number 43 in the House lottery to choose his new office space. Drawing the slip of paper with a room on the fifth floor of Cannon on it, the next day the Pensacola News Journal, our home town newspaper, ran the headline, ''Hutto in Old Attic.'' Like many of us, his desk was here in Washington; however, his home and his heart were planted in Florida's gulf coast.

Congressman Hutto quickly earned the respect of his peers and his colleagues in Washington with his commonsense and straightforward dealings on legislative matters. With a conservative home district, he was known by his constituents as a ''Boll Weevil,'' a group of fiscally and socially conservative Southern Democrats.

As a member of the House Armed Services Committee and chairman of the Readiness Subcommittee, he worked tirelessly for the benefit of our military men and women at home and overseas. Under his leadership, he helped create the U.S. Special Operations Command in which the Joint Special Operations University resides on Hurlburt Field in Fort Walton Beach, Florida.

Congressman Hutto learned early on with God and family as your moral compass, you cannot be steered wrong. As a family man, he is quick to credit his wife, Nancy, and his two daughters, Lori Hutto and Amy Stubblefield, for his accomplishments and strength of character.

Congressman Hutto spent eight terms in the U.S. House before retiring in Pensacola. Today, he stays busy with his church, his Rotary Club, and participation on a number of charitable boards. He also sponsors golf tournaments to fund scholarship endowments at five area institutions through his foundation. As you can see, Mr. Hutto was and continues to be a trusted face and voice throughout northwest Florida. We are very fortunate to have such a distinguished gentleman with a genuine concern for local issues representing them in Washington, D.C.

So on behalf of the United States Congress, I would like to thank Earl Hutto for his 22 years of public service in the U.S. House of Representatives and wish him an early happy 80th birthday.

Mr. EVERETT. Mr. Speaker, I rise today to declare my support for H.R. 5107, a House measure offered by U.S. Rep. JEFF MILLER, R-Florida, to designate the United States Post Office at 1400 West Jordan Street in Pensacola, Florida the ''Earl D. Hutto Post Office.''

Congressman EARL HUTTO proudly served Florida's first district from 1979 to 1995. He was a strong voice for his district on the House Armed Services Committee where he rose to the position of chairman of the Readiness Subcommittee. During Democrat and Republican administrations, he was an effective and reliable advocate for our military men and women and a credit to the U.S. House.

Earl and I go way back and it turns out we have a lot in common. In addition to having served in the House together, we both hail from a media background. He chose broadcasting and I worked for 30 years in print journalism. But even more unique is the fact that he and I both come from the tiny Dale County, Alabama town of Midland City. As remarkable as it may sound, and we did not realize it until we both came to Congress, but Earl and I even lived in the same Midland City house at different times.

I have missed Earl's presence here in the House since his well deserved retirement and I was pleased to speak at a ceremony honoring him last year at his alma mater, Troy University, in my district.

I wish Earl and his wife Nancy all the best as they continue to enjoy life back in Pensacola. This House and the people have not forgotten their contributions to our country.

Mr. BONNER. Mr. Speaker, in this chamber, even on the most partisan and bitter debates, it is both customary and a proud tradition to refer to our colleagues as the ''distinguished gentleman'' or the ''distinguished gentle lady.''

From time-to-time the American people actually see Members of this body who truly fit the description of their honorary titles. Today, we honor one such person—a distinguished gentleman if there ever was one—Congressman Earl Hutto of Florida's 1st Congressional District.

I wish to thank the gentleman from Chumuckla, my very good friend, Congressman JEFF MILLER, for bringing this resolution to the floor today and for finding this way—and a very appropriate opportunity that it is—to honor and pay tribute to Earl Hutto, a man of the House, a man of integrity and a man for whom many of us hold in the highest regards.

As Congressman MILLER and I have discussed numerous rimes, it is both a tremendous honor—and at times it can be a little intimidating—to follow a real legend in this hallowed chamber.

Like my predecessor, Congressman Sonny Callahan, the name Earl Hutto is synonymous with all the good qualities of a truly outstanding public servant—honesty, trustworthiness, love of country, love of family, humility, faith, and integrity. I cannot Imagine a more principled man has ever been elected to serve in this city, and I know—first-hand—that no one has ever worked harder or more tirelessly on behalf of his constituents than Earl Hutto.

A native of Midland City, a small town near Dothan in Alabama's Wiregrass, Earl knew that three qualities—honesty, hard work, and being a man of your word—were essential if you were to be successful in the game of life.

Early on, young Earl Hutto recognized that he had a duty to his country and he served in the U.S. Navy as a Seaman First Class. Later, he attended Troy State University on the G.I. Bill and graduated with a B.S. degree in Business-English-Education in 1949.

Although he had a brief stint teaching high school, Earl had a God-given talent for broadcasting, and in no time, Earl Hutto became a household name in places like Dothan, Montgomery, Pensacola, and Panama City. As sports director, of WSFA–TV in Montgomery, Earl was the host of Coach Shug Jordan's statewide telecast which—with all due respect to our work up here—may still rank higher in the eyes of the Auburn football nation than any elected office on the face of the earth.

After a highly successful career in broadcasting, Earl opened his own advertising agency and soon embarked on a path that led him into public service. He was elected to the Florida House of Representatives in 1972, where he served three terms, and was elected to the U.S. Congress in 1978 where he served eight terms until his retirement in 1995.

Earl Hutto was a ''blue dog'' before there was such a thing. He fought for a stronger national defense and was always a true friend to the men and women who wear the uniform of their nation's military.

On fiscal matters, Earl was a longtime proponent of getting our budget balanced and not spending more than we take in, and he was one of the early advocates of a biennial budgeting process—something many of us still believe would help restore some fiscal sanity to the process.

Whether there was a Democrat in the White House or a Republican, Earl Hutto always attempted to vote the right way and do the right thing. He always put his country first—well above any loyalty to a political party.

Mr. Speaker, knowing Earl Hutto as I do, I am sure the last thing he would want is some building with his name on it—that was never what motivated Earl in the least bit. However, in this day and age where there is so much partisan divide in our country, I can't think of a better time or more appropriate opportunity for those of us in this body to come together—Democrats and Republicans alike—and pay a lasting tribute to who made this House a better place—Congressman Earl Hutto.

Earl, may you and Nancy, Lori and Amy, and your beautiful granddaughters Ellie and Abbie know that your legacy is living on and your service to others continues to inspire a whole new generation of leaders.

Again, I thank my friend, JEFF MILLER, for bringing this matter before the House, and I urge unanimous adoption of the resolution.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 5107, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5107.

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

A motion to reconsider was laid on the table.

JOHN PAUL HAMMERSCHMIDT POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4811) to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the ''John Paul Hammerschmidt Post Office Building''.

The Clerk read as follows:

H.R. 4811

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

SECTION 1. JOHN PAUL HAMMERSCHMIDT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, shall be known and designated as the ''John Paul Hammerschmidt Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John Paul Hammerschmidt Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 4811, offered by the distinguished gentleman from Arkansas (Mr. BOOZMAN), would designate the post office building in Harrison, Arkansas, as the John Paul Hammerschmidt Post Office Building.

Congressman John Paul Hammerschmidt represented the Third District of Arkansas in the U.S. House of Representatives in the 90th Congress through the 102nd Congress. He was elected to 13 terms and served 26 years during the administrations of six Presidents. During his years in Congress,

John Paul Hammerschmidt became known for his attention to individual constituent service and communication, his high voting and attendance record during congressional sessions during the business week, and routinely working weekends in Arkansas. Also, his legislative expertise in highways, airports, water supply and distribution systems, as well as veterans hospitals, will continue to benefit from his diligent stewardship long into the future.

Since retiring from Congress, Hammerschmidt has continued to participate in Arkansas civil involvements as a private citizen, chairing the Northwest Arkansas Council and March of Dimes Arkansas Citizen of the Year Dinner. Because of his dedication to government at all levels, I ask all Members to honor his integrity and perseverance by passing H.R. 4811.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4811, legislation naming a postal facility in Harrison, Arkansas, after John Paul Hammerschmidt. This measure was sponsored by the gentleman from Arkansas (Mr. BOOZMAN) on February 28, 2006, and unanimously reported by our committee on March 30, 2006. The bill has the support and cosponsorship of the entire Arkansas delegation and 112 Members of Congress.

A native of Arkansas, John Hammerschmidt was born in Harrison in 1922.

□ 1430

He graduated from Harrison High School and attended the Citadel, University of Arkansas and Oklahoma State University. He served in the U.S. Army Air Corps from 1942 to 1945, the U.S. Air Force Reserves from 1945 to 1960, and the District of Columbia Army Reserves from 1970 to 1981.

After holding senior positions in the lumber and construction industry, John was elected to represent the 3rd Congressional District of Arkansas. He was subsequently elected to 13 terms, serving in Congress from 1967 until 1993.

Mr. Speaker, I urge swift passage of H.R. 4811, which seeks to honor the broad legacy of former Representative Hammerschmidt.

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

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the Commonwealth of Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, it is an honor for me to be here to participate in this naming of the United States Post Office after John Hammerschmidt. It is a life that certainly is representative of a true American patriot and servant of the people.

He was a member of the United States Army Air Corps during World War II, a member of the Air Force Reserves, a member of the District of Columbia Army Reserves, the first Republican Member to represent Arkansas since reconstruction, also a member of the Board of Directors of the Metropolitan Washington Airport. These are just a few of the roles in which Congressman John Paul Hammerschmidt has served; and, as I said, it truly is a life of service to his country.

First elected to the House of Representatives in 1966, John Paul Hammerschmidt was noted for his dedication and attention to constituent services. A native son of Harrison, Arkansas, Congressman Hammerschmidt went on to represent the region for 13 consecutive terms. In all of those elections, only two of Congressman Hammerschmidt's opponents were able to achieve more than one-third of the vote, and that included one candidate by the name of Bill Clinton.

During his tenure in the House, Congressman Hammerschmidt was known for his expertise regarding infrastructure and veterans-related issues. As the ranking member of the Public Works Committee from 1986 to 1993, John was influential in many of the improvements that have taken place on our Nation's highways, airports and waterway systems. John was a true steward of our Nation's infrastructure; and users of roads, water systems and the airways will all long benefit from his efforts.

Mr. Speaker, my father, Bud Shuster, had the pleasure of serving with Congressman Hammerschmidt both in the House and on the Public Works Committee for many years. I asked him to relate a few stories, reflections on John Paul Hammerschmidt, and he said he certainly was one of the experts on infrastructure in this country. And then he said quite simply, ''He is a gentleman's gentleman;'' and I think that is a very accurate assessment of Congressman John Paul Hammerschmidt.

Mr. Speaker, I strongly support the measure offered by my colleague, Mr. BOOZMAN, to name the post office in Harrison, Arkansas, after Congressman John Paul Hammerschmidt.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, once again I have to call attention to the fact, while Mr. DAVIS is here today in his role as a congressman from Illinois, he is an Arkansas native; and we are proud to have him always in this body but particularly on these bills involving Arkansans.

I just want to take a minute and add my voice in praise of Congressman Hammerschmidt. This is not the first honor he has received. It will not be the last. He is a kind, intelligent man with good judgment, always very professional throughout his career in his dealings with everyone, regardless of party or class or financial status. He certainly had strong opinions and had his own sense of what was right and wrong, but he always worked in a bipartisan manner.

After retiring from this body, he has continued to be very active both in Arkansas and nationally; and maybe with the passage of time, as buildings come and go and names come and go, at some point this facility may be renamed, or it may be torn down and a new facility built and some other name will be attached to it. But I can guarantee you it will not be anyone more professional or kind or with a better sense of treating people well than Congressman Hammerschmidt.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I also would echo the fact that Congressman DAVIS is an Arkansan; and we are very, very proud of him and all that he has accomplished.

I rise today in support of H.R. 4811, the John Paul Hammerschmidt Post Office Designation Act. No one understands my congressional district like the kind and thoughtful gentleman who represented much of Arkansas in the Congress from 1967 through 1993. I consider John Paul Hammerschmidt a mentor and a friend.

During his 26 years in Congress, John Paul became known for his strong work ethic and attention to individual constituent service. His fellow Members came to rely on his legislative expertise in highways, aviation and waterway infrastructure. In fact, Congressman Hammerschmidt served as ranking member of the Public Works, now known as the Transportation and Infrastructure, Committee from 1986 through 1993.

During his tenure in office, Arkansas completed many of the infrastructure improvements, including highways and airports, that have allowed northwest Arkansas to become one of the major financial engines of our Nation.

Congressman Hammerschmidt is also remembered for his work on behalf of our Nation's veterans. Particularly in Arkansas, our veterans hospitals and facilities still benefit from Congressman Hammerschmidt's service.

Congressman Hammerschmidt served as ranking member of the House Veterans' Affairs Committee from 1975 through 1986, and all of our Nation's veterans had a tremendous advocate in this good man.

As a combat pilot in World War II, Congressman Hammerschmidt flew 217 missions with the Third Combat Cargo Group over ''the Hump'' in the China-Burma-India theatre.

He was awarded the Distinguished Flying Cross with three oak leaf clusters, the Air Medal with four oak leaf clusters, three Battle Stars, the China War Memorial Medal by the Republic of China, and the Meritorious Service

Award. He retired from the Air Force Reserve as a major. Furthermore, he has been awarded the highest honors by eight national veterans service organizations.

Since retiring, Congressman Hammerschmidt has been named Arkansas Citizen of the Year; and he has remained incredibly active in the fields of business, education, aviation, community service, and his local church.

Many of Congressman Hammerschmidt's close friends continue to serve in Congress today, and several will be submitting statements that were unable to be here today.

Finally, I want to take a moment to honor Ginny Hammerschmidt, who served the people of Arkansas alongside John Paul during his many years of service. We lost Ginny last year, but this bill, in recognizing the service of Congressman Hammerschmidt, also recognizes the sacrifices and service of Ginny and the rest of the family.

Ms. FOXX. Mr. Speaker, I have no other speakers at this point. I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to actually close, and I have no further requests for time.

But, in closing, let me just say, first of all, that I appreciate the kind comments and remarks made by my colleagues from Arkansas. As you can see, there is a tremendous amount of affinity for those of us who grew up in the land of opportunity.

But, also, I note that Representative BOOZMAN's wife came from the town where my family lived, and her uncle was actually the postmaster, and my father used to visit in the post office, along with many other people, and that was kind of like a neighborhood gathering place. That is one of the reasons that we hope that many of the small post offices will be able to remain intact, because they are more than just letter-dispensing areas in many of these communities.

So I commend Representative BOOZMAN for seeking to honor this outstanding American.

Mr. PETRI. Mr. Speaker, I want to express my strong support for this bill to name a post office in Harrison, Arkansas, in honor of the Honorable John Paul Hammerschmidt, and I am pleased to be an original cosponsor.

I had the distinct honor and privilege of serving for many years with John Paul on what was then known as the Public Works and Transportation Committee—now known as the Transportation and Infrastructure Committee. He completed his 26 years of service in the House as the ranking minority member of the Committee—and he provided steady leadership as we worked together to build the roads, airports and waterways needed to keep America competitive and prosperous.

He was the ranking member during the legendary ISTEA transportation bill in 1991, which moved us beyond the Interstate construction era and provided a new vision for transportation in the U.S. For many years he was ranking on the Aviation Subcommittee and has always had a keen interest in aviation issues. In 1998, after his retirement from the House, President Clinton nominated him to serve as a Member of the Board of Directors of the Metropolitan Washington Airports Authority. John Paul led many Committee trips to his district in Northwest Arkansas—and that usually entailed having your photo taken sporting the famous Arkansas Razorback hog hat.

While many of us are familiar with his Congressional career, some may not know of his heroic service to our country during World War II. A member of the Third Combat Cargo Group in the China-Burma-India theater from 1942 to 1945, John Paul flew 217 combat missions—primarily in Burma and China. These missions included drop missions where he dropped supplies to our troops in the jungle, all in an unarmed plane flying low over the jungle in some of the worst weather conditions imaginable while frequently coming under enemy fire. He also ''flew the hump'' as it was called, dangerous missions high over the Himalayas.

Giving constant support to John Paul was his beloved wife Virginia, who sadly passed away earlier this year. Known to all as Ginny, she was recognized for her compassionate and gentle nature. Together Ginny and John Paul served their district well.

Through John Paul's decades of service to our country, first in the Army Air Corps in World War II, here in the House of Representatives, and even today as he remains active in his community, he is thoroughly deserving of this honor. He served this House with distinction and worked effectively with Members of both parties to move important initiatives forward. He is a true gentleman, and I am proud to call him a friend.

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

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4811.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4811.

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

A motion to reconsider was laid on the table.

GOVERNOR JOHN ANDERSON, JR. POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4674) to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the ''Governor John Anderson, Jr. Post Office Building''.

The Clerk read as follows:

H.R. 4674

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

SECTION 1. GOVERNOR JOHN ANDERSON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, shall be known and designated as the ''Governor John Anderson, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Governor John Anderson, Jr. Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 4674, offered by the distinguished gentleman from Kansas (Mr. MOORE), would designate the Post Office Building in Olathe, Kansas, as the ''Governor John Anderson, Jr. Post Office building''.

John Anderson was born near Olathe, Kansas, in 1917. He earned his undergraduate degree from Kansas State University and from there went on to receive his law degree from the University of Kansas in 1944.

After serving on the staff of U.S. District Court Judge Walter Huxman for 2 years, John Anderson was successful in running for the position of Johnson County Attorney, a capacity in which he served for 6 years. He was a Member of the Kansas State Senate from 1953 to 1956 and was appointed Kansas Attorney General serving in 1956.

In 1960, John Anderson was elected Governor of the State of Kansas and worked tirelessly to revise the State's pardon and parole systems, to create a combined State medical and psychiatric hospital, and to restructure the State's public school system into unified districts.

The hard work and dedication of Governor John Anderson, one of Kansas's most important leaders, should not go unnoticed. I urge all Members to come together and honor a man who strived to achieve excellence in government by passing H.R. 4675.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the sponsor of this legislation, Representative DENNIS MOORE from Kansas.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of legislation I introduced with my Kansas colleagues, TODD TIAHRT, JIM RYUN and JERRY MORAN, to designate the United States Post Office located at 110 North Chestnut Street in Olathe as the ''Governor John Anderson, Jr. Post Office Building''.

Governor Anderson was born near Olathe in 1917, educated at Kansas State University and the University of Kansas, where he received a law degree in 1944. After serving on the staff of U.S. District Court Judge Walter Huxman for 2 years, John Anderson won election as Johnson County Attorney in 1947, where he served for 6 years. He was a member of the Kansas State Senate from 1953 to 1956 and was appointed Kansas Attorney General, serving from 1956 to 1961.

He was elected Governor of Kansas in 1960 and 1962, he defeated incumbent Governor George Docking, served as Governor during Kansas's centennial celebration, and appointed James B. Pearson to the United States Senate upon the death of Senator Andrew Schoeppel.

John Anderson's tenure as Kansas Governor was marked by numerous achievements, including revision of the State's pardon and parole systems; creation of a combined State medical and psychiatric hospital; restructuring the State's public school system into unified districts; increasing the State's per-pupil expenditure allowance; addition of the University of Kansas to the State board of regents system; sanctioning of fair employment practices standards; approval of an advanced public employee retirement system; advancements in highway construction; expansion of vocational-technical schools in Kansas; authorization of a State library consultant; improvements in the public welfare system; and reorganization of state agencies, commissions and boards.

Mr. Speaker, this legislation honoring an important Kansas leader is long overdue, and I know that my delegation colleagues look forward with me to its speedy enactment. I thank the leadership of the Government Reform Committee for bringing it before the House in such an expeditious manner, and I urge all of my colleagues to support today this legislation for my friend, Governor John Anderson of Kansas.

Ms. FOXX. Mr. Speaker, I have no other speakers at this time. I reserve the balance of my time.

□ 1445

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 4674, legislation naming the postal facility in Olathe, Kansas, after Governor John Anderson, Jr. This measure was sponsored by my colleague, Representative DENNIS MOORE, on January 31, 2006, and unanimously reported by our committee on March 9, 2006. The bill has the support and cosponsorship of the entire Kansas delegation.

Born and educated in Kansas, John Anderson became involved in local politics by winning an election for county attorney for Johnson County. He served three terms and then ran successfully for a seat in the Kansas Senate. John served as a State senator until his appointment as a attorney general, a position he held until he decided to run for Governor of Kansas.

In 1960 John was elected Governor of Kansas and served until 1964. His tenure was marked by a number of achievements, including the restructuring of the State's public school system, expansion of vocational-technical schools, and advancements in highway construction.

After serving as Governor, Mr. Anderson went back to practicing law. He remained involved in public service and is currently retired in Olathe, Kansas.

And so, Mr. Speaker, I have had the opportunity actually to see this post office, and Olathe, Kansas, is a beautiful small town, and I would urge passage of this legislation.

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

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4674, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4674.

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

A motion to reconsider was laid on the table.

RONALD BUCCA POST OFFICE

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4995) to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the ''Ronald Bucca Post Office''.

The Clerk read as follows:

H.R. 4995

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

SECTION 1. RONALD BUCCA POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, shall be known and designated as the ''Ronald Bucca Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Ronald Bucca Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 4995, offered by the distinguished gentlewoman from New York (Mrs. LOWEY), would designate the post office building in Tuckahoe, New York, as the ''Ronald Bucca Post Office.''

Ronald Bucca was nicknamed the ''Flying Fireman'' in 1986 after he fell spectacularly from a tenement fire escape, spun around a cable strung through a backyard, and lived to tell the tale. His specialty was rescuing frightened people from the smoke and flames of burning buildings during his 23 years as a firefighter. His last 9 years of service he acted as the fire marshal. He was also a former nurse and reservist in the United States Army Special Forces. Bucca was trained as an antiterrorist intelligence expert. And on September 11, 2001, Ronald Bucca responded to his call to duty and headed into the city toward the Twin Towers. In his quest to assist all those trying to flee the fiery scene that day, he lost his life on the 78th floor when the South Tower collapsed in flames.

A valuable member of the fire department and the community, Ronald Bucca is sorely missed; and it is only appropriate that we honor him by passing H.R. 4995.

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

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the distinguished gentlewoman from New York (Mrs. LOWEY), the sponsor of this legislation.

Mrs. LOWEY. Mr. Speaker, I thank the distinguished gentleman and the distinguished chairwoman for yielding me this time.

Mr. Speaker, I rise in support of this legislation, which would rename the U.S. Post Office in Tuckahoe, New York, after Ronald Bucca. I want to thank Mr. DAVIS and the other members of the Government Reform Committee for their support of this bill.

Born on May 6, 1954, Ronald Bucca spent his life in public service, defending our Nation overseas and protecting our communities here at home. Over the course of his long and distinguished career as a member of the Fire Department of New York, Ron Bucca served with Engine 95, Ladder 2, Rescue 1, the Fire Department of New York Terrorist Task Force and as a fire marshal. During his time with Rescue 1, Ron was severely injured when he fell five stories while attempting to rescue a fellow firefighter. When he triumphantly returned to work, he earned the nickname the ''Flying Fireman.''

During the 9/11 attacks, Ron Bucca was one of only two firefighters to

reach the fire floor of the South Tower. Along with Chief Palmer, Ron was stretching a hose line into the 78th floor lobby when the tower fell. Ronald Bucca was the first New York City fire marshal to be killed in the line of duty.

In addition to his brave and dedicated career protecting the people of New York, Ronald Bucca also performed heroically as a member of the Armed Forces. During Ron's military career, he spent time with the 11th Special Forces group and the Defense Intelligence Agency, serving as a Special Forces first sergeant, a member of the 101st Airborne Division, and a Special Forces group defense intelligence analyst.

For his brave service to our Nation, the military has also honored Ronald Bucca. When the 800th Military Police Brigade took command of British Enemy Holding Area Freddy in Southern Iraq, it was promptly renamed Camp Bucca.

For Ronald Bucca the military and the fire department honors were just the tip of the iceberg. He was also a licensed practical nurse, held an associate degree in OSHA and fire science from John Jay College, and had a bachelor of science degree in public safety from Mercy College.

For over 20 years Ron and his wife, Eve, made Tuckahoe, New York, their home. Ron was actively involved in his children's education and encouraged their involvement in the Boy Scouts and various other activities.

I believe Ronald Bucca's life can most appropriately be described by those who knew him best, his children. They spoke of him this way: ''He was a fireman, a soldier, a nurse, a walking encyclopedia of knowledge, and an adventurer. But most of all, he was one of our best friends and an incredible dad.''

Mr. Speaker, Ronald Bucca was a hero in every sense of the word, and I urge my colleagues to join me in honoring him by passing this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, it is difficult to improve upon such an eloquent statement.

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

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4995, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4995.

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

A motion to reconsider was laid on the table.

LT MICHAEL P. MURPHY POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4101) to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''LT Michael P. Murphy Post Office Building''.

The Clerk read as follows:

H.R. 4101

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

SECTION 1. LIEUTENANT MICHAEL P. MURPHY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, shall be known and designated as the ''Lieutenant Michael P. Murphy Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lieutenant Michael P. Murphy Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 4101, offered by the distinguished gentleman from New York (Mr. BISHOP), would designate the post office building in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building.''

Lt. Michael P. Murphy was a true hero in every sense of the word. At the age of 29, Lieutenant Murphy and three of his Navy SEAL comrades were killed during an ambush by Taliban insurgents while serving our country in Afghanistan. Lieutenant Murphy will not be forgotten, as he was universally loved and admired. In fact, his Navy SEAL commanding officer remembers him as being ''a very focused young man with a terrific attitude, quiet intensity and determination.''

Lieutenant Murphy graduated from Penn State University; and after his military service, he planned to attend law school and was engaged to be married. He truly enjoyed life. As his father recalls, ''He squeezed more life in 29 years than I will ever see.''

I ask all Members to come together and honor this brave young man for his service to this country.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. BISHOP), the sponsor of this legislation.

Mr. BISHOP of New York. Mr. Speaker, I thank Mr. DAVIS for yielding.

Mr. Speaker, I rise in strong support of H.R. 4101, which I proudly introduced last October on behalf of all 29 members of the New York delegation in the House.

Our bill names the U.S. Post Office on 170 East Main Street in Patchogue, New York, in honor of a fallen neighbor and decorated hero of the United States Navy's elite Sea-Air-Land forces, Lt. Michael P. Murphy, who was killed in action on the evening of June 28, 2005, while tracking insurgent Taliban and al Qaeda movements in the mountains of the Kubar province of Afghanistan.

For his valor and sacrifice, Lieutenant Murphy was posthumously awarded the Silver Star and the Purple Heart. Approaching the first anniversary of the deaths of Lieutenant Murphy and his fellow SEALs, it is appropriate for this House to once again express the solemn appreciation of a grateful Nation for their sacrifices and to share this tribute with their families.

Mr. Speaker, my colleagues will recall the tragic images from around the last July 4 holiday when it was first reported that U.S. Army helicopters carrying two teams of Special Forces, known as the ''Night Stalkers,'' who were attempting a daring rescue of Lieutenant Murphy's unit, were shot down by rocket-propelled grenades over the mountains in Eastern Afghanistan.

That tragic day claimed the lives of 11 SEALs and eight soldiers, representing the single deadliest attack on the U.S. military up to that point in the global war on terror. The Naval Special Warfare Command later confirmed that it was also the single largest loss of life in the history of the Navy SEALs, the smallest of our intrepid Special Operations Forces.

Nearly a thousand people attended Lieutenant Murphy's memorial service at our Lady of Mount Carmel Catholic Church in Patchogue. His parents, Daniel and Maureen, spoke of how their extraordinary son's boundless enthusiasm, generosity, and determination made them so proud of him through the short years they had together. Remembered not only for his courage and for the ultimate sacrifice Lieutenant Murphy made for this country, he will also be admired in our community as one of its favorite sons. At Patchogue-Medford High School, he was an excellent student, awarded by the National Honor Society and accepted to Penn State University, where he majored in political science. He played varsity football, life-guarded along the beaches of Long Island during the summers, and, after graduating from Penn State University, chose the Navy over offers from two law schools.

Like the impeccable reputation he earned in the eyes of the community of Patchogue, Lieutenant Murphy's brilliant naval record reflects his courage, diligence, and steadfast dedication.

With firm resolve and a robust drive toward perfection, he was determined to exceed the SEALs' rigorous physical requirements and was known to perform chin-ups wearing full body armor to stay in shape.

□ 1500

Still, he took the time each day during his deployment to stay in touch with his family and his fiance, Heather, whom he would have married upon his anticipated return last fall. Through it all, he comforted them with a cheerful outlook and a sense of humor.

Although under the most unfortunate circumstances, I am proud to have come to know the Murphy family over the past year and feel privileged to represent them. Today, it is entirely appropriate that we pay tribute to their son by naming the post office on East Main Street in his hometown in his honor.

On behalf of Eastern Long Island, I thank all of my colleagues in the New York delegation for cosponsoring H.R. 4101, and appreciate the leadership's decision to call this bill to the floor. By passing this legislation, the Murphy family will know that they are in our thoughts and prayers and that our Nation will always honor the memory of their son.

Accordingly, Mr. Speaker, I urge my colleagues to support H.R. 4101.

I thank my colleague from North Carolina for her support of this measure, and I thank the gentleman for yielding.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I am pleased to join my colleagues in consideration of H.R. 4101, legislation naming the postal facility in Patchogue, New York, after LT Michael P. Murphy.

This measure was sponsored by Representative TIMOTHY BISHOP of New York on October 20, 2005, and unanimously reported by our committee on November 16, 2005. The bill, of course, has the support and cosponsorship of the entire New York delegation.

Michael Murphy of Patchogue, New York, was a 29-year-old lieutenant serving with a four-man SEAL reconnaissance team that called for help when his SEAL team was ambushed by Taliban fighters in Kunar Province, Afghanistan, on June 28, 2005. His remains were found during a combat search and rescue operation on July 4, 2005. Lieutenant Murphy was assigned to SEAL Delivery Vehicle Team One, Pearl Harbor, I Hawaii.

Michael Murphy was a graduate of Patchogue-Medford High School in New York and Penn State university. He chose to defer law school until he had completed his tour of duty.

Mr. Speaker, I commend my colleague for seeking to honor the ultimate sacrifice of this war hero by dedicating the Patchogue Post Office in his honor. I urge swift passage of this legislation.

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

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4101, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4101.

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

A motion to reconsider was laid on the table.

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3351) to make technical corrections to laws relating to Native Americans, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Technical Corrections Act of 2006''.

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

Sec. 1. Short title; table of contents.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Sec. 101. Alaska Native Claims Settlement Act technical amendment.
Sec. 102. ANCSA amendment.
Sec. 103. Mississippi Band of Choctaw transportation reimbursement.
Sec. 104. Fallon Paiute Shoshone tribes settlement.

TITLE II—INDIAN LAND LEASING

Sec. 201. Prairie Island land conveyance.
Sec. 202. Authorization of 99-year leases.
Sec. 203. Certification of rental proceeds.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

Sec. 301. National Indian Gaming Commission funding amendment.

TITLE IV—INDIAN FINANCING

Sec. 401. Indian Financing Act Amendments.

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT

Sec. 501. Clarification of provisions and amendments relating to inheritance of Indian lands.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

SEC. 101. ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENT.

(a)(1) Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–7; 117 Stat. 278; February 20, 2003) is amended—

(A) in the matter preceding paragraph (1), by striking ''Section 1629b of title 43, United States Code,'' and inserting ''Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b)'';

(B) in paragraph (2), by striking ''by creating the following new subsection:'' and inserting ''in subsection (d), by adding at the end the following:''; and

(C) in paragraph (3), by striking ''by creating the following new subsection:'' and inserting ''by adding at the end the following:''.

(2) Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended in subsection (f), by striking ''section 1629e of this title'' and inserting ''section 39''.

(b)(1) Section 337(b) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–7; 117 Stat. 278; February 20, 2003) is amended by striking ''Section 1629e(a)(3) of title 43, United States Code,'' and inserting ''Section 39(a)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3))''.

(2) Section 39(a)(3)(B)(ii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3)(B)(ii)) is amended by striking ''(a)(4) of section 1629b of this title'' and inserting ''section 36(a)(4)''.

(c) The amendments made by this section take effect on February 20, 2003.

SEC. 102. ANCSA AMENDMENT.

All land and interests in land in the State of Alaska conveyed by the Federal Government under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to a Native Corporation and reconveyed by that Native Corporation, or a successor in interest, in exchange for any other land or interest in land in the State of Alaska and located within the same region (as defined in section 9(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1608(a)), to a Native Corporation under an exchange or other conveyance, shall be deemed, notwithstanding the conveyance or exchange, to have been conveyed pursuant to that Act.

SEC. 103. MISSISSIPPI BAND OF CHOCTAW TRANSPORTATION REIMBURSEMENT.

The Secretary of the Interior is authorized and directed, within the 3-year period beginning on the date of enactment of this Act, to accept funds from the State of Mississippi pursuant to the contract signed by the Mississippi Department of Transportation on June 7, 2005, and by the Mississippi Band of Choctaw Indians on June 2, 2005. The amount shall not exceed $776,965.30 and such funds shall be deposited in the trust account numbered PL7489708 at the Office of Trust Funds Management for the benefit of the Mississippi Band of Choctaw Indians. Thereafter, the tribe may draw down these moneys from this trust account by resolution of the Tribal Council, pursuant to Federal law and regulations applicable to such accounts.

SEC. 104. FALLON PAIUTE SHOSHONE TRIBES SETTLEMENT.

(a) SETTLEMENT FUND.—Section 102 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3289) is amended—

(1) in subsection (C)—

(A) in paragraph (1)—

(i) by striking the matter preceding subparagraph (a) and inserting the following: ''Notwithstanding any conflicting provision in the original Fund plan during Fund fiscal year 2006 or any subsequent Fund fiscal year, 6 percent of the average quarterly market value of the Fund during the immediately preceding 3 Fund fiscal years (referred to in this title as the 'Annual 6 percent Amount'), plus any unexpended and unobligated portion of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may be expended or obligated only for the following purposes:''; and

(ii) by adding at the end the following:

''(g) Fees and expenses incurred in connection with the investment of the Fund, for investment management, investment consulting, custodianship, and other transactional services or matters.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) No monies from the Fund other than the amounts authorized under paragraphs (1) and (3) may be expended or obligated for any purpose.

''(5) Notwithstanding any conflicting provision in the original Fund plan, during Fund fiscal year 2006 and during each subsequent Fund fiscal year, not more than 20 percent of the Annual 6 percent Amount for the Fund fiscal year (referred to in this title as the 'Annual 1.2 percent Amount') may be expended or obligated under paragraph (1)(c) for per capita distributions to tribal members, except that during each Fund fiscal year subsequent to Fund fiscal year 2006, any unexpended and unobligated portion of the Annual 1.2 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may also be expended or obligated for such per capita payments.''; and

(2) in subsection (D), by adding at the end the following: ''Notwithstanding any conflicting provision in the original Fund plan, the Fallon Business Council, in consultation with the Secretary, shall promptly amend the original Fund plan for purposes of conforming the Fund plan to this title and making nonsubstantive updates, improvements, or corrections to the original Fund plan.''.

(b) DEFINITIONS.—Section 107 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3293) is amended—

(1) by redesignating subsections (D), (E), (F), and (G) as subsections (F), (G), (H), and (I), respectively; and

(2) by striking subsections (B) and (C) and inserting the following:

''(B) the term 'Fund fiscal year' means a fiscal year of the Fund (as defined in the Fund plan);

''(C) the term 'Fund plan' means the plan established under section 102(F), including the original Fund plan (the 'Plan for Investment, Management, Administration and Expenditure dated December 20, 1991') and all amendments of the Fund plan under subsection (D) or (F)(1) of section 102;

''(D) the term 'income' means the total net return from the investment of the Fund, consisting of all interest, dividends, realized and unrealized gains and losses, and other earnings, less all related fees and expenses incurred for investment management, investment consulting, custodianship and transactional services or matters;

''(E) the term 'principal' means the total amount appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(B);''.

TITLE II—INDIAN LAND LEASING

SEC. 201. PRAIRIE ISLAND LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

(1) held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

(b) LAND DESCRIPTION.—The land to be conveyed under subsection (a) is the approximately 1290 acres of land associated with the Lock and Dam #3 on the Mississippi River in Goodhue County, Minnesota, located in tracts identified as GO–251, GO–252, GO–271, GO–277, GO–278, GO–284, GO–301 through GO–313, GO–314A, GO–314B, GO–329, GO–330A, GO–330B, GO–331A, GO–331B, GO–331C, GO–332, GO–333, GO–334, GO–335A, GO–335B, GO–336 through GO–338, GO–339A, GO–339B, GO–339C, GO–339D, GO–339E, GO–340A, GO–340B, GO–358, GO–359A, GO–359B, GO–359C, GO–359D, and GO–360, as depicted on the map entitled ''United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights'' and dated December 1936.

(c) BOUNDARY SURVEY.—Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

(d) EASEMENT.—

(1) IN GENERAL.—The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.0.

(2) INCLUSIONS.—The easement retained under paragraph (1) includes—

(A) the perpetual right to overflow, flood, and submerge property as the District Engineer determines to be necessary in connection with the operation and maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) OWNERSHIP OF STURGEON LAKE BED UNAFFECTED.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) CONDITIONS.—The conveyance under subsection (a) is subject to the conditions that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation;

(2) construct any structure on the land without the written approval of the District Engineer; or

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) EFFECT OF SECTION.—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled ''United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights'' and dated December 1936.

SEC. 202. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence—

(1) by striking ''Moapa Indian reservation'' and inserting ''Moapa Indian Reservation'';

(2) by inserting ''the Confederated Tribes of the Umatilla Indian Reservation,'' before ''the Burns Paiute Reservation'';

(3) by inserting ''the'' before ''Yavapai-Prescott'';

(4) by inserting ''the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe,'' after ''the Cabazon Indian Reservation,'';

(5) by striking ''lands comprising the Moses Allotment Numbered 10, Chelan County, Washington,,'' and inserting ''the lands comprising the Moses Allotment Numbered 8 and the Moses Allotment Numbered 10, Chelan County, Washington,'';

(6) by inserting ''land held in trust for the Prairie Band Potawatomi Nation,'' before ''lands held in trust for the Cherokee Nation of Oklahoma'';

(7) by inserting ''land held in trust for the Fallon Paiute Shoshone Tribes,'' before ''lands held in trust for the Pueblo of Santa Clara''; and

(8) by inserting ''land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria,'' after ''Pueblo of Santa Clara,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

SEC. 203. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under the first section of the Act entitled ''An Act to provide for loans to Indian tribes and tribal corporations, and for other purposes'' (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

SEC. 301. NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT.

(a) POWERS OF THE COMMISSION.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended by adding at the end the following:

''(d) APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.—

''(1) IN GENERAL.—In carrying out any action under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

''(2) PLANS.—In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.''.

(b) COMMISSION FUNDING.—Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act.''.

TITLE IV—INDIAN FINANCING

SEC. 401. INDIAN FINANCING ACT AMENDMENTS.

(a) IN GENERAL.—Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended—

(1) by striking ''SEC. 201. In order'' and inserting the following:

''SEC. 201. LOAN GUARANTIES AND INSURANCE.

''(a) IN GENERAL.—In order'';

(2) by striking ''the Secretary is authorized (a) to guarantee'' and inserting ''the Secretary may—

''(1) guarantee'';

(3) by striking ''members; and (b) in lieu of such guaranty, to insure'' and inserting ''members; or

''(2) insure''; and

(4) by adding at the end the following:

''(b) ELIGIBLE BORROWERS.—The Secretary may guarantee or insure loans under subsection (a) to both for-profit and nonprofit borrowers.''.

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian

Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking ''SEC. 205.'' and all that follows through subsection (b) and inserting the following:

''SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.

''(a) IN GENERAL.—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—

''(1) may be transferred by the lender by sale or assignment to any person; and

''(2) may be retransferred by the transferee.

''(b) TRANSFERS OF LOANS.—With respect to a transfer described in subsection (a)—

''(1) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (h); and

''(2) the transferee shall give notice of the transfer to the Secretary.'';

(2) by striking subsection (c);

(3) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (c) (as redesignated by paragraph (3)), by striking paragraph (2) and inserting the following:

''(2) VALIDITY.—Except as provided in regulations in effect on the date on which a loan is made, the validity of a guarantee or insurance of a loan under this title shall be incontestable.'';

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) COMPENSATION OF FISCAL TRANSFER AGENT.—A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders.''; and

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking ''subsection (i)'' and inserting ''subsection (h)''; and

(B) in paragraph (2)(B), by striking '', and issuance of acknowledgments,''.

(c) LOANS INELIGIBLE FOR GUARANTY OR INSURANCE.—Section 206 of the Indian Financing Act of 1974 (25 U.S.C. 1486) is amended by inserting ''(not including an eligible Community Development Finance Institution)'' after ''Government''.

(d) AGGREGATE LOANS OR SURETY BONDS LIMITATION.—Section 217(b) of the Indian Financing Act of 1974 (25 U.S.C. 1497(b)) is amended by striking ''$500,000,000'' and inserting ''$1,500,000,000''.

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT

SEC. 501. CLARIFICATION OF PROVISIONS AND AMENDMENTS RELATING TO INHERITANCE OF INDIAN LANDS.

(a) CLARIFICATIONS RELATING TO APPLICABLE LAWS.—

(1) IN GENERAL.—Section 207(g)(2) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''described in paragraph (1)'' and inserting ''specified in paragraph (1)''; and

(B) in subparagraph (B), by striking ''identified in Federal law'' and inserting ''identified in such law''.

(2) LIMITATION ON EFFECT OF PARAGRAPH.—Section 207(g) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)) is amended by striking paragraph (3) and inserting the following:

''(3) LIMITATION ON EFFECT OF PARAGRAPH.—Except to the extent that this Act would amend or otherwise affect the application of a Federal law specified or described in paragraph (1) or (2), nothing in paragraph (2) limits the application of this Act to trust or restricted land, interests in such land, or any other trust or restricted interests or assets.''.

(b) TRANSFER AND EXCHANGE; LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—

(1) TRANSFER AND EXCHANGE OF LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended to read as follows:

''SEC. 4. TRANSFER AND EXCHANGE OF RESTRICTED INDIAN LANDS AND SHARES OF INDIAN TRIBES AND CORPORATIONS.

''Except as provided in this Act, no sale, devise, gift, exchange, or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized under this Act shall be made or approved: Provided, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived, or to a successor corporation; Provided further, That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 25 U.S.C. 2201 note), lands and shares described in the preceding proviso shall descend or be devised to any member of an Indian tribe or corporation described in that proviso or to an heir or lineal descendant of such a member in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), including a tribal probate code approved, or regulations promulgated under, that Act: Provided further, That the Secretary of the Interior may authorize any voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in the judgment of the Secretary, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.''.

(2) LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348) is amended in the second proviso by striking ''That'' and inserting ''That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1810),''.

(3) EFFECTIVE DATES.—Section 8 of the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; 118 Stat. 1809) is amended by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act apply on and after the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

''(2) EXCEPTIONS.—The following provisions of law apply as of the date of enactment of this Act:

''(A) Subsections (e) and (f) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as amended by this Act).

''(B) Subsection (g) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as in effect on March 1, 2006).

''(C) The amendments made by section 4, section 5, paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), and (11) of section 6(a), section 6(b)(3), and section 7 of this Act.''.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1773).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the CONGRESSIONAL RECORD on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3351 addresses a number of minor, non-controversial tribal issues in one legislative package. H.R. 3351 contains 10 provisions to assist tribes with matters that are relatively small in nature but very important to Native Americans across our country.

Specifically, this legislation will make technical corrections to laws relating to Native Americans and Alaska Natives by reauthorizing certain Native American programs, clarifying statutes relating to particular Indian tribes and approving 99-year land leases for certain tribal lands.

The Senate amendment adds four provisions to the previous House-passed bill. The substitute adjusts the interest formula for the Fallon Paiute Shoshone tribal water settlement trust fund, increases the funding formula for the National Indian Gaming Commission, certifies rental proceeds for Indian-leased land and makes technical corrections to clarify provisions and amendments in the American Indian Probate Reform Act of 2004.

Each year, Congress passes a bill like this relating to technical corrections, and thankfully we have been able to utilize the consultation of many tribal leaders in examining this legislation.

I would like to thank Senator MCCAIN, chairman of the Senate Indian Affairs Committee, for working with our committee to craft a bipartisan and effective piece of legislation that will make a world of difference to the Native American community. I ask support for the measure.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, as the majority has stated, this noncontroversial bill makes technical amendments to a variety of laws relating to Native Americans and Alaska Natives. The House passed H.R. 3351 last year on the suspension calendar, and the legislation now before us reflects changes made by the Senate. I urge all of our colleagues to support passage of H.R. 3351.

Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time and urge Members to support the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3351.

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

A motion to reconsider was laid on the table.

SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2720) to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

The Clerk read as follows:

H.R. 2720

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 ''Salt Cedar and Russian Olive Control Demonstration Act''.

SEC. 2. SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this Act as the ''Secretary''), acting through the Commissioner of Reclamation and the Director of the United States Geological Survey and in cooperation with the Secretary of Agriculture and the Secretary of Defense, shall carry out a salt cedar (Tamarix spp) and Russian olive (Elaeagnus angustifolia) assessment and demonstration program—

(1) to assess the extent of the infestation by salt cedar and Russian olive trees in the western United States;

(2) to demonstrate strategic solutions for—

(A) the long-term management of salt cedar and Russian olive trees; and

(B) the reestablishment of native vegetation; and

(3) to assess economic means to dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(b) MEMORANDUM OF UNDERSTANDING.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the administration of the program established under subsection (a).

(c) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary shall complete an assessment of the extent of salt cedar and Russian olive infestation on public and private land in the western United States.

(2) REQUIREMENTS.—In addition to describing the acreage of and severity of infestation by salt cedar and Russian olive trees in the western United States, the assessment shall—

(A) consider existing research on methods to control salt cedar and Russian olive trees;

(B) consider the feasibility of reducing water consumption by salt cedar and Russian olive trees;

(C) consider methods of and challenges associated with the revegetation or restoration of infested land; and

(D) estimate the costs of destruction of salt cedar and Russian olive trees, related biomass removal, and revegetation or restoration and maintenance of the infested land.

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources and the Committee on Agriculture of the House of Representatives a report that includes the results of the assessment conducted under paragraph (1).

(B) CONTENTS.—The report submitted under subparagraph (A) shall identify—

(i) long-term management and funding strategies identified under subsection (d) that could be implemented by Federal, State, tribal, and private land managers and owners to address the infestation by salt cedar and Russian olive;

(ii) any deficiencies in the assessment or areas for additional study; and

(iii) any field demonstrations that would be useful in the effort to control salt cedar and Russian olive.

(d) LONG-TERM MANAGEMENT STRATEGIES.—

(1) IN GENERAL.—The Secretary shall identify and document long-term management and funding strategies that—

(A) could be implemented by Federal, State, tribal, and private land managers in addressing infestation by salt cedar and Russian olive trees; and

(B) should be tested as components of demonstration projects under subsection (e).

(2) GRANTS.—

(A) IN GENERAL.—The Secretary may provide grants to eligible entities to provide technical experience, support, and recommendations relating to the identification and documentation of long-term management and funding strategies under paragraph (1).

(B) ELIGIBLE ENTITIES.—Institutions of higher education and nonprofit organizations with an established background and expertise in the public policy issues associated with the control of salt cedar and Russian olive trees shall be eligible for a grant under subparagraph (A).

(C) MINIMUM AMOUNT.—The amount of a grant provided under subparagraph (A) shall be not less than $250,000.

(e) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall establish a program that selects and funds not less than 5 projects proposed by and implemented in collaboration with Federal agencies, units of State and local government, national laboratories, Indian tribes, institutions of higher education, individuals, organizations, or soil and water conservation districts to demonstrate and evaluate the most effective methods of controlling salt cedar and Russian olive trees.

(2) PROJECT REQUIREMENTS.—The demonstration projects under paragraph (1) shall—

(A) be carried out over a time period and to a scale designed to fully assess long-term management strategies;

(B) implement salt cedar or Russian olive tree control using 1 or more methods for each project in order to assess the full range of control methods, including—

(i) airborne application of herbicides;

(ii) mechanical removal; and

(iii) biocontrol methods, such as the use of goats or insects;

(C) individually or in conjunction with other demonstration projects, assess the effects of and obstacles to combining multiple control methods and determine optimal combinations of control methods;

(D) assess soil conditions resulting from salt cedar and Russian olive tree infestation and means to revitalize soils;

(E) define and implement appropriate final vegetative states and optimal revegetation methods, with preference for self-maintaining vegetative states and native vegetation, and taking into consideration downstream impacts, wildfire potential, and water savings;

(F) identify methods for preventing the regrowth and reintroduction of salt cedar and Russian olive trees;

(G) monitor and document any water savings from the control of salt cedar and Russian olive trees, including impacts to both groundwater and surface water;

(H) assess wildfire activity and management strategies;

(I) assess changes in wildlife habitat;

(J) determine conditions under which removal of biomass is appropriate (including optimal methods for the disposal or use of biomass); and

(K) assess economic and other impacts associated with control methods and the restoration and maintenance of land.

(f) DISPOSITION OF BIOMASS.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall complete an analysis of economic means to use or dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(2) REQUIREMENTS.—The analysis shall—

(A) determine conditions under which removal of biomass is economically viable;

(B) consider and build upon existing research by the Department of Agriculture and other agencies on beneficial uses of salt cedar and Russian olive tree fiber; and

(C) consider economic development opportunities, including manufacture of wood products using biomass resulting from demonstration projects under subsection (e) as a means of defraying costs of control.

(g) COSTS.—

(1) IN GENERAL.—With respect to projects and activities carried out under this Act—

(A) the assessment under subsection (c) shall be carried out at a cost of not more than $4,000,000;

(B) the identification and documentation of long-term management strategies under subsection (d)(1) and the provision of grants under subsection (d)(2) shall be carried out at a cost of not more than $2,000,000;

(C) each demonstration project under subsection (e) shall be carried out at a Federal cost of not more than $7,000,000 (including costs of planning, design, implementation, maintenance, and monitoring); and

(D) the analysis under subsection (f) shall be carried out at a cost of not more than $3,000,000.

(2) COST-SHARING.—

(A) IN GENERAL.—The assessment under subsection (c), the identification and documentation of long-term management strategies under subsection (d), a demonstration project or portion of a demonstration project under subsection (e) that is carried out on Federal land, and the analysis under subsection (f) shall be carried out at full Federal expense.

(B) DEMONSTRATION PROJECTS CARRIED OUT ON NON-FEDERAL LAND.—

(i) IN GENERAL.—The Federal share of the costs of any demonstration project funded under subsection (e) that is not carried out on Federal land shall not exceed 75 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the costs of a demonstration project that is not carried out on Federal land may be provided in the form of in-kind contributions, including services provided by a State agency or any other public or private partner.

(h) COOPERATION.—In carrying out the assessment under subsection (c), the demonstration projects under subsection (e), and the analysis under subsection (f), the Secretary shall cooperate with and use the expertise of Federal agencies and the other entities specified in subsection (e)(1) that are actively conducting research on or implementing salt cedar and Russian olive tree control activities.

(i) INDEPENDENT REVIEW.—The Secretary shall subject to independent review—

(1) the assessment under subsection (c);

(2) the identification and documentation of long-term management strategies under subsection (d);

(3) the demonstration projects under subsection (e); and

(4) the analysis under subsection (f).

(j) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit to Congress an annual report that describes the results of carrying out this Act, including a synopsis of any independent review under subsection (i) and details of the manner and purposes for which funds are expended.

(2) PUBLIC ACCESS.—The Secretary shall facilitate public access to all information that results from carrying out this Act.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(A) $20,000,000 for fiscal year 2006; and

(B) $15,000,000 for each of fiscal years 2007 through 2010.

(2) ADMINISTRATIVE COSTS.—Not more 15 percent of amounts made available under paragraph (1) shall be used to pay the administrative costs of carrying out the program established under subsection (a).

(l) TERMINATION OF AUTHORITY.—This Act and the authority provided by this Act terminate on the date that is 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2720 would further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior to carry out assessment and demonstration programs to control salt cedar and Russian olive.

Salt cedar and Russian olive are small, deciduous harmful trees widely distributed along riparian areas in the Western United States, particularly along the Colorado, Rio Grande, Pecos and Gila Rivers. They are known both for their phenomenal reproductive output and their ability to deplete scarce water resources. According to experts, one salt cedar tree can absorb 300 gallons a day. In fact, studies have shown that salt cedar dries up 800 billion gallons more water per year than the native cottonwood tree that it is replacing. Given these facts, most can agree that controlling salt cedar and Russian olive is important for water salvage, riparian restoration, salinity control, wildfire control and habitat restoration.

H.R. 2720 will begin to address these problems by providing sound science and in turn developing and expanding on innovative approaches to control these harmful weeds. I urge adoption of the bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may control.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, at the outset, let me congratulate my fellow New Mexican, Representative STEVE PEARCE, for his leadership on this issue. I am also proud to be a cosponsor of his legislation.

H.R. 2720 creates a research program to control two invasive shrubs: the salt cedar and the Russian olive. Introduced in the 19th century, both the salt cedar and the Russian olive flourish in a variety of soil types and tolerate shade well. Unfortunately, these invasive plants have invaded many streams across the West, forcing out native cottonwoods. Because the salt cedar and Russian olive utilize more water than native plants, their presence along streams is disrupting to water flow and water availability. H.R. 2720 will create both research and pilot programs to study effective control and long-term management of these shrubs. I am pleased to be a cosponsor of H.R. 2720.

I would also like to recognize my colleagues Representative MARK UDALL, Representative JOHN SALAZAR and Representative STEPHANIE HERSETH, who are all cosponsors of this important legislation.

Mr. Speaker, we support H.R. 2720.

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

Mr. PEARCE. I thank the gentleman for his support for the bill and his hard work on the bill, and I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to a hard-working member of the Agriculture Committee who has been a leader on invasive species issues, the gentleman from Colorado (Mr. SALAZAR).

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

Mr. SALAZAR. Mr. Speaker, I would like to thank both gentlemen from New Mexico.

I rise today in support of the Salt Cedar and Russian Olive Control Demonstration Act and urge swift passage of the measure. I would like to recognize Representative PEARCE and other cosponsors of the bill for their leadership in this desperately needed legislation.

Mr. Speaker, the Southwestern United States is experiencing another severe drought and water is going to be in short supply again, as it has been in the last few years. This legislation will help to address our western water needs.

The salt cedar, or tamarisk plant, consumes large quantities of water, upwards of 200 gallons per day per plant. This is a non-native species that needs to be removed from our Nation's rivers and stream beds. It is estimated that these invasive plants occupy up to 1.6 million acres.

According to the Tamarisk Coalition of the Western United States, we are probably losing between 2 to 4.5 million acre feet of water per year. This would be enough water for 20 million people, or 1 million acres of irrigated farmland.

The tamarisk is a very difficult plant to control, and there are already efforts under way in Colorado and other Western States to control it. This legislation will help these folks by providing the necessary funding to look at better ways to control this species. By passing this bill, it will help Western States deal with drought concerns and continued growth. It benefits all water users in the West.

Just recently, the seven basin States of the Colorado River reached an agreement on how to manage the River. One section that the parties agreed upon was control of this invasive species. This bill will help these States meet their objectives.

Mr. Speaker, this legislation is vital to the West, and I urge my colleagues to support passage of this bill.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 2720, the Salt Cedar and Russian Olive Control Demonstration Act.

Riparian lands in the western U.S. have been severely affected by many activities and actions, including the salt cedar plant. In my district and throughout much of the Rio Grande River Basin we are plagued with this invasive species.

This deciduous shrub or small tree from Eurasia has displaced native vegetation on approximately 1.6 million acres of land in the West and will continue to spread. Although salt cedar is the "poster child" of non-native plants impacting western rivers, other non-natives, such as Russian olive, cohabit with salt cedar and are important to control in order to restore riparian health.

Salt cedar thickets harm the surrounding environment by narrowing and channelizing streams and rivers; displacing native vegetation such as cottonwoods, willows, and adjacent dryland plant communities; providing poor habitat for livestock, wild animals, and birds;

increasing wildfire hazards; and limiting human use of the waterways.

While each of these points is important to one or more constituencies, the single most critical problem is that salt cedar steals water. The West may be losing 2 million to 4.5 million acre-feet of water per year due to the presence of salt cedar, which is beyond what native plants would likely use. The water needs of 20 million people or one million acres of irrigated farmland could be met with that amount of water.

Mr. Speaker, H.R. 2720 would address this problem by requiring the Commissioner of the Bureau of Reclamation and the Director of the U.S. Geological Survey, in association with the Secretary of Agriculture and the Secretary of Defense, to create and deploy an assessment and demonstration program for salt cedar and Russian olive.

This program would first assess the extent of the infestation of both species in the western U.S., develop and demonstrate strategic solutions for long-term management and funding strategies of salt cedar and Russian olive and the reestablishment of native vegetation, and assess the economic means to dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

Mr. Speaker, H.R. 2720 is essential to dealing with the salt cedar and Russian olive problem in the West, and I ask my colleagues to join me in supporting this much-needed legislation.

Mr. UDALL of New Mexico. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, again I express my appreciation to Mr. UDALL from New Mexico for his hard work and support of this bill.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time, requesting all Members to support H.R. 2720.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2720.

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

A motion to reconsider was laid on the table.

□ 1515

DANA POINT DESALINATION PROJECT AUTHORIZATION ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3929) to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California, as amended.

The Clerk read as follows:

H.R. 3929

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 ''Dana Point Desalination Project Authorization Act''.

SEC. 2. AUTHORIZATION FOR DANA POINT DESALINATION PROJECT.

The Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by adding at the end the following new section:

''SEC. 10. DANA POINT DESALINATION RESEARCH AND FEASIBILITY RELATED COSTS.

''(a) AUTHORITY.—The Secretary may assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

''(b) FEDERAL SHARE.—Notwithstanding section 7, the Federal share of the costs for the project assisted under subsection (a) shall not exceed 25 percent of the total costs of the project.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary $2,500,000 to carry out this section.

''(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3929, introduced by our distinguished colleague, KEN CALVERT, authorizes Federal participation in a unique desalination research and development project in Southern California.

Water consumers in that area of the State depend on imported water, and local efforts are being undertaken to develop nearby water supplies to reduce this dependence.

Desalination and water recycling are some of the most important ways to create new local water supplies. This legislation provides limited Federal assistance to develop a unique subsurface ocean water collection system that can reduce desalination's cost and eliminate impacts on the environment.

This project will not only help Southern California, but could also be a model for future desalination operations nationwide. I urge my colleagues to support this bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, we support passage of H.R. 3929. We need to do more, not less, to help communities that are working to apply new technologies to their water supply problems. This bill provides limited financial assistance for engineering and environmental studies. It does not authorize funds for construction.

The project sponsors are exploring the feasibility of an ocean water desalinization plant using subsurface intake wells, which are protective of the marine environment. If this design is successful, it could encourage other coastal communities that are considering ocean desalinization as a way to stretch their limited water supplies without causing damage to marine life.

It is unfortunate that the Bush administration opposes this bill. Their opposition to H.R. 3929 is short-sighted and ill advised. This administration appears to be on a crusade against the use of innovative technologies to help solve water supply problems.

I hope the bill will be enacted despite their objections.

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

Mr. PEARCE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I thank the gentleman from New Mexico for yielding me time.

Mr. Speaker, I have some familiarity with the project, since it is located in the district which I have the privilege to represent. Water is an issue. It is an issue in the West; it is an issue in California.

We will probably be dealing this week and over the next few weeks and perhaps months with some of the issues of a shortage of various energy projects. We can avoid shortages in water if we work on it early, if we get on some of these projects now.

What this project does, as both the previous speakers indicated, is it is not just something that is good for the district I represent or the area I represent, but is in fact a test project for this new type of desalinization, where you are getting the water, rather than directly out of the ocean on the coast, you are actually bringing the water out underneath the sand, and then back to a desalinization plant, which is off the coast.

That is why it does not have the negative environmental impacts putting a plant directly on the coast right against the water would be. But, also, the sand itself has the effect, we believe, of filtering this water on its way to the desalinization plant, which both reduces the cost, reduces the waste that is created in desalinization, and possibly, we believe, makes the project considerably more efficient and therefore cheaper.

So what this project, if it is successful, will do is it will create desalinization that will be both less impactful on the environment, result in a higher

yield of usable water, and be cheaper along the way. So something that is good for all sides.

The Federal involvement here would only be 25 percent of the entire project, as 75 percent of the cost is being carried by local public agencies. So I appreciate the support on both sides of the aisle for this project and would urge its passage.

Mr. CALVERT. Mr. Speaker, I rise today in support of H.R. 3929, the Dana Point Desalination Project Authorization Act. My legislation will authorize Federal participation in a relatively small ocean desalination project that could have an enormous impact on the future development of desalination projects.

As our country continues to look for new sources of water, particularly in the West, the expansion of our desalinated ocean water capability is essential. While extensively utilized in other parts of the world, most notably in the Middle East, the U.S. has only recently begun to consider large-scale ocean water desalination projects. There are a number of factors that have limited the viability of desalination projects. The major issues confronting ocean desalination are the cost of producing potable water and the potential negative impacts on ocean ecosystems.

The Dana Point Desalination Project is not a typical ocean desalination project. The project will use a unique subsurface ocean intake system that will collect water that naturally seeps through the ocean floor. The system provides a number of benefits over traditional intake systems, including removing the negative impacts on marine life as well as potentially reducing the need for extensive pretreatment filtration. If constructed and successful, the system would remove various concerns expressed by environmental advocates as well as improve the feasibility of future ocean desalination projects.

The Dana Point Desalination Project, to the best of my knowledge, is the only ocean desalination project supported by the Surfrider Foundation. Their support is a direct result of the unique subsurface intake technology that avoids negative impacts to the marine ecosystem. I would like to submit a letter form the Surfrider Foundation detailing their support for the Dana Point project for the record.

The Dana Point Desalination Project could have significant regional and national benefits. H.R. 3929 simply authorizes Federal participation in the project and limits the Federal obligation to $2.5 million to assist with preliminary engineering and environmental studies. No construction dollars are authorized in H.R. 3929.

I urge all of my colleagues to join me in supporting the Dana Point Desalination Project and passing H.R. 3929.

SURFRIDER FOUNDATION,
January 10, 2006.

Re Support for MWDOC Beach Well Feasibility Study.

TO WHOM IT MAY CONCERN: I am writing on behalf of the Surfrider Foundation in support of efforts by the Municipal Water District of Orange County (MWDOC) to investigate the feasibility of sub-surface beach wells to supply seawater for ocean desalination.

The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people, through conservation, activism, research and education.

In general, Surfrider Foundation believes that future demands for water supplies should first be met by fully utilizing water conservation, wastewater reclamation, and stormwater management that will capture runoff for beneficial uses. We feel very strongly that these supply alternatives combine the benefit of meeting our future water needs while simultaneously reducing polluted runoff and ocean discharges. Ocean desalination should be the lowest priority for water supply choices and only employed using the most environmentally protective methods and technology.

We are pleased to see this approach to water supply alternatives reflected in MWDOC's 2005 Urban Water Management Plan. Furthermore, we are very supportive of the measured approach MWDOC is taking toward filling a limited role for ocean desalination in their water supply portfolio. Sub-surface ''feedwater'' intakes for desalination will avoid the unnecessary destruction of marine life, and disruption of healthy marine ecosystems, that accompanies open ocean intakes.

We look forward to the results of the subsurface beach well feasibility study MWDOC is proposing in Dana Point.

Sincerely,

JOE GEEVER,
Southern California Regional Manager.

Mr. UDALL of New Mexico. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers and yield back the balance of my time and urge passage of H.R. 3929.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3929, as amended.

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

A motion to reconsider was laid on the table.

CENTRAL TEXAS WATER RECYCLING ACT OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3418) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3418

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 ''Central Texas Water Recycling Act of 2006''.

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by inserting after section 16____ the following new section:

''SEC. 16____. CENTRAL TEXAS WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Waco and other participating communities in the Central Texas Water Recycling and Reuse Project is authorized to participate in the design, planning, and construction of permanent facilities to reclaim and reuse water in McLennan County, Texas.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a).

''(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16____ the following:

''Sec. 16____. Central Texas Water Recycling and Reuse Project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3418, introduced by Congressman CHET EDWARDS, authorizes Federal participation in a water reuse project in McLennan County, Texas. As central Texas cities experience rapid population growth and increased water demand, these communities are being proactive to better utilize their existing water supplies.

This legislation is part of the effort to create new water supplies. I urge my colleagues to support this bipartisan bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. Speaker, we support passage of H.R. 3418. We commend Congressman CHET EDWARDS for his persistence and hard work to secure authorization for this important project. The city of Waco is keenly aware that additional sources of water will be required to meet future water demands.

The city has decided to meet the expected water supply shortfall in part by implementing aggressive water conservation and water recycling and reclamation programs. The water recycling project identified in this bill will be eligible for limited financial assistance under the Bureau of Reclamation's title XVI water recycling program.

Water recycling and desalinization projects are proven technologies that can help stretch limited water supplies in areas such as Texas and the West.

I want to express our full support for this legislation. I offer my congratulations to Congressman EDWARDS for his leadership.

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

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to the hardworking Member from Texas (Mr. EDWARDS), who works tirelessly for his district.

Mr. EDWARDS. Mr. Speaker, let me thank Mr. UDALL for his kind comments, and both Mr. UDALL and Mr. PEARCE for their excellent floor management of all of these bills today.

Mr. Speaker, our communities and Nation have a responsibility to be good stewards of our water resources. That is why I introduced H.R. 3418, the Central Texas Water Recycling Act of 2006. This bill will authorize Federal matching funds, 25 percent Federal, 75 percent local, to help build an innovative water recycling program partnership in my home town of Waco, Texas, and several neighboring communities in McClennan County.

Instead of wasting valuable drinking water for use in factories and on golf courses, we will be able to use lower-cost recycled wastewater for those purposes and save enough drinking water for 20,000 family households in McClennan County. The bottom line is this: being good stewards of our water supply, we will reduce water costs for businesses, save central Texas taxpayers millions of dollars, encourage economic growth in our area, and improve water quality in our central Texas rivers.

Mr. Speaker, I want to thank Chairman POMBO and ranking member RAHALL for their support of this measure, and the subcommittee chairman, Mr. RADANOVICH, the ranking subcommittee member, Mrs. NAPOLITANO, for their key role in this bill's passage. This is the kind of bipartisan effort that shows what Congress can accomplish when we work together on a bipartisan basis.

I also want to thank the mayor, city council, and staff in the cities of Waco, Lorena, Robinson, Hewitt, Woodway, Bellmead and Lacy-Lakeview for their cooperative efforts that made this bill's passage possible.

Finally, I want to extend special credit to the city of Waco, my hometown, to its city manager, Larry Groth, for his extraordinary leadership on this bill. Without his leadership, hard work and professionalism, we would not be here today. And as a citizen of Waco, I am grateful for his outstanding service to my hometown.

Mr. Speaker, I urge bipartisan passage of H.R. 3418.

Mr. UDALL of New Mexico. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I say thank you to my colleagues, Mr. EDWARDS and Mr. UDALL, for their work on this bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3418, as amended.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE PEOPLE AND GOVERNMENT OF ITALY UPON THE SUCCESSFUL COMPLETION OF THE 2006 OLYMPIC WINTER GAMES

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 697) congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy, as amended.

The Clerk read as follows:

H. RES. 697

Whereas from February 17 to February 26, 2006, Turin, Italy, hosted the 2006 Olympic Winter Games;

Whereas this is the third time Italy has hosted the Olympic Games, with the prior Winter Games having been held in 1956 in Cortina d''Ampezzo and the Summer Games having been held in 1960 in Rome;

Whereas the people of Turin and the surrounding Alpine areas have opened their hearts to the world, demonstrated their passions for sports, art, and culture, and strengthened the bonds between the city of Turin and the surrounding Alpine areas;

Whereas the city of Turin accommodated nearly 2,600 athletes, more than 2,700 trainers and escorts, 18,000 volunteers, 9,500 members of the media, and nearly 1,000,000 spectators at 7 competition sites and 3 Olympic villages;

Whereas in light of a global terror threat, Italian authorities implemented extraordinary security measures and successfully coordinated the efforts of 10,000 police officers and 2,500 Italian military personnel, providing effective and efficient protection, while also ensuring a secure and stable environment for both athletes and spectators alike;

Whereas through the stewardship of the International Olympic Committee and the Torino Olympic Organizing Committee, athletes representing 80 different countries competed in 15 disciplines of winter sport with the spirit of mutual respect and understanding, furthering the Olympic legacy of ''peace between nations, equality, fair play, loyalty and respect'';

Whereas well over 200 members of the United States Olympic Team participated in the Games and embodied the spirit of this Nation with resolve and determination and won 25 medals, including 9 gold medals;

Whereas 477 athletes from 39 countries competed for 9 days in March 2006 in Turin at the 2006 Paralympic Winter Games, which were organized in 1948 as a venue for injured World War II veterans to compete, demonstrating not an individual's disability, but rather the individual's achievements in athleticism; and

Whereas the United States Olympic Team ranked second among all nations in the number of medals won at the 2006 Olympic Winter Games and the United States Paralympic Team ranked seventh among all nations in the number of medals won at the 2006 Paralympic Winter Games: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people and Government of Italy, and specifically the people of Turin and the surrounding Alpine areas, the Torino Olympic Organizing Committee, and the International Olympic Committee on the successful completion of the 2006 Olympic Winter Games;

(2) congratulates the United States Olympic Committee, the 2006 United States Olympic and Paralympic Teams, and all international athletes for their outstanding performances at the 2006 Olympic Winter Games; and

(3) expresses gratitude to the thousands of volunteers and others who made the 2006 Olympic Winter Games exciting, safe, and successful.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today to request my colleagues' support of House Resolution 697, a resolution congratulating the people and the Government of Italy, the United States Olympic and Paralympic Teams, and other individuals and committees from around the world on the successful completion of the 20th Winter Olympic Games, which were held in Turin, Italy.

''Passion Lives Here'' was the slogan for the Italian Winter Games. The world watched the Games from the opening to the closing ceremonies and witnessed the emotion of the event that stems from thousands of athletes and trainers from every corner of the globe participating in a competition that knows no border or political dispute.

For North and South Korea to march together for the first time during a Winter Olympics opening ceremony, although these two countries are still technically at war, the hope for continued progress toward peace among many differing nations was clearly evident.

This is what the spirit of the Olympics means for all of us for a few short

weeks every 4 years. Unfortunately, Mr. Speaker, since September 11, the entire world has been transformed. Now, unprecedented levels of security are required to protect Olympic athletes and their teams from attacks.

After all, the Olympic Games were once the target of horrifying attacks on athletes by terrorists. This resolution commends our good friends and allies, the people and Government of Italy, for their extraordinary efforts in protecting the world's athletes during these games.

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To implement such an extraordinary security measure while also ensuring the fun, passionate Olympic environment is something not many countries can do with such successful orchestration.

Mr. Speaker, the United States Olympic Committee and team should also be congratulated for winning 25 medals during these Winter Games, nine of them gold, second only to the team's record for the number of medals won at the Winter Games that was set during the Salt Lake City games; and the United States Paralympic team ranks seventh among all nations in the number of medals won during the Paralympic Winter Games.

I would like to extend heartfelt congratulations to each of our medal winners who shall forever make the United States proud.

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

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

I rise in strong support of this resolution and urge all of my colleagues to do so as well.

I would first like to thank my good friend and colleague, Chairman HENRY HYDE, for sponsoring this measure.

Mr. Speaker, just a few months ago, Italy hosted the winter Olympic Games in Torino. We want to congratulate the people and the government of Italy for the great success of these games.

The Torino Olympic Committee, the International Olympic Committee, and the United States Olympic Committee should be commended for these games, which were effectively and successfully organized and implemented.

The slogan of the games, Mr. Speaker, was ''Passion Lives Here,'' which was certainly an accurate depiction of the enthusiasm, passion and pride the Italian people have not only for sports but also for their wonderful culture and heritage. The welcoming attitude they displayed to citizens of over 80 nations of the world who sent Olympic athletes and guests was outstanding.

Mr. Speaker, I also want to commend those involved with the security aspect of the games. As we all know, this kind of world gathering unfortunately presents potential terrorist opportunities. The Italian government and security officials performed magnificently. The venue was stable and secure for athletes, officials and spectators.

These games have many memorable moments and many new records were made, but, for me, the highlight of the Torino Winter Games came when a 26-year-old American speed skater, Joey Cheek, announced that he would donate his $40,000 in bonus money to an organization called Right to Play, which helps children in poverty-stricken, war-torn countries in Africa. Joey also encouraged Olympic sponsors to do the same.

Mr. Speaker, Joey did not stop there. Just 2 days ago, tens of thousands of us rallied on the National Mall to call attention to the sickening and outrageous genocide occurring as we speak in Darfur, Sudan. It was my great pleasure to stand side by side with Joey Cheek at this rally where we both spoke to prod the international community not to forget the people of Darfur and to act to stop this genocide.

Joey Cheek's actions on behalf of the people of Africa, both at the Olympics and on the Mall, typify the true Olympic spirit.

Mr. Speaker, I want to thank Italy for keeping this Olympic spirit alive. These Torino games rekindled the spirit for another 4 years. It is important that, just as we have seen in these Italian games, the Olympics best demonstrate the spirit of competition and the spirit of selflessness that Joey Cheek and other athletes have typified.

This was the third time Italy has hosted the Olympic games, and judging by the welcoming attitude and success of the Torino games, we look forward to future Olympic events in Italy.

Mr. Speaker, I strongly support this resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 697, 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. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECOGNIZING 58TH ANNIVERSARY OF INDEPENDENCE OF ISRAEL

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 392) recognizing the 58th anniversary of the independence of the State of Israel, as amended.

The Clerk read as follows:

H. CON. RES. 392

Whereas on May 14, 1948, the State of Israel was established as a sovereign and independent nation;

Whereas the United States was one of the first nations to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided the opportunity for Jews from all over the world to reestablish their ancient homeland;

Whereas Israel is home to many religious sites which are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas the people of Israel have established a unique, pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since independence;

Whereas the Government of Israel has successfully worked with the neighboring Governments of Egypt and Jordan to establish peaceful, bilateral relations;

Whereas despite the deaths of over 1,000 innocent Israelis at the hands of murderous, suicide bombers and other terrorists during the past five years, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas visionary Israeli leaders like Yitzhak Rabin and Ariel Sharon were at the forefront of creating conditions for peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology; and

Whereas Israel's Independence Day on the Jewish calendar coincides this year with May 3, 2006: Now, therefore, be it

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

(1) recognizes the independence of the State of Israel as a significant event in providing refuge and a national homeland for the Jewish people;

(2) commends the bipartisan commitment of all United States administrations and United States Congresses since 1948 to stand by Israel and work for its security and well-being;

(3) congratulates the United States and Israel for the strengthening of bilateral relations in the past year in the fields of defense, diplomacy, and homeland security and encourages both nations to continue their cooperation in resolving future mutual challenges; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 58th anniversary of Israel's independence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

This week, we commemorate Israel's Independence Day. Israel's Independence Day comes just days after the Holocaust Remembrance Day, a date set aside for recalling the victims of the Holocaust and for contemplating what can happen to a civilized people when bigotry, hatred and indifference reign.

Following on the heels of the Holocaust Remembrance Day, the commemoration of Israeli Independence is a salute to and a celebration of Jewish perseverance and endurance, of the strength of character of the Jewish people.

On this day, we honor the great people of Israel, who are in constant struggle to safeguard their nation and ensure their survival amidst military attacks from hostile neighbors and prolonged terrorist campaigns.

Throughout its short history, Israelis have fought against incredible odds to reestablish the birthplace of the Jewish people.

Israel has been in a state of war for 58 years, commencing the moment that Israeli independence was declared by David Ben-Gurion. Yet, even at war, Israel's democracy and its vibrant, diverse and free society have remained strong. As democracies and freedom-loving nations, we stand side by side against oppression, terrorism, hatred and intolerance.

Today, Israel is a strong and prosperous nation. Its economy is thriving, and it has been a world leader in scientific discoveries.

The Israeli government has taken unprecedented steps in the past year to reach a peaceful resolution of their conflict with the Palestinians. Prime Minister Ariel Sharon implemented his plan to withdraw from the Gaza Strip. Yet Israel still finds itself without a partner for peace, as the Hamas-led PA has shown that they continue to support acts of terrorism against innocent Israeli civilians.

Today, as the State of Israel marks its 58th anniversary, we pay tribute to the strong bonds of friendship between the United States and Israel, and we reiterate our commitment to its security and its stability.

The United States will never waiver. We will never falter in our support for the State of Israel.

We look forward to a date soon when we can celebrate an independent Israeli Jewish State that exists in peace and security and no longer has to fear for its very survival. I hope that all Americans will join us in extending our best wishes and congratulations to the Israeli people and to the Jewish nation.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this resolution.

The resolution before the House expresses Members' heartfelt congratulations to the Israeli people in recognition of the 58th anniversary of their independence, which they will celebrate tomorrow. I strongly commend the gentleman from South Carolina (Mr. WILSON), my colleague, for bringing this resolution before the House.

The story of Israel's independence is no less inspirational simply because it is well known. It represents a remarkable triumph of the human spirit.

Today, the day before its Independence Day, Israel memorialized its thousands of fallen soldiers, who themselves silently testify to the sacrifice with which Israel won and has perfected its independence and freedom.

Although Israelis have been relentlessly under attack since their nation's birth, they have succeeded in creating one of the most democratic, prosperous, technologically advanced and humane societies on earth.

Mr. Speaker, Israel celebrates its anniversary this year after having unilaterally withdrawn its troops and settlements from Gaza. This was done under the courageous leadership of Prime Minister Ariel Sharon and marked only the most recent testimony of Israel's singular willingness to take risks to achieve peace.

Now, a new prime minister, Ehud Olmert, has taken office. He, too, has bold ideas about how to achieve peace. I know him well, and I know he is more than up to the task. We congratulate him on his electoral victory. We look forward to working with him, and we wish him every success in his endeavors.

Mr. Speaker, the establishment of the State of Israel has been a great boon not only for those who live in Israel but for our Nation as well. We treasure Israel as our most loyal ally in the Middle East and as the embodiment of values we cherish.

The United States has played a critical role in supporting Israel's security. It has played that role in a bipartisan fashion. Congress has had a leading responsibility in shaping the structure and content of that support. Our support for Israel is an important contribution to, and a credit to, U.S. foreign policy, and we are proud of that support.

Mr. Speaker, I strongly support this resolution and urge all of my colleagues to do so.

Mr. HOYER. Mr. Speaker, I want to thank my colleagues for offering this important bipartisan resolution recognizing the 58th anniversary of the independence of the State of Israel. And I urge my colleagues on both sides of the aisle to support it.

Throughout the last 58 years, Israel—an oasis of freedom in a sea of despair—has been vilified, threatened and attacked by those who seek her destruction. And yet, she has prevailed and prospered—just as she will prevail and prosper today, tomorrow and in the future.

Harry Truman made the United States the first nation to recognize the new State of Israel in 1948, just 11 minutes after its creation.

''I had faith in Israel before it was established, I have faith in it now,'' said President Truman. ''I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization.''

Israel's security and success is not only a strategic imperative for the United States. It is a moral imperative, as well. Ours is a relationship of shared values and common aspirations, and of principle and conscience.

We are nations of immigrants, safe havens for the oppressed and partners for peace. And, we are united in fighting terrorism.

No people on earth have been subjected to more bigotry and violence than the Jewish people, and no people are more in need of a sovereign, secure homeland to provide safe haven and to protect identity.

I have had the privilege of leading Congressional delegations on tours of Israel twice in the last three years. And, I can say with confidence that the special bond that exists between the United States and Israel is strong, growing stronger and will not break.

Last August, our Congressional delegation saw firsthand the pain caused by Israel's unilateral disengagement from Gaza—another bold step undertaken in the pursuit of peace and stability.

But more importantly, we saw a people deeply committed to the democratic process and the rule of law. What our Members saw was a reflection of themselves: People who love their country; people who want to live in peace and freedom; and people who want their children to have even greater opportunities.

Today, as our allies in Israel prepare to celebrate their 58th anniversary of independence, let us honor their determination to fulfill the vision of Zionism's founding father, Theodor Herzl, who observed, ''If you will it, it is no dream.''

Through courage and will, Israel was born and the dream of generations was made real—and it will endure.

I want to congratulate the citizens of Israel and the entire Jewish community on this 58th anniversary of Israel's founding.

Mr. WILSON of South Carolina. Mr. Speaker, I join in support of House Concurrent Resolution 392 which which I authored. In the wake of the Holocaust, the nation of Israel was established as a refuge for millions of Jews who survived horrendous crime crimes committed by the Nazis. Over the course of the next fifty-eight years, the people of Israel demonstrated the resiliency of the human spirit while overcoming tremendous obstacles. Their country now serves as a source of pride for the Jewish people and a strong partner in democracy with over 160 countries.

Tdday, by recognizing the independence of Israel, commending our country' support for

Israel, and encouraging our two countries to strengthen bilateral relations, Congress is clearly stating its confidence in the future of this great country. Israelis and Americans share mutual democratic values, and respect, and our countries are stronger when we work together. As citizens of both nations face similar enemies in the Global War on Terrorism, we must remain committed to a strong friendship which will protect both of our countries.

As the people of Israel celebrate their 58th year of independence, I am honored to extend my warmest congratulations on this inspiring achievement.

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

Mr. SHAYS. Mr. Speaker, Israel is one of the United States' greatest allies and I am proud to join my colleagues in recognizing it on the occasion of its 58th anniversary celebration of independence.

One of the most remarkable aspects of the U.S.-Israeli relationship is its mutual benefits. For 58 years the United States has assisted Israel diplomatically, financially and militarily, while Israel has proved itself to be a stalwart friend of democracy in a volatile region of the world. Particularly since the September 11, 2001 terrorist attacks, Israel has not hesitated to provide technical assistance, intelligence and advice on matters of homeland security, on which it has become, out of necessity, an expert in its own right.

Although the history of the Land of Israel stretches back far longer than that of the United States, we share a common history as refuges to victims of persecution, and as nations that never balked to defend freedom, democracy and the inalienable rights of man.

The United States is proud of its alliance with Israel—a friendship that officially began 11 minutes after Israel's creation. I look forward to many great years of thoughtful exchange and the promotion of our common interests of world peace and prosperity. Congratulations to the people of Israel as they celebrate the 58th anniversary of their statehood.

Mr. HOLT. Mr. Speaker, I rise today in strong support of H. Con. Res. 392, which celebrates the 58th anniversary of the independence of the State of Israel. Today, we remember and pay tribute to the creation of the democratic State of Israel. It took the United States only eleven minutes after Israel had been declared a state to officially welcome her into the community of nations. For the last 58 years the United States and Israel have built a unique special relationship.

The creation of the State of Israel was a bold step in May of 1948. The first Prime Minister of Israel, David Ben-Gurion, once said that, ''courage is a special kind of knowledge: the knowledge of how to fear what ought to be feared and how not to fear what ought not to be feared.'' It is from such courage that the State of Israel was formed and from which Israel continues to maintain its vibrant and strong democracy today. We can all learn examples from the struggles that the citizens have endured and the grief they have overcome to remain a democratic outpost in the Middle East.

I am proud to join my colleagues today to reiterate our continued strong support of Israel and her right to defend herself and her people from terrorism, and to focus on the special relationship that exists between our two nations. I have had the pleasure of traveling to Israel on a number of occasions, and these visits have only reinforced my strong conviction that the United States must remain actively engaged in ensuring a peaceful and equitable agreement between the two parties to the current conflict.

Yet, much work remains unfinished. We are all troubled by the recent Palestinian elections that put Hamsa in control of the Palestinian Authority and by the hateful, threatening comments that Iranian President Mahmoud Ahmadinejad has made about Israel. This year also brought a transition from Prime Minister Ariel Sharon to Ehud Olmert, and my thoughts and prayers remain with the Sharon family. This has been a unique year for Israel, full of challenges that were admirably met. As Ben-Gurion used to say, ''in Israel, in order to be a realist you must believe in miracles.'' I still strongly believe in the dream that has become the wonderful reality of Israel.

Mr. Speaker, I am pleased to support this resolution celebrating the 58 years of Israel's existence as a beacon of democracy and hope in the Middle East. I also celebrate today the daily courage exhibited by the citizens of Israel and express my personal commitment to Israel at this milestone in its history. I look forward to future anniversaries, and to the day when Israel and her citizens can live in peace without the need for courage against fear.

Mr. GARRETT of New Jersey. Mr. Speaker, today I wish to join in celebrating the anniversary of Israel's independence. Israel is one of America's closest allies. We rely on her good will in our War on Terror. We enjoy mutually beneficial economic agreements. And, we value Israel as the only functioning democracy in the world's most volatile region.

On May 14, 1948, or the fifth day of the month of Iyar, which is the Hebrew date of the formal establishment of the State, members of the ''provisional government'' read and signed a Declaration of Independence in Tel Aviv. After decades of no homeland, the State of Israel was finally returned to the Jewish people. This year will mark the 58th anniversary of ''Yom Ha'atzmaut'' or Independence Day.

Yom Ha'atzmaut in Israel is always preceded by Yom Hazikaron—Memorial Day for the Fallen Soldiers. The message of linking these two days is clear: Israelis owe their independence—the very existence of the State—to the soldiers who sacrificed their lives for it, a sentiment not lost on Americans.

The official transition from Yom Hazikaron to Yom Ha'atzmaut is a moving event that takes place a few minutes after sundown with a ceremony on Mount Herzl in Jerusalem in which the flag is raised from half staff to the top of the pole. The President of Israel delivers a speech of congratulations, and soldiers representing the army, navy, and air force parade with their flags.

I wish our good companion, Israel, safety and security, prosperity and good fortune over the upcoming year. I vow to continue standing with you and working to ensure that the friendship between our two great nations remains strong.

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize and celebrate the 58th birthday of the State of Israel. Israel is an important ally of the United States and like our great country, Israel was founded by people seeking freedom from religious persecution. This persecution came in the form of the Holocaust—one of the most heinous events in recent history.

The United States recognized Israel within 11 minutes of its creation as an independent nation; however, not all developments in Israel's infancy as a nation were welcome. Attacked in 1948 from all sides by surrounding Arab nations, Israel defeated its enemies but soon learned it would have to develop as a democratic nation while vigilantly patrolling its borders for foreign invaders.

In addition to being a picturesque country located on the Mediterranean Sea, Israel is home to many religious sites that are sacred to people of the Muslim, Christian and Jewish faith. This concentration of Holy sites makes it all the more unfortunate that Israel and its people are the targets of so many terrorist attacks.

Mr. Speaker, Israel and the United States have strong bilateral relations that I hope will continue to grow and strengthen in the years to come. I wish the people and the leaders of Israel best wishes, continued prosperity and a peaceful future.

Mr. CANTOR. Mr. Speaker, I rise today in support of this resolution congratulating Israel on the occasion of its 58 years of independence.

On May 14, 1948, facing overwhelming odds and almost assured destruction by its Arab neighbors, Jews living in their ancestral homeland, survivors of the Holocaust and Jewish refugees from around the world gathered in a small room in Tel Aviv to announce the creation the Jewish state of Israel. In the shadow of the murderous genocide of the Holocaust, the state of Israel was created so that Jews around the world would always have safe refuge from oppression and annihilation.

In 1948, years of Zionists' dreams culminated as David Ben Gurion announced to the world that once again Israel was to be a free and independent state. founded on principles of freedom and democracy, the new state of Israel was quickly recognized by the United States as a welcome ally in the Middle East. unfortunately, within hours of this historic declaration, the neighboring Arab nations attacked and sent Israel into its first war as an independent nation. Despite conventional wisdom, and the great surprise of many around the world, Israel survived the attack but at a heavy cost to the young nation.

Today, 58 years after the creation of the state, Israel still struggles with an enemy who wishes to destroy it. In addition, just last January, the Palestinian people freely elected Hamas, a terrorist organization that strives for the destruction of the state of Israel, to run its government. Israel is a thriving democracy and one of the United States' strongest allies in the global war on terror. Israel has demonstrated to the world that democracy can thrive in the Middle East and that freedom of religion, freedom of the press and basic human rights can work in a region that is otherwise dominated by terror and oppression.

I stand today to congratulate Israel on its strong dedication to freedom and democracy throughout its 58 years of existence. I look forward to strengthening the U.S.-Israel relationship and continuing to celebrate Israel's independence in years to come.

Mr. LANTOS. Mr. Speaker, I yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 392, 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. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONVEYING SYMPATHY OF CONGRESS TO FAMILIES OF YOUNG WOMEN MURDERED IN CHIHUAHUA, MEXICO

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 90) conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes, as amended.

The Clerk read as follows:

H. CON. RES. 90

Whereas the Mexican cities of Ciudad Juárez and Chihuahua have been plagued with the abduction, sexual assault, and brutal murders of over 400 young women since 1993;

Whereas there have been at least 56 murders of women in Ciudad Juárez and the city of Chihuahua since 2004;

Whereas at least 152 of the victims were sexually assaulted prior to their murders;

Whereas more than half of the victims are women and girls between the ages of 13 and 22, and many were abducted in broad daylight in well-populated areas;

Whereas these murders have brought pain to the families and friends of the victims on both sides of the border as they struggle to cope with the loss of their loved ones;

Whereas many of the victims have yet to be positively identified;

Whereas the perpetrators of most of these heinous acts remain unknown;

Whereas the Mexican Federal Government has taken steps to prevent these abductions and murders in Ciudad Juárez, including setting up a commission to coordinate Federal and State efforts, establishing a 40-point plan, appointing a special commissioner, and appointing a special prosecutor;

Whereas the Mexican Federal special prosecutor's review of the Ciudad Juárez murder investigations found evidence that over 100 police, prosecutors, forensics experts, and other State of Chihuahua justice officials failed to properly investigate the crimes, and recommended that they be held accountable for their acts of negligence, abuse of authority, and omission;

Whereas the Government of Mexico has recognized the importance of the work of the Mexican Federal special prosecutor and has shifted the mission of the prosecutor's office to assist local authorities in investigating and prosecuting crimes of violence against women throughout the country;

Whereas in 2003 the El Paso Field Office of the Federal Bureau of Investigation and the El Paso Police Department began providing Mexican Federal, State, and municipal law enforcement authorities with training in investigation techniques and methods;

Whereas the United States Agency for International Development has begun providing assistance to the State of Chihuahua for judicial reform;

Whereas the government of the State of Chihuahua has jurisdiction over these crimes;

Whereas the Governor and Attorney General of the State of Chihuahua have expressed willingness to collaborate with the Mexican Federal Government and United States officials in addressing these crimes;

Whereas the Department of State has provided consular services on behalf of the American citizen and her husband who were tortured into confessing to one of the murders;

Whereas Mexico is a party to the following international treaties and declarations that relate to abductions and murders: the Charter of the Organization of American States, the American Convention on Human Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, the United Nations Declaration on Violence Against Women, the Convention on the Rights of the Child, the Convention of Belem do Para, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance, and the United Nations Declaration on the Protection of All Persons From Enforced Disappearance; and

Whereas continuing impunity for these crimes is a threat to the rule of law in Mexico: Now, therefore, be it

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

(1) condemns the ongoing abductions and murders of young women in Ciudad Juárez and the city of Chihuahua in the State of Chihuahua, Mexico, since 1993;

(2) expresses its sincerest condolences and deepest sympathy to the families of the victims of these murders;

(3) recognizes the courageous struggle of the victims' families in seeking justice for the victims;

(4) urges the President and Secretary of State to incorporate the investigative and preventative efforts of the Mexican Government in the bilateral agenda between the Governments of Mexico and the United States and to continue to express concern over these abductions and murders to the Government of Mexico;

(5) urges the President and Secretary of State to continue to express support for the efforts of the victims' families to seek justice for the victims, to express concern relating to the continued harassment of these families and the human rights defenders with whom they work, and to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(6) supports ongoing efforts to identify unknown victims through forensic analysis, including DNA testing, conducted by independent, impartial experts who are sensitive to the special needs and concerns of the victims' families, as well as efforts to make these services available to any families who have doubts about the results of prior forensic testing;

(7) condemns the use of torture as a means of investigation into these crimes;

(8) encourages the Secretary of State to continue to include in the annual Country Report on Human Rights of the Department of State all instances of improper investigatory methods, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of young women in the State of Chihuahua;

(9) encourages the Secretary of State to urge the Government of Mexico and the State of Chihuahua to review the cases of murdered women in which those accused or convicted of murder have credibly alleged they were tortured or forced by a state agent to confess to the crime;

(10) strongly recommends that the United States Ambassador to Mexico visit Ciudad Juárez and the city of Chihuahua for the purpose of meeting with the families of the victims, womenâ€™s rights organizations, and Mexican Federal and State officials responsible for investigating these crimes and preventing future such crimes;

(11) encourages the Secretary of State to urge the Government of Mexico to ensure fair and proper judicial proceedings for the individuals who are accused of these abductions and murders and to impose appropriate punishment for those individuals subsequently determined to be guilty of such crimes;

(12) encourages the Secretary of State to urge the State of Chihuahua to hold accountable those law enforcement officials whose failure to adequately investigate the murders, whether through negligence, omission, or abuse, has led to impunity for these crimes;

(13) encourages the Secretary of State to urge the Government of Mexico to ensure that the Mexican Federal special prosecutor's office, responsible for assisting local authorities in investigating and prosecuting crimes of violence against women throughout the country, gives particular attention to the murders of women in Ciudad Juárez and Chihuahua City;

(14) strongly supports the work of the special commissioner to prevent violence against women in Ciudad Juárez and Chihuahua City;

(15) condemns all senseless acts of violence in all parts of the world and, in particular, violence against women; and

(16) expresses the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 90, introduced by the gentlewoman from California (Ms. SOLIS).

The resolution before us respectfully conveys to the families of more than 400 young women who have been murdered in the State of Chihuahua, Mexico, the deepest sympathy of the

United States Congress. It also encourages law enforcement in the United States to seek closer cooperation with Mexican law enforcement authorities to solve these crimes and bring the perpetrators to justice.

□ 1545

Mr. Speaker, the border with Mexico can be a violent place. With drug traffickers, migrant smugglers, and other violent malefactors operating along the border, young women who live and work in the many border communities often fall prey to these violent criminals.

Over the past 12 years, more than 400 murders and disappearances of women have been committed in the cities of Ciudad Juarez and Chihuahua City. Fifty-five women have been killed in Juarez and Chihuahua City since 2004 alone. Unfortunately, very few of these cases have been resolved and even fewer perpetrators of this violence have been caught and prosecuted. As a result, the violence continues.

Mr. Speaker, House Concurrent Resolution 90 will hopefully bring much-needed attention to the brutal torture, rapes, and murders committed against women along the U.S.-Mexican border, especially in the State of Chihuahua, and will underscore the need for more cooperative law enforcement in both the United States and Mexico.

Before this resolution was introduced and brought to the floor, too little attention was paid to this important issue. Today, Congress is taking a stand and urging both the United States and Mexico to ensure its people, wherever they may live and work, that they will be secure within their homes and workplaces and that they can live without the fear of violence which is now sweeping our border communities.

Mr. Speaker, it is important that we in Congress continue to encourage our governments to work with Mexico not only to protect the women in Juarez but also to thoroughly investigate these crimes and bring an end to these murders. House Concurrent Resolution 90 would serve as a call to action along the border and would be a constant reminder to both the United States and Mexico that we must do more to protect our citizens against criminal elements and cooperate more on bringing criminals to justice. I urge my colleagues to support this important resolution.

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Mr. Speaker, the resolution before the House introduced by my distinguished California colleague and good friend, Congresswoman HILDA SOLIS, shines the spotlight on the murders of impoverished young women in Mexico. I applaud my friend and colleague, Chairman HYDE, for recognizing the importance of this resolution and facilitating its consideration both by our committee and the full House.

Mr. Speaker, since 1993, over 400 gruesome killings have plagued Mexico's nearly lawless northern border. In the last 2 years alone, over 56 women in this region have had their lives brutally extinguished.

Although these statistics are shocking at face value, the numbers often hide due to time and distance the very human stories that bleed from the pages of crime reports. In the Ciudad Juarez murders, the tragic tales are about girls and young women in the prime of their lives who, as they are walking home from one of the many sweatshops along the border, are kidnapped, raped, and brutally murdered. Their bodies are then unceremoniously dumped at the fringes of town. Families are left wondering what happened to their daughters or sisters or mothers.

As a result of the combined efforts of honorable individuals like my good friends and colleagues, Congresswoman SOLIS and Congressman REYES, as well as organizations such as the Washington Office on Latin America and the United Nations Committee on the Elimination of Discrimination Against Women, the Mexican government of President Fox finally took action. Among President Fox's initiatives were the establishment of a commission to coordinate federal and state efforts in Mexico, the appointment of a special prosecutor to review and bring related cases, and a plan to prevent future crimes.

It is not yet clear, Mr. Speaker, that these efforts have slowed the pace by which girls and women are being murdered in Ciudad Juarez or in Chihuahua City. Credible reports indicate that at least as many murders have been committed each year since the Mexican federal and state authorities began implementing their new policies.

It is also not apparent that local authorities are seriously committed to investigating and bringing to justice the criminals who are behind the murders. Suspects have been arrested for only about half of the Ciudad Juarez murders. In a significant number of cases, the defendants claimed that they were tortured into confessing their guilt. Real, impartial, professional investigations and prosecutions are needed to take the killers off the streets and to bring closure to the victims' families.

Mr. Speaker, the resolution before us today takes steps to address these remaining problems. It encourages the administration to include the Ciudad Juarez murders as part of the bilateral agenda between our government and the government of Mexico. It supports ongoing efforts to identify unknown victims through forensic analysis, including DNA testing, and it urges the Mexican authorities to invest in a new sense of urgency and professionalism as part of their continuing work.

These killings, Mr. Speaker, must stop. I urge all of my colleagues to support this resolution.

Mr. Speaker, I am delighted to yield 2 minutes to my friend, Congressman ENGEL of New York, the ranking member of the Western Hemisphere Subcommittee.

Mr. ENGEL. Mr. Speaker, I thank my friend from California for yielding to me; and as both a co-sponsor of this resolution and as ranking member of the House International Relations Subcommittee for the Western Hemisphere, I rise in strong support of this important resolution.

I want to thank and commend my colleague, Congresswoman SOLIS, for her leadership in raising attention to the dire problem in Ciudad Juarez and Chihuahua, Mexico. I also want to thank my friend, Congressman REYES, for highlighting this important issue as well.

In a congressional hearing last week, Mr. Speaker, on U.S.-Mexico relations, I directly called on senior U.S. Department of State officials to continue to press Mexican authorities on the approximately 400 women who had been brutally murdered in the Mexican cities of Ciudad Juarez and Chihuahua since 1993 and to provide U.S. assistance; and I remain deeply concerned over the killings of these young women. It is time that a serious effort was made to solve these terrible murders that are plaguing the towns in Ciudad Juarez and Chihuahua, and I hope that the U.S. State Department will take appropriate action to help Mexico address these heinous crimes, not only the crimes that have been committed but obviously we want to prevent any further crimes from being committed.

I continue to urge the American government to work with Mexican authorities to halt this brutal violence against Mexican women and to investigate these horrible crimes. How can we just sit by as hundreds of women are killed and sexually assaulted just across the Texas border? I condemn the ongoing abductions and murders of women in Ciudad Juarez and Chihuahua City and express my heartfelt condolences to the victims' families. We will continue to press this issue until it is resolved.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my good friend, the distinguished author of the resolution and co-chair of the Congressional Women's Caucus, Ms. HILDA SOLIS of California.

Ms. SOLIS. Mr. Speaker, I wish to extend my great thanks and honor to Congressman LANTOS and Congressman ENGEL and also to Congresswoman ILEANA ROS-LEHTINEN for her support.

Mr. Speaker, we are strongly in support of this resolution to support the families of women who have been murdered in Ciudad Juarez and in the city of Chihuahua in Mexico. I have always believed that attacks on women are attacks on women everywhere.

This came to my attention some 4 years ago, and I was very proud to help lead a delegation for the first time, a House delegation to Ciudad Juarez, which is 5 minutes from our border, our frontier there. And what I found was a horrific, horrific problem, brutal murders of women, as was already stated by our colleagues. And to hear that over the past 13 years this had been allowed to continue without any involvement on the part of our government and Mexico, I felt compelled as a woman, as a Latina, as someone who felt very strongly that, if we are going to stand up for women's rights in other continents of the world and the Middle East to defend the Afghani women who are being tortured by the Taliban, why not then also come forward and support the women of Ciudad, Juarez?

We know that there are well over 400 victims that have been brutally murdered; and recently just this past year we found that a young girl, 7 years old, was kidnapped, raped, and brutally murdered. Another girl just 10 years was raped, killed, and set on fire in her home. These children were taken away from us too soon, and the anguished families will never be the same.

When I took a delegation to Ciudad Juarez, we had the opportunity, along with other members of the House, to meet with the families, to meet with the mothers of the victims, and what they asked for was nothing more than respect and acknowledgement and hopefully the force of our offices to get both sides, the Mexican government as well as the U.S. government, to come to an agreement to recognize that these atrocities must stop, to recognize the valor and respect of these families, and help to provide some closure; and through this resolution I hope that we can begin to do that.

This poster here illustrates an area that we actually visited very close to a grave site where eight bodies were thrown. It was almost as though there was a message being sent to authorities in Mexico that this is how we treat people in Ciudad, Juarez, and very little regard for the value of human life. As you can see in the picture, we had several individuals that went with us to visit there. We had Congressman REYES, we had at that time Congressman Ciro Rodriguez, Congressman LUIS GUTIERREZ, and we also had a good friend of mine who is depicted in the photograph, Dolores Huerta, who joined me.

But the value of that trip was to really meet and speak to the families, to speak to the mothers, to speak to the fathers who had recited their individual accounts of how they found their daughters and in what state they found their daughters or corpses. Yet we find today that we still have many remains that have not been identified, not because there is not a willingness to do it but because perhaps someone did not collect appropriate DNA information and tampered with perhaps evidence at the time so that you could not then retrace who was actually involved in these criminal atrocities.

That, I hope, will come to an end with the passage of this resolution, that we can begin to work in all honesty to identify the remains that are still left unclaimed by the families and provide some resolution.

I am very, very pleased that I had the support of our caucuses and outside community groups that helped to support us in this effort. It has been a long journey, and I want to personally thank various groups that helped us along this way. I want to thank in particular our committee staff, Paul Oostburg, for helping us, the Washington Office on Latin America, the Latin America Working Group, and Amnesty International, and many others across the country who helped us to lay out the foundation for the final passage of this legislation that I hope we will find later this afternoon.

I would ask that the House join us in support of this resolution, and I look forward to seeing our friends and colleagues in the Senate also assist us with passage of their similar resolution that also outlines the same provisions in this resolution.

Today I rise to voice my strong support for the families of women who have been murdered in Ciudad Juárez and Chihuahua City, Mexico.

I have always believed that attacks of women anywhere are attacks on women everywhere. That is why three years ago I introduced House Concurrent Resolution 90, a resolution to raise awareness, express concern and propose a set of actions to address the murders and disappearances of young women in Ciudad Juárez and Chihuahua City, Mexico.

I was horrified by the brutal murders of women just five minutes beyond our border. Over the past 12 years, more than 400 women have been brutally assaulted and murdered in Ciudad Juárez and Chihuahua City, and few of the perpetrators of this violence have been prosecuted or even found.

Women and young girls from all parts of Mexico moved to Ciudad Juárez in hopes of finding work, including jobs at American-owned maquiladoras.

These jobs involve late hours, forcing women to travel home in the dark, alone, leaving them vulnerable to attack.

Many of their bodies have been found in abandoned or desolate areas, showing signs of rape, torture and mutilation.

These acts are more than just crimes; they are horrific violations of women's rights and human rights.

Today, these crimes are not decreasing in frequency or brutality.

As an example, in 2005, a 7 year-old girl was kidnapped, raped and brutally murdered. Another girl, just 10 years old, was raped, killed and set on fire in her own home. These children were taken from us too soon, and their anguished families will never be the same.

While the men who murdered these particular children were caught, most of the victim's killers remain free and investigations of their cases have been minimal.

In 2001, the so-called "cotton field" murder victims were discovered in a Ciudad Juárez cotton field. Eight women were found raped, mutilated, and killed.

This case exemplifies the brutality of violence in Ciudad Juárez.

Mexican officials tortured two men into confessing to the cotton field murders. Their convictions were later overturned. One of the men who was wrongly accused died in prison and the lawyers in the case were gunned down. And this horrific case remains unsolved.

This pattern of torturing innocent men into confessing has touched the community I represent.

In 2003, Neyra Cervantes disappeared near Chihuahua City, Mexico, and her cousin, David Mesa, lived in the Congressional District I represent.

Mesa traveled to Juárez to help investigate his cousin's disappearance. He was incarcerated for criticizing the efforts of local authorities and allegedly tortured into confessing to the murder of his cousin. David is still in prison for the murder of his cousin—a murder he did not commit.

We must end the violence against women in Ciudad Juárez and catch the real criminals who are murdering women, not make more victims by torturing innocent people into confessing. The women and families in Ciudad Juárez are living their daily lives in fear. We must bring more attention to these crimes and help end the violence.

House Concurrent Resolution 90, the resolution we will vote on today, expresses concern about the continuing injustices that are killing young women and affecting American families in our border cities.

This resolution urges the U.S. government to take action and commit to working with the Mexican government to end these tragedies.

It is important that we, in Congress, continue to push the United States to work with Mexico to not only protect women in Juárez, but also to thoroughly investigate these crimes and bring an end to the murders. These atrocities have real affects on victims' families.

In 2003 and 2004 I organized Congressional Delegation trips to Ciudad Juárez to meet with families of victims, Mexican government officials, and human rights groups.

The mothers of victims and their families are suffering at the loss of their family members and continue to suffer because of inaction of the Mexican government. It was on these trips that my dedication to helping the women of Juárez was solidified. I would like to thank the Members of Congress and activists who have traveled to Ciudad Juárez with me, including Congressman LUIS GUTIERREZ, Congressman SILVESTRE REYES, our former colleague, Congressman Ciro Rodriguez, Congresswoman JAN SCHAKOWSKY, and my friend, Dolores Huerta, cofounder of VFW.

I have hosted briefings to educate others about this issue, sent letters to the State Department and President Bush and even to Mexico's President Vicente Fox urging action to end the murders of women and give peace to their families.

Last year I was joined by Senator JEFF BINGAMAN of New Mexico, in securing $200,000 from the United States Agency for International Development (USAID) to help fund a team of independent forensic experts from Argentina to work in Juárez identifying the unknown victims' remains and provide closure to their families.

These murders have caused incredible pain for the families of victims, compounded by the

lack of response from their police and local government.

For the first time, families of the missing will receive dependable, legitimate identifications of their daughters.

While changes have been made in local and state government and some answers are coming to light, we must continue to pressure Mexican authorities to investigate crimes and do more to end the violence.

As we move forward, we must push for thorough investigations, so the families have closure and so the streets are safer for all women and children.

IWe also need to ensure safer conditions for the women of Juárez, in their homes, communities and workplaces.

We must remember that no matter where it takes place, on either side of our border, a murder of any woman is a terrible tragedy.

As one, unified voice against violence and one, unified voice for justice, our strength is in our solidarity to find peace for the families of Juárez.

Ni una mas! means "Not one more!"

I would like to thank the 143 bipartisan cosponsors of House Concurrent Resolution 90.

1 would like to thank Chairman HYDE, Ranking Member LANTOS, Subcommittee Chairman BURTON, and Subcommittee Ranking Member ENGEL for their continued support as we work to bring peace to Ciudad Juárez.

I would also like to thank Committee Staff Paul Oostburg for his assistance and advocates from organizations such as the Washington Office on Latin America, the Latin America Working Group and Amnesty International for their passion.

I urge my colleagues to vote in favor of House Concurrent Resolution 90, and demonstrate our strong support for the families of victims in Ciudad Juárez, Mexico. And I look forward to continuing to work with my colleagues on both sides of the aisle in the fight for women's rights, human rights and an end to the violence.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and distinguished colleague from Texas, Mr. SILVESTRE REYES. His El Paso district is the sister community to Ciudad Juarez. He is Chair of the Congressional Hispanic Caucus Task Force on International Relations, and an invaluable colleague.

Mr. REYES. Mr. Speaker, I would like to first thank Chairman HENRY HYDE and Ranking Member TOM LANTOS, my good friend, for bringing this resolution to the floor today. Likewise, I would like to thank my colleague from Florida for handling the time on this very important issue.

□ 1600

I would also like to thank Ms. SOLIS for introducing H. Con. Res. 90, a resolution conveying sympathy to the families affected by the murder of young women in Chihuahua, Mexico, and encouraging the United States to be involved in bringing an end to these crimes.

As the representative of El Paso, Texas, the neighboring city to Ciudad Juarez, the issue of unsolved murders is of great concern to me and my constituents.

Since 1993, many women have been violently murdered in Chihuahua, Mexico, and many have yet to be positively identified. This leaves family members with more questions than answers about the fate of their loved ones. In the past, I have urged Mexican President Vicente Fox to launch a comprehensive investigation to help bring an end to these murders and to bring those responsible to justice. In addition, I hosted, as the Ms. SOLIS mentioned, a congressional delegation in El Paso and Ciudad Juarez so my colleagues, including Congresswoman SOLIS, could learn more about the subject and about the assistance needed in this region of Mexico.

In July of 2005, I offered an amendment to the Foreign Relations Authorization Act for fiscal year 2006–2007 to encourage the administration to raise the issue of murdered women in Ciudad Juarez, Mexico, with their counterparts in Mexico and to assist with the identification of murdered women.

Thorough forensic analysis and DNA testing are necessary to identify the bodies that have been found to date. An example of how this technology can be crucial to an investigation took place in May 2005. With the cooperation of the El Paso Police Department and the FBI, the body of 7-year-old Airis Estrella Enriquez from Ciudad Juarez was identified and had her killers brought to justice due to DNA analysis.

In addition, with the financial assistance of USAID, the Bode Technology Group, a DNA laboratory located in Springfield, Virginia, and local forensic teams have been collecting thousands of samples from exhumed remains in order to process the samples and help identify possible future matches. This technology will not only provide answers and bring peace of mind to the families, enabling them to grieve, heal and seek justice for their murdered loved ones, but it will also contribute to the strengthening of judicial institutions in Ciudad Juarez, Mexico.

I urge my colleagues to join me in sending our sincere condolences to the families of murdered women, condemning the homicide against women, and encouraging the U.S. and Mexican authorities to work together to solve these murders and help ensure the safety of the women of Ciudad Juarez. Please support H. Con. Res. 90.

Mr. BACA. Mr. Speaker, I rise today in support of H. Con. Res. 90 and stand in solidarity with the families of 370 women who have been abducted, brutally assaulted, raped and murdered in the Mexican cities of Ciudad Juarez and Chihuahua since 1993. These families seek justice for the atrocious acts committed against their daughters—some as young as the age of 13—and I urge President Bush to offer whatever assistance he can to bring these criminals to justice.

Even today, we do not know who many of the perpetrators are. Many of the victims bodies have yet to be identified and returned to their families. Local government and law enforcement agencies in the State of Chihuahua have been ineffective in their investigations and require massive reform. Spurred by public outcry, the Mexican Federal Government launched a special investigation into the local governing bodies, only to uncover countless instances of negligence and abuse of power by over 100 police, prosecutors, and other government officials.

Mr. Speaker, we have an obligation as members of the international community to condemn violence against women and offer humanitarian assistance where we can. The President and the Secretary of State must intervene in this matter. These vicious criminals must be prosecuted and punished to the full extent of the law as soon as possible. We cannot allow ineffective government officials and bureaucratic defects to prevent justice from being served.

The families of these 370 women deserve closure and we must do all we can to prevent any further tragedies of this nature from reoccurring. As a father, grandfather, and husband, I could not think of any more horrific or painful a tragedy to strike a family.

I urge my colleagues to support this resolution.

Mr. FARR. Mr. Speaker, I rise today in strong support of H. Con. Res. 90, Conveying the Sympathy of Congress to the Families of the Young Women Murdered in the State of Chihuahua, Mexico, and Encouraging Increased United States Involvement in Bringing an End to These Crimes. I am a cosponsor to this important resolution and would like to thank Representative SOLIS for introducing this legislation.

For over thirteen years, a stones throw from the U.S. border, almost 400 women and young teenagers have been brutally assaulted and murdered. A disgraceful number of these murders have still not been resolved and many perpetrators still roam free, attacking other innocent women.

Family members of murdered women have worked tirelessly to try to bring justice to their daughters, wives and sisters. They have often faced great odds and opposition from local Mexican officials, yet have continued to fight for the truth and work to try to prevent future atrocities by bringing the rule of law to Cuidad Juárez and Chihuahua. My heart goes out to these families for their losses, and I urge the FBI, the U.S. State Department and all levels of the government of Mexico to reinvigorate their efforts and work to do all that is possible to bring justice and closure to these horrible tragedies.

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of H. Con. Res. 90, and I wish to express my respect and admiration for the gentlelady from California, Congresswoman SOLIS, for her important leadership on this tragic issue.

Since 1993, nearly 440 women have been killed in Ciudad Juarez and the State of Chihuahua, Mexico. Most of the victims are young, poor women. Nearly one-third worked in maquiladora factories that flourish along the U.S.-Mexican border; another third were students; Over 100 of these women were sexually assaulted prior to their murders, and these cases may be related. Other murders appear to be the product of domestic and intimate partner violence.

Regrettably, the Mexican authorities have done little to investigate the murders: According to human rights investigations into these

murders, at least 130 police, prosecutors, and forensic officials were negligent or abusive in their handling of the murder investigations. Frequently, these officers of the law blame the victim for her own violent death. They have ignored, deceived, harassed and even attacked the families of the victims. While a few men have been convicted for some of the sexual murders, several of the victims' families believe these men are scapegoats, while the real perpetrators remain free at-large. As long as the wrong people are in prison, the killers remain unpunished and able to kill again and again.

We know that the police have used torture to obtain confessions from several people, even though no physical evidence connected these individuals to the crimes. For example, days after eight women's bodies were found in a field in downtown Juarez, two men were arrested and tortured into confessing to their murders. No physical evidence links them to the crime. Police killed one of their lawyers. One of the men died in prison. The judge presiding over the case ignored the remaining detainee's credible allegations of torture and the lack of evidence against him, and convicted him to 50 years in prison for the murders. The families of the murdered women do not believe he is the person responsible for their daughters' deaths.

Mr. Speaker, the Ciudad Juarez murders are an issue that embraces both sides of the border: U.S. citizens have been arrested for the murders, have been victims of the murders, and have had loved ones lost to murder. U.S. citizen Cynthia Kiecker and her husband, a Mexican national, were arrested and tortured in June 2003, accused of the murder of a young woman in Chihuahua. They were acquitted in December 2004. In another case, one U.S. citizen's daughter disappeared in July 2000.

I believe that the Mexican government will respond to U.S. and international pressure to solve these murders and bring peace of mind to the victims' families, and restore peace and security to the people who live in the State of Chihuahua and Ciudad Juarez, in particular. Already, as a result of international pressure, the federal Mexican government has appointed a special commissioner to prevent violence against women in Juarez, as well as appointing a special prosecutor to find out what went wrong with the previous murder investigations.

But Mexican federal and state authorities have made too many promises, and still there is too little progress in any of these investigations.

Mr. Speaker, H. Con. Res. 90 will clearly tell the families of these women that their voices and their pleas for justice have not gone unheard. They have our sympathy, and they have our support. But passage of this bill will also send a clear message to the Mexican authorities that the United States Congress is concerned about these murders, willing to have our government assist in their investigation, and that we want the perpetrators of these heinous acts arrested and put behind bars.

The lives of all these young women had meaning and promise. Let us remember them now, and solemnly vow to their families that we will work to bring their killers to justice.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 90, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 658) supporting the goals and ideals of World Water Day, as amended.

The Clerk read as follows:

H. RES. 658

Whereas the global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro;

Whereas the United Nations General Assembly, via resolution, designated March 22 of each year as World Water Day;

Whereas although water resources are renewable, differences in availability of water resources exist due to variations in seasonal and annual precipitation in different parts of the world;

Whereas although water is the most widely occurring substance on earth, only 2.53 percent of all water is freshwater and the remainder is salt water;

Whereas freshwater resources are further reduced by various forms of industrial, chemical, human, and agricultural pollution;

Whereas the drainage of wetlands for agriculture and the dissipation of water sources by land clearance lead to further exacerbation of water scarcity;

Whereas, according to the United Nations, by the middle of this century, at worst, seven billion people in 60 countries will be water-scarce;

Whereas the poor are the most affected by water scarcity, with 50 percent of the populations of developing countries exposed to polluted water sources;

Whereas water-related diseases are among the most common causes of illness and death, afflicting primarily the poor in developing countries;

Whereas the estimated mortality rate due to diseases transmitted by water and sanitation is five million people per year;

Whereas initiatives that promote access to safe drinking water and sanitation that prevents contaminants from infiltrating fresh drinking water supplies are vital tools in raising the awareness of the importance of freshwater to the quality of life; and

Whereas freshwater is vital to the development, sustainability, and progression of all humanity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of World Water Day;

(2) recognizes the importance of conserving and managing water resources for sustainable development, including environmental integrity and the eradication of poverty and hunger, and human health and overall quality of life in the United States and across the globe; and

(3) encourages the people of the United States to observe World Water Day with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of water and water conservation to humanity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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 on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Resolution 658, expressing support for the goals and ideals of World Water Day. The global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro. The United Nations General Assembly by resolution designated March 22 of each year as World Water Day.

I want to thank my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for introducing this important resolution. Passing this resolution will add to the strong bipartisan support in Congress for fighting global water challenges. This resolution builds upon the accomplishments of this Congress as embodied in the Senator Paul Simon Water For the Poor Act of 2005, Public Law 109–121, introduced by Mr. BLUMENAUER.

Water-related illnesses claim the life of one child approximately every 8 to 15 seconds, killing up to 5,000 children a day and up to 5 million people every year. The statistics associated with global water issues are shocking. According to the World Health Organization, 1.2 billion people do not have access to safe water, and 2.4 billion people lack access to basic sanitation.

World Water Day helps to raise awareness among international community members about this humanitarian catastrophe which places global development and human security in peril.

This resolution communicates our support for World Water Day. It recognizes the importance of conserving and managing water resources for sustainable development, environmental integrity, and the eradication of poverty and hunger, human health and overall quality of life; and it encourages the people of the United States to observe World Water Day.

Paula Dobriansky, the Under Secretary For Democracy and Global Affairs, recently led the U.S. delegation to the fourth World Water Forum in Mexico City, Mexico. Under Secretary Dobriansky's remarks emphasized the linkages between increased access to safe water and sanitation to improving human development indicators.

The administration has taken some noteworthy actions in response to these challenges. The Water For the Poor and Clean Water For People are initiatives equaling almost $1.5 billion combined are positive contributions that will advance the United Nations Millennium Development Goals and implement the Johannesburg Plan by 2015 to reduce the number of people by one-half who have no access to safe drinking water and sanitation.

I invite my colleagues and staff to learn more about what the private sector and the U.S. Government are doing to meet these challenges this Thursday at an event sponsored by the Rotary Club of Washington and water advocates. This event will focus on safe water and sanitation worldwide and implementing the Senator Simon Water For the Poor Act. The event will take place on Thursday, May 4, at 11 a.m. in the Montpelier Room of the Library of Congress. Mr. Speaker, I urge passage of this resolution.

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

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

Mr. Speaker, I rise in strong support of this resolution, and I would first like to commend my good friend and distinguished colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for introducing this very important measure, and my good friend and fellow member of the International Relations Committee, the gentleman from Oregon (Mr. BLUMENAUER), for his advocacy on behalf of all matters related to the global environment.

Mr. Speaker, this past December the President signed the Senator Paul Simon Water For the Poor Act. This important piece of legislation demonstrated the United States' steadfast commitment to clean water and safe sanitation by designating it a major foreign policy goal of the United States.

We further solidified this commitment by participating in the fourth World Water Forum held in March. Our Nation joined with the rest of the international community in Mexico City to discuss the most pressing issues facing access to clean water and sanitation.

I would like to commend Under Secretary For Democracy and Global Affairs Paula Dobriansky, for leading the U.S. delegation to the World Water Forum and for the decision to join the international community in calling for global action on water and sanitation issues.

Mr. Speaker, the resolution on the floor today is yet another defining step in our quest to see all people gain access to clean water by supporting the goals and ideals of World Water Day, conserving and managing water resources for sustainable development.

In the interest of keeping with our core humanitarian values and promoting sustainable development worldwide, we must continue to promote the goals of clean water, sound water conservation and management, and basic sanitation. I strongly support this resolution, Mr. Speaker. I urge all of my colleagues to also support it.

Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like first to extend my appreciation to the leadership of the International Relations Committee, particularly Chairman HYDE and the ranking member, Mr. LANTOS, and the subcommittee people for working with me to advance this measure. I would also like to thank Mr. BLUMENAUER for serving as my partner on this resolution.

Mr. Speaker, H. Res. 658 supports the goals and ideals of World Water Day, an initiative born out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro. The day is to be observed consistent with the recommendations called for by the United Nations Conference on Environment and Development's Fresh Water Resources Agenda which urges the protection of the quality and supply of fresh water resources.

While I am aware that the official date recognizing World Water Day has passed, it is my respectful view that raising public awareness regarding one of the Earth's most precious resources should be year-round. Water is vital to human life, as a matter of fact, all life; and although it is the most widely occurring substance on Earth, it is important to note that only approximately 2 percent of all water is fresh water.

As various forms of pollution and sprawl continue to adversely impact our fresh water supplies, it is imperative now more than ever that the importance of integrated water resources development and conservation and improving the overall quality of life here in the United States and across the globe be highlighted.

Each day, millions of Americans turn to their faucets and their bottles for fresh drinking water, rarely giving a thought to the current demands our water supplies and infrastructure face. Yet while many Americans may think that water resource and development challenges are particularly associated with less-developed countries, it is important to note that the United States is not immune from some of the same challenges.

In 1972, this body enacted the Federal Water Pollution Control Act, commonly known as the Clean Water Act. The act promised that all Americans would have access to healthy waterways and clean drinking water. Although considerable progress has been made since enactment of this legislation to ensure the integrity of our water, many challenges persist as initiatives to comprehensively overhaul the act have stalled.

The Nation's wastewater treatment infrastructure, typically the first line of defense in keeping harmful pollutants out of our fresh water supplies, is in desperate need of investment. According to the Environmental Protection Agency, as much as $390 billion will be needed over the next two decades to rebuild, repair, and upgrade the Nation's wastewater treatment infrastructure.

Controlling the discharge of toxic pollutants such as heavy metals and inorganic chemicals into our waterways is also becoming an increasing challenge.

□ 1615

Data reported by the EPA indicates that 39 percent of river and stream miles assessed by States and 45 percent of assessed lake acreage do not meet the applicable water quality standards and are impaired for one or more desired uses.

Further, approximately 95,000 lakes and 544,000 river miles in the United States are under fish-consumption advisories due to chemical contaminants in lakes, rivers, and coastal waters.

As of 2003, mercury, a contaminant of increasing concern, has forced 45 States to issue partial or statewide fish and shellfish consumption advisories.

As the ranking member on the Water Resources and Environment Subcommittee, I feel strongly that our water policy needs a strong set of government standards and safeguards to continue to protect public health and safety.

We should build on our achievements made possible by innovations, like the Clean Water Act, and not turn our back on them.

Congress should reaffirm and restore the Clean Water Act, which has made our water valuable for drinking, fishing, swimming and other economically vital uses for over 30 years. The Nation's future generations are depending on us.

For our children's sake, it is important that we place responsible stewardship of our Nation's water resources and water infrastructure back on our priorities for our Nation.

I urge my colleagues to support this resolution. There are metropolitan areas now that advise people not to drink the public water.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of H. Res. 658, supporting the goals and ideals of World Water Day, which I introduced with Congresswoman EDDIE BERNICE JOHNSON, the Ranking Member on our Water Resources and the Environment Subcommittee.

Access to safe drinking water and sanitation is critical to promoting good health, fighting

poverty, protecting the environment, empowering women and promoting economic growth around the world. These were the goals of the "Paul Simon Water for the Poor Act," which I introduced last year. This legislation, which was signed into law on December 1st, establishes water and sanitation as a cornerstone of United States foreign assistance efforts.

I look forward to working with my colleagues, concerned organizations, and the administration to help ensure that the United States is a leader on global water issues and works hard to make the goals and ideals of World Water Day a reality for over a billion people around the world in need.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 658, 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.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 697, by the yeas and nays;

H. Con. Res. 392, by the yeas and nays;

H. Res. 658, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

CONGRATULATING THE PEOPLE AND GOVERNMENT OF ITALY UPON THE SUCCESSFUL COMPLETION OF THE 2006 OLYMPIC WINTER GAMES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 697, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 697, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 111]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
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
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
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
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
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)

NOT VOTING—23

Baker
Bishop (UT)
Boren
Buyer
Carson
Crowley
Davis (FL)
Diaz-Balart, M.
Evans
Ford
Green (WI)
Jackson-Lee (TX)
Jones (OH)
Miller, George
Nussle
Osborne
Pascrell
Payne
Rush
Souder
Strickland
Sweeney
Visclosky

□ 1853

Ms. KILPATRICK of Michigan changed her vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States

Olympic Committee, the 2006 United States Olympic and Paralympic Teams, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy.''.

A motion to reconsider was laid on the table.

RECOGNIZING 58TH ANNIVERSARY OF INDEPENDENCE OF ISRAEL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 392, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) to suspend the rules and agree to House Concurrent Resolution 392, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 112]

YEAS—413

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)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
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
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 (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
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
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
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
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
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)

NOT VOTING—19

Bishop (UT)
Boren
Buyer
Carson
Davis (FL)
Davis (TN)
Evans
Ford
Green (WI)
Jackson-Lee (TX)
Jones (OH)
Nussle
Osborne
Payne
Rush
Souder
Strickland
Sweeney
Visclosky

□ 1902

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

The SPEAKER pro tempore (Mr. POE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 658, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 658, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 14, not voting 21, as follows:

[Roll No. 113]

YEAS—397

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)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
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
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
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)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind

King (IA)	Murphy	Schwarz (MI)
King (NY)	Murtha	Scott (GA)
Kirk	Musgrave	Scott (VA)
Kline	Myrick	Serrano
Knollenberg	Nadler	Sessions
Kolbe	Napolitano	Shaw
Kucinich	Neal (MA)	Shays
Kuhl (NY)	Ney	Sherman
LaHood	Northup	Sherwood
Langevin	Norwood	Shimkus
Lantos	Nunes	Shuster
Larsen (WA)	Oberstar	Simmons
Larson (CT)	Obey	Simpson
Latham	Olver	Skelton
LaTourette	Ortiz	Slaughter
Leach	Otter	Smith (NJ)
Lee	Owens	Smith (TX)
Levin	Oxley	Smith (WA)
Lewis (CA)	Pallone	Snyder
Lewis (GA)	Pascrell	Sodrel
Lewis (KY)	Pastor	Solis
Linder	Pearce	Spratt
Lipinski	Pelosi	Stark
LoBiondo	Pence	Stearns
Lofgren, Zoe	Peterson (MN)	Stupak
Lowey	Peterson (PA)	Sullivan
Lucas	Petri	Tancredo
Lungren, Daniel E.	Pickering	Tanner
	Pitts	Tauscher
Lynch	Platts	Taylor (MS)
Mack	Pombo	Taylor (NC)
Maloney	Pomeroy	Terry
Manzullo	Porter	Thomas
Marchant	Price (GA)	Thompson (CA)
Markey	Price (NC)	Thompson (MS)
Marshall	Pryce (OH)	Tiahrt
Matheson	Putnam	Tiberi
Matsui	Radanovich	Tierney
McCarthy	Rahall	Towns
McCaul (TX)	Ramstad	Turner
McCollum (MN)	Rangel	Udall (CO)
McCotter	Regula	Udall (NM)
McCrery	Rehberg	Upton
McDermott	Reichert	Van Hollen
McGovern	Renzi	Velázquez
McHenry	Reyes	Walden (OR)
McHugh	Reynolds	Walsh
McIntyre	Rogers (AL)	Wamp
McKeon	Rogers (KY)	Wasserman Schultz
McKinney	Rogers (MI)	
McMorris	Rohrabacher	Waters
McNulty	Ros-Lehtinen	Watson
Meehan	Ross	Watt
Meek (FL)	Rothman	Waxman
Meeks (NY)	Roybal-Allard	Weiner
Melancon	Ruppersberger	Weldon (FL)
Mica	Ryan (OH)	Weldon (PA)
Michaud	Ryan (WI)	Weller
Millender-McDonald	Ryun (KS)	Westmoreland
	Sabo	Wexler
Miller (FL)	Salazar	Whitfield
Miller (MI)	Sánchez, Linda T.	Wicker
Miller (NC)		Wilson (NM)
Miller, Gary	Sanchez, Loretta	Wilson (SC)
Miller, George	Sanders	Wolf
Mollohan	Saxton	Woolsey
Moore (KS)	Schakowsky	Wu
Moore (WI)	Schiff	Wynn
Moran (KS)	Schmidt	Young (AK)
Moran (VA)	Schwartz (PA)	Young (FL)

NAYS—14

Conaway	Hoekstra	Royce
Flake	Kingston	Sensenbrenner
Franks (AZ)	Neugebauer	Shadegg
Garrett (NJ)	Paul	Thornberry
Gohmert	Poe	

NOT VOTING—21

Bishop (UT)	Ford	Payne
Boren	Gilchrest	Rush
Buyer	Green (WI)	Souder
Carson	Jackson-Lee (TX)	Strickland
Chandler		Sweeney
Davis (FL)	Jones (OH)	Visclosky
Davis (TN)	Nussle	
Evans	Osborne	

□ 1919

Mr. POE changed his vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unavoidably detained in my home district and unable to record my vote for rollcall votes 111–113. Had I been present I would have voted ''yea.''

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. LARSON of Connecticut. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

I move 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 461 (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 capacity 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.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, the pension conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(1) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(2) the managers on the part of the House shall insist that the definition of ''covered employee'' for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a ''covered employee'' within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(3) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

GAS PRICES

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

Ms. PRYCE of Ohio. Mr. Speaker, it is business as usual for Congress today. Democrats are bemoaning the rising energy prices, while Republicans are looking for solutions. Democrats have done a lot of complaining about energy prices, but when it comes to offering ideas and solutions and ways to get out of this, they are noticeably silent.

Time and time again, Republicans have offered solutions to our Nation's energy crisis. We will have two bills up just this week. But the Democrats continue to say no. No to renewable fuels and nuclear energy, no to opening up resources in the ANWR, no to refineries, no to pipelines, no to cracking down on price gouging, no to a comprehensive energy policy.

Mr. Speaker, it is time the Democrats realize that no is not an energy policy. Democrats want a campaign issue; Republicans want a solution. Republicans once again are offering the American people a clear choice; Democrats, obstruction.

''FIRST'' ROBOTICS COMPETITION

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

Mr. PRICE of Georgia. Mr. Speaker, this past Friday I had a wonderful opportunity to witness, firsthand, America's innovative spirit in action. An organization named For Inspiration and Recognition of Science and Technology, FIRST, held its 15th annual Robotic Competition Championship in Atlanta.

Founded in 1989 by Dean Kamen, FIRST is a world-renowned organization that promotes the study and application of science, math, engineering and technology. Over the 3 days of competition, 28,000 participants from seven different countries took part, including students from Wheeler High School in my own district. During the events, students were immersed in an intense competitive environment where they employed innovative solutions to solve real-life engineering problems in a sports-like activity. Teamwork, ingenuity, flexibility and cooperation are all rewarded.

In a continually evolving and competitive global market, Americans

must work to retain our time-honored spirit of scientific leadership. Math and science are invaluable pillars of a strong education; and our schools, in coordination with organizations like FIRST, will ensure the creation of a new generation of world leaders, but only if we are proactively committed.

PRICE OF GASOLINE

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

Mr. POE. Mr. Speaker, the price of gasoline is $3 a gallon. Americans want answers, and they want solutions. According to the American Petroleum Institute, the nationwide average of tax on gasoline is 45 cents a gallon. This is split between State and Federal governments. The oil companies make about 9 cents a gallon on gasoline, so Washington, D.C., makes more off a gallon of gasoline than the oil companies.

Congress should consider suspending part of the gasoline tax for a period of time to lower gasoline prices. Gasoline prices are going up because OPEC controls 50 percent of the world's crude and is driving up the price of gasoline. The U.S. needs to be drilling offshore. Now we only drill off the coast of Texas, Louisiana, and Alabama. There is crude out there in our gulf coast and east coast and even the sacred west coast.

We can't have it both ways: Refuse to drill offshore and have cheaper gasoline prices. It is not going to work. We can drill safely offshore, and we need to do so to prevent being held hostage by third-world countries. Mr. Speaker, that's just the way it is.

CHILD SAFETY ACT

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

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to thank the hardworking law enforcement that have captured an escaped child sexual predator, Michael Benson, making our family safer. I commend John Walsh and his program, America's Most Wanted, on their 888th criminal apprehension out there making sure that we are putting these predators behind bars.

But 8 months ago, we passed the Child Safety Act; and in the Child Safety Act we have provisions that keeps our families, our children safer. Yet it is being obstructed in the Senate. It is time for us to move forward, pass this legislation that is so vital to our children's protection. I call for action and call on my colleagues to join me.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

PHARMACIES ARE IN TROUBLE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to claim the gentleman's time.

The SPEAKER pro tempore. Without objection, the gentleman from Kansas is recognized for 5 minutes.

There was no objection.

Mr. MORAN of Kansas. Mr. Speaker, much of what I am about in Congress is about the fight to preserve and enhance the opportunities that exist in rural America. My goal, among others, as a Member of Congress is to see that there is a future for the communities and the people who live there across my State. I represent one of the most rural districts in the country. A component of that is to make certain that the citizens of those rural communities can access adequate and affordable health care.

We often think of health care as a hospital or a physician. Tonight I rise with great concern about a development across our country and especially in rural America that is occurring in regard to the loss of community pharmacy. We are beginning the process of losing that Main Street business and that health care provider, the community pharmacist.

In many communities across my State, and I am sure it is true around the country, that community pharmacist is struggling and the doors are beginning to close. Examples: today in Kansas, southeast Kansas, the population less than a thousand people, that pharmacist is closed for the last 4 months, no other pharmacist in the community. The next pharmacy is 30–35 miles away. This has an impact not only upon the hospitals and doctors in that area, but clearly an impact upon the community members, the patrons of that pharmacy, those who rely upon the health care to be delivered by that pharmacist.

My own father, 90 years old, rarely sees a doctor because if you see a doctor, that doctor will tell you something is wrong with him, and he does not want to know that. But he relies upon his community pharmacist because he is there drinking a cup of coffee to put the blood pressure cuff on his arm and provide him advice and suggestions about a healthy life.

That community pharmacist is an important component of our business community, and it is a way we deliver health care in communities across our country.

Due to the consequences of the prescription drug bill part D, our community pharmacist's future is bleak. In part it is due to the lack of timeliness of the payments that are occurring. The average wait in Kansas is 45–60 days. When I was in Leoti, Kansas, in March, and Leoti is a community of about 900 people, that community pharmacist had not been reimbursed for one prescription drug bill delivered to a senior since January 1.

Almost all pharmacists in my district and across the State have had to take out a line of credit just to stay in business. I want to highlight a bill that has been introduced by the gentleman from North Carolina (Mr. JONES) and by the gentleman from Arkansas (Mr. BERRY) and a bill by the gentleman from Mississippi (Mr. WICKER) that would require those sponsors of those drug plans to promptly pay the submitted claims.

It is unacceptable that a pharmacist would have to wait 2 months to be paid for the bills, and it is unacceptable because it is wrong. It is not the right thing to do, but it is a terrible occurrence because it means the demise of his or her business.

In addition to that, almost all pharmacists lose money on the prescriptions they fill under the Medicare plan part D, and the sponsors of those plans allow almost no negotiating room for those pharmacists. We need to change that. I would highlight a bill that I and the gentleman from New York (Mr. WEINER) have introduced, the Community Pharmacy Fairness Act, to give independent pharmacists the freedom to ban together to negotiate with drug manufacturers.

Time is of the essence. Pharmacist Kody Krein from St. Francis, Kansas, he grew up in that town. His life goal was to return to St. Francis as a community pharmacist. He has given us until July 1 and then he will make a decision whether he can continue as the sole pharmacist in that town. His three kids are in the school system in St. Francis, Kansas. It would be a terrible thing to lose that community pharmacist, to lose his family, and to lose that man's hope for a career in his hometown. That does not happen enough in rural America where a young son or young daughter actually is returning home to the family community. There is no pharmacist in the St. Francis area for 35 miles. We have a short period of time before we can correct this.

You may say this is a handful of examples. I am exercised about this issue. It is troublesome to me that this Congress, this place, Washington, D.C., has become so political that we cannot address this issue, that if an issue is brought to the floor that we are fearful that the Democrats will make an issue of it, that we have come to the point where nothing is done because there are political consequences to the issue even being discussed.

There are challenges and problems that are created by part D that need to be addressed. These issues are so important to me that it is time for us to set aside the political bickering and actually address the needs of the country. It is a political place that we work in. We all know that, but the problem is that we simply cannot use politics as an excuse to do nothing. It is time for us to make certain that good things occur and we cannot be responsible for the loss of a business, the loss of a family, and the loss of three students in a classroom in rural communities across our country.

Mr. Speaker, I ask that we no longer delay, that we bring attention to this issue to the House floor.

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.)

MISSION NOT ACCOMPLISHED

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, exactly 3 years ago yesterday, President Bush gave his speech about the military operations in Iraq and said they had become ''Mission Accomplished.''

Why was this speech important? Because in a single stroke, it revealed more about the President and his administration than all of his other speeches combined. Paying attention to the news, you will recall how on that day President Bush, adorned in a fighter pilot suit, rode shotgun in a military jet that landed on the USS ABRAHAM LINCOLN aircraft carrier, and a massive banner declaring ''Mission Accomplished'' was brashly displayed in the background during his subsequent speech.

It seemed like a bold act put on by a President who wanted to be perceived as taking bold steps against our Nation's enemies. But nothing had actually been accomplished to that point. The problem is that the ''mission'' in Iraq was not accomplished 3 years ago, and it certainly hasn't been accomplished today, which makes the military jet landing and ensuing speech 3 years ago far short of bold. It was a grandly staged political stunt, pure and simple.

Let us talk about ''Mission Accomplished.'' For whom exactly is this mission accomplished? Is the mission accomplished for our troops, many of whom have returned home from Iraq forever changed as a result of the physical and mental trauma they endured during years of repeated deployment to Iraq?

One such soldier is retired Naval Hospital Corpsman Charlie Anderson who last Thursday spoke at an Iraq forum that I organized. Charlie suffers from post-traumatic stress disorder and now is a regional coordinator for Iraq Veterans Against the War.

I quote him in saying, ''I was completely untrained and unprepared for what I experienced in Iraq.'' He also told us, ''In the 7 years preceding my deployment to the Middle East, I had not set foot in the desert or had any training on how to fight or survive there. I had fired my 9 millimeter service pistol exactly once.''

Is the mission accomplished for Faiza al-Araji, an Iraqi civil engineer who recently fled Baghdad, the only home she has ever known? Faiza and her family left Iraq after her son, a student, was detained for days by the Ministry of the Interior without charges being filed. After nearly a week of panicking, Faiza and her husband paid a ransom to have their son released. They were told he had been detained because he had a beard, and was therefore probably a terrorist.

The fact is, 3 years after President Bush's ''mission accomplished'' pronouncement, Iraq is still mired in chaos. Our troops are still sitting ducks. They are halfway across the world, and the United States is still tangled up in a quagmire of epic proportions.

Of the over 2,400 American soldiers who have been killed in Iraq, all but 139 were killed after the President's USS ABRAHAM LINCOLN speech. Attacks against Iraqis, U.S. and coalition troops, and critical infrastructure have increased by nearly 25 percent since then.

According to the Brookings Institute, the Iraqi insurgency has tripled in strength since 2003. It is pretty clear by now that the ''Mission Accomplished'' speech was just another example in a long pattern of the Bush administration playing up the political theater while ignoring the facts on the ground.

Whether they are talking about tax cuts for the richest 1 percent of Americans, prescription drug coverage that does not work for seniors, or the cost of military operations in Iraq and Afghanistan, this administration's MO is to avoid revealing bad news at all cost, even if it means toying with the truth. It is like all of the bad stories are cut out of the newspaper before they are brought into the White House.

Mr. Speaker, let us accomplish something that will help secure America and Iraq for the future and save thousands of innocent lives in the process. Let us accomplish an end to the pain and suffering felt by the hundreds of thousands, and let's end the war in Iraq and bring our troops home now.

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

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WHAT TO DO ABOUT SOARING OIL PRICES

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim my 5 minutes at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. PAUL. Mr. Speaker, gasoline prices are soaring and the people are screaming, and they want something done about it now.

$100 rebate checks to American motorists will not cut it, nor will mandatory mileage requirements for new vehicles. Taxing oil profits will only force prices higher. But there are some very important things we can do immediately to help.

First, we must reassess our foreign policy and announce some changes. One of the reasons we went into Iraq was to secure our oil. Before the Iraq war, oil was less than $30 a barrel. Today it is over $70. The sooner we get out of Iraq and allow the Iraqis to solve their own problems the better. Since 2002, oil production in Iraq has dropped 50 percent. Pipeline sabotage and fires are routine, and we have been unable to prevent them. Soaring gasoline prices are a giant, unintended consequence of our invasion, pure and simple.

Second, we must end our obsession for a military confrontation with Iran. Iran does not have a nuclear weapon, and according to our own CIA is not on the verge of obtaining one for years. Iran is not in violation of the Nuclear Nonproliferation Treaty, and has a guaranteed right to enrich uranium for energy, in spite of the incessant government and media propaganda to the contrary. Iran has never been sanctioned by the U.N. Security Council, yet the drumbeat grows louder for attacking certain sites in Iran, either by conventional or even by nuclear means. Repeated resolutions by Congress stirs up unnecessary animosity toward Iran, and creates even more concern about future oil supplies from the Middle East.

We must quickly announce we do not seek war with Iran, remove the economic sanctions against her, and accept her offer to negotiate a diplomatic solution to the impacts. An attack on Iran, coupled with our continued presence in Iraq, could hike gas prices to $5 or $6 per gallon here at home. By contrast, a sensible approach to Iran could quickly lower oil prices by $20 a barrel.

Third, we must remember that prices of all things go up because of inflation. Inflation, by definition, is an increase in the money supply. The money supply is controlled by the Federal Reserve and responds to the deficits Congress creates. When deficits are excessive, as they are today, the Fed creates

new dollars out of thin air to buy Treasury bills and keeps interest rates artificially low. But when new money is created out of nothing, the money already in circulation loses value.

□ 1945

Once this is recognized, prices rise, some more rapidly than others. That is what we see today with the cost of energy.

Exploding deficits due to runaway entitlement spending and the cost of dangerous militarism create pressure for the Fed to inflate the money supply. This contributes greatly to the higher prices we all claim to oppose. If we want to do something about gas prices, we should demand and vote for greatly reduced welfare and military spending, a balanced budget, and fewer regulations that interfere with the market development of alternative fuels. We also should demand a return to a sound commodity monetary standard. All subsidies and special benefits to energy companies should be ended; and, in the meantime, let's eliminate Federal gas taxes at the pump.

Oil prices are at a level where consumers reduce consumption voluntarily. The market will work if we let it. But as great as the market economy is, it cannot overcome a foreign policy that is destined to disrupt oil supplies and threaten the world with an expanded and dangerous conflict in the Middle East.

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

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

RECORD OIL COMPANY PROFITS

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim Mr. PALLONE's time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Speaker, I hope the American people are paying attention to the massive oil company profits being made off of the pocketbooks of our people. Gasoline prices have gone up 68 cents just since last year per gallon. Gasoline prices are soaring. I left Ohio this morning after casting my vote in the primary election. Gas was $3 at the pump, and some of the brands were as high as $3.85 a gallon.

Who are we making rich? ExxonMobil, they are number one. They declared a record quarterly profit of $8.4 billion, 7 percent more than they made last year. Meanwhile, their chairman, Lee Raymond, is planning on his retirement. His package totals $400 million when all pension payoffs and stock options are included.

I have often asked myself, what does somebody do with $400 million? When is enough enough?

Now, this is the same Exxon that has yet to pay the $4.5 billion in punitive damages awarded in the Exxon Valdez case 17 years ago. They haven't even paid off those they harmed.

Now, not to be outdone, ConocoPhillips said its earnings rose 13 percent, to $3.29 billion, just in the first quarter of this year.

Now, Chevron Corporation's first quarter profits soared 49 percent, to $4 billion, as the firm joined the procession of U.S. oil companies reporting colossal earnings.

Meanwhile, constituent after constituent in my district tells me they can no longer afford weekend family trips due to gas prices. People are only filling their tanks up halfway, hoping prices will drop and they will not have to pay these exorbitant prices.

Other companies like Halliburton, think about this. We have a Vice President. He got a tax refund of nearly $22 million. Halliburton is an oil servicing firm that has gotten so many no-bid contracts from this government related to the war in Iraq and other oil-related expenditures. Come on. Can't we connect those dots? Can't we figure out what's going on here?

Farmers tell me that higher fuel costs mean their already ultra-slim margin of profit is likely to disappear.

Small businesses worry about whether or not they can impose delivery surcharges to make up for higher fuel costs.

Now, all the President of the United States says, listen carefully. He says we have to study this. Hmm. He says we have to study this. We have to study the profits.

Mr. President, we need to do something. The President says that these companies should reinvest their money in energy projects here. But keep in mind that Exxon officials told the staff of the House Energy and Commerce Committee this year that Exxon doesn't intend to spend any money in this country because of flat demand for petroleum products by the year 2030. So the President appears to be some days late and a refinery short.

Something the President could do, using his Presidential authority, is to change the Strategic Petroleum Reserve to a Strategic Fuels Reserve and begin converting this country to non-oil-based fuels. His agriculture bill didn't do that. We put a title IX in the agriculture bill to convert quickly. We can do ethanol and biodiesel right now. But guess who won't sell it? Every one of those oil companies.

Think about the communities you live in. Let's say you buy a Ford Taurus that is an E85, and you can put ethanol in the tank. Unless you are from Minnesota or Iowa, where are you going to buy the fuel? Guess who locks you out at the pump? Every single one of those companies, because they want business as usual.

At some point, we have to do what is right for the country before any single company's interests. This is in the national interest not to have the economy take a nosedive again because of our dependence on imported petroleum.

The other body is contemplating the cute idea of a $100 tax rebate to every citizen. Well, what does that do about the price of gasoline? What does that do about converting the type of fuel you put in your tank and making America energy independent again? What does this do to end our presidentially decreed addiction to oil from unstable regimes? All it does is it transfers wealth to those very same companies that are locking out the new future for America, the new energy future we needed to embark upon in the last century and, sadly, we did not have the leadership to do it.

So profits are up again. Golden parachutes are being readied. The industry snubs its nose at the consuming public that can't afford these prices. The Bush government says, trust us, let's just study some more. That is all we need to do is study.

Is it any reason the American people are upset? They have a right to be upset. We need leadership in this government. No more followership.

[From The Blade: Toledo, Ohio, Friday, Apr. 28, 2006.]

QUARTERLY PROFIT TOPS $8 BILLION AT EXXON MOBIL

ASSOCIATED PRESS

DALLAS—Exxon Mobil Corp. posted the fifth-highest quarterly profit for any public company in history yesterday, and with oil prices above $70 a barrel it could go down as the company's weakest quarter for the year.

Exxon Mobil's first quarter was lower than its record fourth-quarter, when the world's largest oil company reported the highest profits ever for any publicly traded company. And the earnings, which rose 7 percent to more than $8 billion, still fell short of analysts' estimates.

But, in what is sure to spur the growing furor over outsized energy industry earnings, Exxon Mobil's massive profits may only increase in 2006 as it benefits from rising crude-oil prices and production, analysts say.

''This is only the beginning,'' said Fadel Gheit, analyst for Oppenheimer & Co. ''Let me tell you, it gets better after that. Oil prices will add huge amounts to earnings, at least a billion dollars.''

The earnings report comes amid consumer outcry in the United States about soaring gasoline prices, which average $2.91 a gallon nationwide, or 68 cents higher than a year ago.

It also lands as Washington lawmakers are looking to appease voters with various proposals to make big oil companies pay more taxes or provide consumers with some other relief. But everyone acknowledges that little can be done in the short term to bring down prices.

''If we had a silver bullet, we, would be proposing it to Washington, right now,'' said Ken Cohen, the company's vice president of public affairs. He said Exxon Mobil was investing a growing portion of its profits in new oil and gas production, and that the company is sympathetic to the added energy-price burden on consumers.

Still, he said consumers and members of Congress need to ''take a deep pause and a deep breath'' because market forces will eventually bring supply and demand back into balance. He said Congress could help

matters longer term by removing barriers to domestic drilling.

The increasing public scrutiny of Exxon arrives less than a month after the news that the company handed its former chairman and chief executive officer, Lee Raymond, a $400 million retirement package, when all pension payoffs and stock options are included, that sparked headlines across the country and calls in Washington to justify the huge compensation.

In January, Exxon posted the highest quarterly profits of any public company in history: $10.71 billion for the fourth quarter of 2005 and $36.13 billion for the full year.

Howard Silverblatt; a senior index analyst for Standard & Poor's, said the latest profit figure still places Exxon fifth historically among quarterly earnings. Exxon also holds the first, second, and fourth spots; Royal Dutch Shell PLC has the third spot.

In the first quarter, net income rose to $8.4 billion, or $1.37 per share, from $7.86 billion, or $1.22 per share, a year ago. Roughly three-quarters of that profit came from the company's upstream division, which produces oil and natural gas.

Analysts polled by Thomson Financial were looking for a higher profit of $1.47 per share for the latest quarter.

Analysts and company executives identified two major contributors to coming up a dime short: higher taxes on oil and gas produced abroad and reduced income from Exxon's refining business, which spent heavily on maintenance in the aftermath of last year's hurricanes.

HIGH GAS PRICES

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

Mr. KENNEDY of Minnesota. Mr. Speaker, as we well know, the rising cost of gasoline is a burden on hard-working families and on small businesses across the country.

Recently, the price of crude oil hit the historic high of $75 a barrel. The average price of gasoline is now a whopping $2.92 cents a gallon, and it shows no sign of dropping before the busy summer travel season.

While much of this is the result of increasing demand generated by our growing economy and increased instability in Iran and other oil-producing countries, Congress has a duty to take action.

Some in Congress like to play politics on this issue. The American people don't want cheap political games and stunts. They want and deserve solutions.

We provided good solutions in the strong conservation and renewable energy titles of the energy bill that we passed last year. Had it not been for political gamesmanship, these measures, which languished in Congress for 4 years after we passed it in the House, would already be reducing gas prices with more hybrid and E85 ethanol cars on the road and more biofuels to fuel them.

Instead, these policies are just being implemented now. Over time, I believe that last year's energy bill will help bring down the cost of energy for consumers, but, in the meantime, we must do more.

Last year, in the House, we passed the Gas Act that would not only streamline the process of expanding refineries but also provide, for the first time, a Federal criminal penalty for price gouging in gasoline or diesel fuel cells.

Additionally, Mr. Speaker, we ought to stop giving tax incentives to big oil and gas producers when they are already reporting record profits. That is why last year I introduced legislation with Congressman MARK UDALL to redirect $2.5 billion in tax incentives away from the oil and gas companies, instead put it towards doubling incentives for E85 ethanol, hybrid and hydrogen vehicle production.

Renewable fuels are the key to our energy independence and to freeing drivers from the high cost of imported oil. We need only look to my home State of Minnesota, which has been leading the Nation in developing renewable fuels. Minnesota was the first state to require ethanol be sold in all gasoline and has been instrumental in the development of E85 fueling stations, with over 100 such stations throughout the State.

Mr. Speaker, the proof is at the pump. These policies have resulted in Minnesota gas prices being amongst the lowest in the country. It is common in Minnesota to see E85 being sold for 50 cents less than regular gasoline.

These savings should be enjoyed nationwide, which is why I am pleased to be an original cosponsor of H.R. 4357, which was introduced last year by my fellow Minnesotan Congressman GUTKNECHT. This bill would require that our country adopt Minnesota's model that all gasoline should contain 10 percent renewable fuels.

We must get beyond the partisanship and obstruction that is blocking these additional measures. We have now waited for a year. We cannot afford to wait for 4 years. We must act now.

But we also must, in the meantime, make sure that the high gas prices don't destroy the strong economic growth that is providing jobs to so many. One of the first things we should do is a temporary suspension of the Federal gas tax. Suspending the gas tax will produce an immediate 18.4 cent per gallon savings for motorists when they fill up their tanks. That is why I will be introducing legislation to suspend the Federal gas tax throughout the summer driving season.

Highway trust fund revenue lost from this temporary suspension would be paid back and the fund made whole by fixing an oversight that has allowed some oil and gas companies to escape paying what they owe under the law to the Treasury. Unlike other measures, we can do this now, providing immediate relief to drivers hurting at the pump.

Mr. Speaker, high gas prices hurt American families and threaten our growing economy. We have a duty to respond. Let's stop the politics and get to work.

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

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

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

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

RECOGNIZING C. RICHARD VAUGHN

Ms. FOXX. Mr. Speaker, I ask unanimous consent to take Mr. BURTON's time.

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, I rise today to recognize and congratulate my dear friend, Mr. C. Richard Vaughn of Mount Airy, North Carolina, for being awarded the 2006 Distinguished Citizen Award from the Old Hickory Council of Boy Scouts of America. This prestigious honor is given annually to one individual from Northwestern North Carolina who best exemplifies the ideals of scouting through contributions to community, State and country. In receiving this award, Richard joins an impressive fraternity of past recipients, including Senators Jesse Helms and Richard Burr.

I have had the honor and privilege of knowing Richard for the past 12 years and can honestly say that there are very few people as deserving of this award as he is. Richard is a true asset to the State of North Carolina and the Town of Mount Airy. The driving force in his life is a strong desire to serve others and make his community a better place.

Richard has truly exemplified the principles of Boy Scouting throughout his life from the time he was a young Eagle Scout. He has served our Nation as a First Lieutenant in the United States Army and has remained incredibly active in community and civic affairs throughout his adult life. He serves as Chairman of the Board of Trustees of Central United Methodist Church in Mount Airy, as past president of the Mount Airy Museum of Regional History, as past president of the North Carolina State Chapter of Sigma Nu Fraternity, as past vice president of the United Fund of the Greater Mount Airy Chamber of Commerce, as president of the Reeves YMCA Community Center, as chairman of the Mount Airy Board of Education, as an executive committee member of the Old Hickory Council of Boy Scouts of America, and as the former Scoutmaster of Troop 596 of Mount Airy.

He has also served as the Chairman of the Board of Directors of the North

Carolina Granite Corporation, Chairman of Riverside Building Supply, Incorporated, and on the Board of Directors of Insteel Industries and United Plastics Corporation.

He also serves on the Board of Trustees for North Carolina State University and is a past member of the North Carolina Board of Transportation and a past member of the Board of the North Carolina State Ports Authority.

Richard attended North Carolina State University where he received a Bachelor of Science degree in nuclear engineering. Upon graduating, he served in the U.S. Army Ordnance Corps from 1961 to 1964. Afterward, he returned to Mount Airy and started working for his former Scoutmaster, Mr. John S. Clark, at the John S. Clark Construction Company. Richard has thrived in his nearly 40-year career at John S. Clark and has contributed greatly to the company's impressive growth and success. Now Richard serves as the Chief Executive Officer of the company.

Mr. Speaker, Richard Vaughn has contributed greatly to his hometown, his State and his country, both civically and professionally. Richard and his lovely wife, Betty Kay, have also been excellent role models for their children and grandchildren. I commend him for his commitment to service and congratulate him for receiving the 2006 Distinguished Citizen Award.

□ 2000

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

(Mr. BROWN of Ohio 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania 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 California (Mr. COSTA) is recognized for 5 minutes.

(Mr. COSTA 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 Illinois (Mr. EMANUEL) is recognized for 5 minutes.

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

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

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

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

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. HENSARLING. Mr. Speaker, we have just received some news yesterday which I hope will sufficiently alarm every big spender that we have in the United States House of Representatives. Yesterday we received the annual report on the financial well-being of Medicare and Social Security from the trustees of those funds. They report that the fiscal situation has again deteriorated and, in fact, Social Security will become broke in 2040, 1 year sooner than expected, and Medicare will go broke in 2018, 2 years sooner than expected.

This is not good news, Mr. Speaker; but a number of us have been speaking out for weeks, for months, for years that we must do something in this body to change the fiscal path that we are on.

Now, today, if you are a senior receiving Medicare, receiving Social Security, you are going to be fine. But there is this great big baby boom generation that has been paying billions and billions of dollars into the funds, and soon they will be taking from the funds; and the fiscal situation will deteriorate rapidly.

The challenge that we have, though, Mr. Speaker, is that too many people in the Federal city, too many people in this body, are focused on the next election and not the next generation.

Now, the report we received is certainly not a crisis. It is not something we have to take care of today. We do not have to take care of it tomorrow, do not have to take care of it next week. But let there be no doubt about it, if we want to preserve Medicare and Social Security as we know these programs for the next generation, steps must be taken today. Otherwise, we will put our Nation on a course, on a fiscal path, that will determine, that will actually ensure that our children, our grandchildren have a lower standard of living than we do.

So, Mr. Speaker, this is the week where we are due to vote on the budget, and the budget is always a time of great debate in this institution. And I hope that the American people focus on the fact that the budget is more than just numbers; it is more than just getting out a pencil with a stubby eraser; it is more than just red ink and black ink, and, unfortunately, it has been a lot more red ink than black ink. It is really about priorities. It is about the society that we want to have. It is about the legacy that we will leave the next generation.

I personally got into the parenthood business 4 years ago. I have a 4-year-old daughter and a 2½-year-old son. And I think a lot about the kind of America that I want my children to grow up in and all the children that I see in the Fifth Congressional District of Texas that I have the honor to represent in this body. I want to leave my children a legacy of greater hope, greater freedom, and greater opportunity. I do not wish to leave them a legacy of greater debt, greater taxes, and more big government bureaucratic solutions. That is not the America I want to leave them. I think that if we will just ford the frontiers of freedom, if we can have smart government, limited government, accountable government, then our children and grandchildren can have an even brighter future than what we enjoy today.

But as we debate this budget, it is a little bit like that film with the comedian called ''Groundhog Day,'' where it seemed like he, Bill Murray, relives the same day over and over. And for those of us who have been veterans of these budget debates, it seems like the debate points never change. Maybe the numbers do and the situation gets more serious, but the debating points do not seem to change.

So first, Mr. Speaker, there will be a number of different budgets that we debate; but my guess is, if history is our guide, it will come down to one Republican budget and one Democrat budget.

Now, the Democrats will tell us that all these programs are being cut and if you will only send more money to Washington, we can solve all these problems for the American family. If you will just trust Washington, if you will just trust the liberal elite in the Nation's capital who know better about your family than you do, then everything will be fine.

Let me tell you, Mr. Speaker, what has been happening. First, Washington, D.C., our Federal Government, is now spending, last year, starting with last year, over $22,000 per household. This is only the fourth time in the entire history of America that the Federal Government has spent this much money. It is the first time since World War II that the Federal Government has taken so much money away from hard-working American families to bring up

to Washington, D.C. And as you can tell from this chart, frankly, the trend line is very, very worrisome. And in just the past decade, look at what has happened: the average family income, as measured by median family income, 10 years ago was roughly $45,000 per family of four. As you can tell from this bottom line, it has now increased over 10 years to about $62,000 for a family of four.

But look at what has happened to the Federal budget. Ten years ago it was about $1.6 trillion, and now it is approaching $2.6 trillion for the next year. The Federal budget has outpaced the family budget by almost a full third in just the last decade. And the future trends are even more alarming.

So, Mr. Speaker, tonight I want us to focus on what the future is going to look like if we do not change big spending ways in Washington and what the future can look like if we will just have smart government, limited government, accountable government, and trust the American people and trust freedom and trust hope and trust opportunity.

At this point, though, I am very happy, Mr. Speaker, that we have been joined by an outstanding Member of the freshmen class who has been a real leader in the United States Congress in trying to protect the family budget from the Federal budget, to try to restrain out-of-control Federal spending.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank Representative HENSARLING for yielding. We all owe him a great debt for the work that he does in getting us this kind of information about what is happening with the budget. He has been a tremendous leader not just in the Republican Study Committee, where we talk about these things a great deal, but here on the floor, bringing the attention of the American people as well as the Members of Congress to these issues.

I say over and over again, when I get a chance to do so in small groups and in large groups, that what we have to refocus on in this Congress is the role of the Congress and the role of the Federal Government. What has happened in this country is we have allowed the Federal Government to get its tentacles into all kinds of issues that it has no business being in.

The Founders of this country were very, very concerned about the role of the Federal Government and wanted to keep a weak Federal Government and strong State governments. It made sense to do that. One of the ways that they did that was to spell out clearly what the responsibilities of the Federal Government would be and then say everything not mentioned here remains with the States. That is the 10th amendment of the Constitution. And we do not pay enough attention to that amendment, I think, on a day-to-day basis in this body; and we need to be doing that because we have gotten involved in things we should not be involved in.

The number one role of the Federal Government is to provide for the defense of this country. However, what has happened is that over time Members of the Congress and the executive branch have decided that we should be like Santa Claus to the country and we should get involved in many, many other kinds of programs. We are very much involved in education. We are very much involved in health care through Medicare and Medicaid. We have the Social Security program, which is, I think, a cruel hoax on the American people. We have told the American people that we will provide for their retirement through the Social Security program; and as my colleague, Mr. HENSARLING, has pointed out, we keep getting sobering information about the requirements we have established for ourselves and what mechanisms we have for taking care of those requirements.

We have created, in the lexicon of our government, some terms that we need to get out of our lexicon. The word ''entitlement'' is something that is used a great deal. There is no such thing as an entitlement from the Federal Government, but we have created that over the years by our interest in creating power for ourselves here in the Congress. And it is a very insidious thing that has happened, which we need to do something about.

We also talk all the time about mandatory spending. Mandatory spending is talked about in terms of Social Security, Medicare, Medicaid. These are programs that are put on automatic pilot, and nobody ever deals with them. Oh, every year somebody comes up with a study such as Congressman HENSARLING mentioned, and then people get nervous and then they stop talking about it.

Our colleagues on the other side talk all the time about the deficit. But day after day after day, they talk about both the deficit and then how we are not spending enough money on various programs. We cannot have it both ways, but yet we continue to try to have it both ways, and we have tried to convince the American people that we can have it both ways. But we cannot do that.

There is a big difference. The difference is that the folks on the other side think they know how to spend your money better than you know how to spend your money. Republicans have the opposite opinion. They think that you know how to spend your money better than the government knows how to spend your money. And to do that, we have made tax cuts in the last few years. I was not here when the major tax cut was made in 2001, but it is really responsible for why our economy is growing as well as it is growing. We have these terrible situations looming out there on the horizon, but the economy right now is doing well, and it is a direct result of the tax cuts, letting the people keep more money in their pockets. Frankly, we have got to do more of that. We have got to cut back on Federal spending. We have got to get the Federal Government out of many of the programs that it is involved in and set some priorities.

Our number one priority has to be the defense of this Nation because State governments cannot do that and local governments cannot do that. We have to do that at the Federal level. That is our number one priority.

□ 2015

Then if we have funds to do other things, we must set our priorities based on what are the proper roles of the Federal government. Frankly, those roles are very narrow. We have to get back to a situation where we examine every program that we fund in the Federal government against those priorities and against what is outlined in the Constitution for us to do.

I am really proud again to be a small part of this presentation tonight where my colleagues are going to present the facts about where we stand with the budget and what we need to do to get our fiscal house in order in this country. We have seen socialism fail in Europe and in other countries. We know it doesn't work, and yet there are people in this country who think we can keep spending without regard to ever having to come to account for that spending.

I am happy to tell you tonight you are going to understand some of the things that we are doing that are creating our problems and what we might do in this country to solve this problem of overspending and get ourselves back on track that will lead to economic healthiness, instead of economic sickness in this country.

Mr. HENSARLING. Mr. Speaker, reclaiming my time, again, I thank the gentlelady from North Carolina for her great leadership in this body on trying to bring fiscal sanity to the Federal city and do something that can really make a difference in the lives of her constituents and for all Americans.

Mr. Speaker, again we are talking tonight on the precipice of the great budget vote which occurs here in Congress each and every year. I think it is important that we get a number of facts out before this debate takes place. People are always entitled to their own opinions, but they are not entitled to their own facts.

One of the opinions you will hear from Democrats on the other side of the aisle is that somehow the Republican budget is going to cut taxes. Well, I have looked very carefully at this budget. It doesn't cut taxes. What it does is it preserves the tax relief that has already been given to the American people in previous years. In other words, Mr. Speaker, it prevents a Democrat tax increase.

The American people, very few of them know this, but in Washington

spending is forever and tax relief is temporary. You have got to keep on voting to just keep the tax relief that you have already received. Yet spending goes on forever.

I think it was President Reagan who once said that the closest thing to eternal life on Earth is a Federal program, and indeed he was correct.

So, let's talk a little bit about what would happen if the Democrats succeed in making sure that they have a huge, automatic tax increase. They say that any fiscal woe that we have in the Nation is somehow the result of tax relief that was given out in earlier years.

If they have their way, if they roll back all the tax relief that has occurred, tax rates will rise substantially in each and every bracket on American families, right now when many of them are struggling to fill up the family pickup truck or the family car.

Low-income taxpayers, if the Democrats have their way and raise taxes on the American people, the 10 percent bracket will disappear and the 15 percent bracket will come back. That means our lowest wage earners who pay taxes, our lowest wage earners who pay taxes under the Democrat plan will see a 50 percent increase in their taxes. They call that compassion.

Married taxpayers will see the marriage penalty return, costing American families thousands of dollars. Taxpayers with children will lose 50 percent of their child tax credits if the Democrats have their way, if their budget is passed. The American people, Mr. Speaker, need to read the fine print.

Now, the Democrats will rail against the deficit, but they won't admit that under their budget, all these taxes increase on American families. Taxes on dividends and capital gains will jump by as much as 100 percent. Half of American families are invested in the stock market in their 401(k) plans. It is their retirement, particularly since the Democrats refuse to do anything to save Social Security for the next generation.

The depreciation period for leasehold improvements will increase from 15 to 39 years on small business, the job engine of America. If the Democrats have their way in their budget, taxes will increase on small businesses. And the list goes on and on and on.

Mr. Speaker, at this time, I am very happy to see that we have been joined by truly one of the great leaders in Congress to combat waste and fraud and abuse and duplication and I guess really dumb government. I am very happy to be joined by a dear friend of mine and colleague, the gentleman from Indiana, Mr. CHOCOLA, who happens to be also the coauthor, along with myself and Mr. RYAN of Wisconsin, of the Family Budget Protection Act, which is the most comprehensive piece of budget reform legislation that could be passed by this Congress. I am very happy to be joined by him. I would at this time yield to him to get his perspective.

Mr. CHOCOLA. Mr. Speaker, I want to thank the gentleman from Texas for yielding and thank him for his leadership on budget process reform, spending and many other very important issues. I appreciate you bringing us to the floor tonight to talk about what I think is the most important challenge we face as a Nation, because if we don't solve our fiscal challenges, really nothing else matters.

Since I was elected a few years ago, one of the probably most knowledgeable, honest, straightforward people I have talked to about fiscal issues in Congress is a guy named David Walker. He is the head of the GAO, the Comptroller General of the United States. What I would like to do is just share with you part of an op-ed that he put in an Atlanta newspaper recently. I will share here.

''News flash: The largest, most complex and arguably the most important entity on the face of the Earth recently failed an external audit for the ninth straight year.'' Let me repeat that, Mr. Speaker. Entity failed an audit for 9 straight years in a row. ''It also received an adverse opinion on its system of internal control over financial management and reporting.

''If that is not bad enough, this entity overspent by $319 billion on a cash basis,'' that is billion dollars, on a cash basis, and on an accrual basis, it was $760 billion in fiscal 2005. ''Worse yet, the accumulated liabilities and unfunded commitments for this entity have risen from about 20 trillion,'' that is with a T, ''at the end of fiscal year 2000 to more than 46 trillion,'' with a T, ''at the end of fiscal year 2005.

''If this news flash were related to any multinational corporation, it would have been on the front page of every newspaper in the world and at the top of every news broadcast in the world. However, this news flash doesn't relate to a company, it relates to a country, the United States of America.

''As Washington embarks on its budget cycle, the facts are clear and compelling that the Federal government is on an imprudent and unsustainable fiscal path that, if not effectively addressed, could serve to swamp our ship of state. Our current course doesn't just threaten our future economy and quality of life, but also our long-term national security.''

Mr. Speaker, I think we could talk about a lot of things tonight. We could talk about immigration. We could talk about just about anything, and it really doesn't matter as much as what I just read from David Walker. Because, by 2040, we will spend on entitlement spending, including Social Security and Medicare and interest, more than we have in revenue coming in. So that means by 2040, not that long from now, we will not have any money for education, we will not have any money for defense, we will not have any money for agriculture, we will not have any money for anything.

I think it is important. To solve a problem, we have to define a problem. Unfortunately, the American people and many Members of Congress don't appreciate the situation we are in fully.

So I have introduced a piece of legislation. I think it has been cosponsored by the gentleman from Texas. It is called the Truth in Accounting Act. All that that does is require the Federal government to share with the American people and all Members of Congress fully the extent of our unfunded liabilities.

Today, our unfunded liabilities stand at $46 trillion. Just a few years ago, in 2000, they were at $20 trillion. So just over 5 years they have more than doubled.

When I go around my district and talk about fiscal issues and people say how big is the national debt, I say $8.3 trillion. People are appalled. But to put this in perspective, we could fully pay off our national debt today and we wouldn't even come close to meeting our financial obligations. The $46 trillion is money we know we owe. If the United States Government was a public company, it would have to disclose those unfunded liabilities.

I am the only Member of Congress that I am aware of that ever served as CEO of a publicly traded company. Because of that, I understand that if any public company in America accounted for its business the way the Federal government accounts for its business, the management team would be in jail.

Public companies are required to account a certain way to result in transparency and accountability. I think we should expect no less from the Federal government. So, again, the Truth in Accounting Act simply requires the Federal government in the annual financial reports to disclose the unfunded liabilities that this Nation faces.

Why I think it is so important is because the better understanding there is of our financial challenges, the better policy we can enact. Because until we can define the problem, we won't have serious efforts to solve the problem, and I think it is so critical that we don't pass along a debt to our children that they simply can't afford.

The analogy I use is Congress is kind of like the Levee Commission. If recent history has taught us anything, when a storm is coming, you must strengthen the levee. We know that the storm is coming. In fact, it is a Category 5 hurricane. By publishing our unfunded liabilities clearly and accurately, I think that we will see that the sirens will go off, that the American people will demand that we address this responsibly, and they will not reelect Members to this body that don't stand up and do the right thing and not pass it along to future generations or future Congresses.

I appreciate the gentleman bringing us down here tonight. I appreciate his leadership on these issues. Certainly as responsible Members of this body, we must address this sooner, rather than later.

Mr. HENSARLING. Mr. Speaker, reclaiming my time, I thank the gentleman for his leadership. Anything called ''truth in accounting'' is going to be a very foreign topic in this body.

Mr. Speaker, this is precisely what we need. The analogy or the metaphor that the gentleman from Indiana used is truly an apt one. As great as the tragedy that Hurricane Katrina was, think how much greater a tragedy that would have been had we not seen the hurricane coming, had it been like that tsunami that hit in Asia, where people didn't see it coming, and tens of thousands perished.

We see this coming. But our challenge, Mr. Speaker, it is not coming tomorrow, it is not coming next week, but it is coming, and we have an opportunity to do something about it.

Let me tell you, Mr. Speaker, going on the thing that the gentleman from Indiana spoke about, what does the future look like if we choose to do business as usual, if we choose to follow the Democrat's lead and just keep on spending and spending and taxing and taxing and taxing and spending?

Let me tell you. Former chairman Alan Greenspan said, ''We are very short on time and we will have a very great difficulty in fully funding the existing system.'' He was referring to Social Security.

The liberal Brookings Institute, no bastion of conservative thought, has recently written, ''Expected growth in these programs,'' referring to Social Security, Medicare and Medicaid, ''along with projected increases in interest on the debt and defense, will absorb all of the government's currently projected revenue within 8 years, leaving nothing for any other program.''

Like the gentleman from Indiana said, if we don't do anything, in a matter of time the Federal government will consist of Medicare, Medicaid, Social Security and nothing else. There will be no Border Patrol. There will be no student loans. There will be no veterans health care system. There will be no agricultural research. There will be no Federal Trade Commission. And the list goes on and on.

The same report said, ''The authors of this book believe that the Nation's fiscal situation is out of control and could do serious damage to the economy in coming decades.''

The General Accountability Office has said there is no way you are going to grow your way out of this problem, even though we have had very robust economic growth since we passed President Bush's economic growth plan. If we don't change our path, there will be an adverse effect on economic growth, quality of life and national security.

This is in the same report from the General Accountability Office, Comptroller General David Walker: ''We are heading to a future where we will have to double Federal taxes or cut Federal spending in half.''

□ 2030

Now Yogi Berra once said, if you find a fork in the road, take it. Mr. Speaker, we do not want to take this fork in the road. We want to back up and we want to get on the right road. Again, that is why this budget debate is so important in this budget vote.

Now, again, there will be different alternative budgets debated. But it is going to come down to one Democratic budget and one Republican budget. And the Democratic budget, again their answer is more spending and more taxing, taking more money away from families.

Every time you vote to increase a Federal program, you are taking money away from some family program. Now, let us talk a little bit about some more truths that need to come out. Well, number one, again, the Democrats will say that we have a huge deficit, and that is perhaps the only item we might agree with them on.

Yes, the deficit is too large. But the deficit is too large because we are spending too much, not because the American people are undertaxed. They will say that all of the President's tax relief from previous years has somehow contributed to this incredible national debt that the gentleman from Indiana referred to.

Well, Mr. Speaker, I hold in my hand the Treasury report of the latest tax revenues. And guess what it says? It says that as we have decreased the marginal tax rates, we actually have more tax revenue. It says it right here.

Last year, corporate income taxes were up almost 45 percent. Individual income taxes were up almost 15 percent. Again, we have lowered tax rates, and we get more tax revenue. And as we can see from this chart, Mr. Speaker, we saw declining revenue from the Federal Government, as we were in a recession back in 2002 and 2003.

And yet this body, this Republican leadership, cut tax rates for small businesses, for American families, and they work, and they save and they invest and they build. And guess what? Not only do we create more jobs and more hope and more opportunity; we have more tax revenue. More tax revenue.

We had a 5 percent increase in tax revenue from 2003 to 2004. We had a 15 percent increase in revenue from 2004 to 2005. And now at the beginning of 2006, tax revenue is up 6 percent. Again, we cut tax rates, and we have more tax revenue, and the American people need to be aware of this.

If you take away the tax relief, if the Democrats have their way and get their huge automatic tax increases on the American people, you are going to lose this extra tax revenue. And not only that, you are going to lose everything that the tax relief has brought.

Now, with the glaring exception of terribly high gasoline prices, which are clearly hurting all American families, I know they are struggling, they are struggling. Think how much more they would struggle, though, if they did not have jobs.

Under tax relief, we have 5 million new jobs that have been created in this economy in just the last couple of years. Five million new jobless. We have had 30 consecutive months of uninterrupted job growth, and we have actually got unemployment down. The unemployment rate today is lower than the average of the 1970s, of the 1980s, and of the 1990s. And yet Democrats want to have a huge automatic tax increase and take this away.

Right now more Americans than ever own their own home. We have the highest rate of homeownership in the entire history of the United States of America. Household net wealth has now reached $51 trillion, which is an all-time high.

Average hourly earnings grew, and pay rose by 3½ percent. Inflation continues to be low. Now, again, there is clear work that has to be done on the price of gasoline, and that is a grey lining in what otherwise would be a big silver cloud.

Now, some people might say, well, how do you give tax relief and create jobs? Well, it was not that long ago, Mr. Speaker, that I visited a small business in Jacksonville, Texas, in my district, in the 5th District of Texas.

Now, Jacksonville Industries is a business that is in the aluminum die cast business. And they employed 20 workers when I went to visit them. Now, before the President brought his economic growth program to Congress to pass, they were on the verge of having to lay off two workers because of competitive pressures.

But because of the tax relief measures, they went out and they bought a new piece of equipment. Now, I could not tell you what it is called. I do not precisely know what its mechanical function is, but I can tell you what the result is. The result is they bought this new piece of equipment, and it made them more competitive. It made them more efficient.

And, Mr. Speaker, guess what? Instead of laying off two people, they went out and hired three new people. They hired Roger, and they hired Jess, and they hired Victor, three people who could have been on unemployment. They could have been on welfare. They could have been on food stamps. And they could have been on Medicaid.

But thanks to tax relief that the Democrats want to take away with their huge tax increase, this one small business in Jacksonville, Texas, had five people now who put roofs over their head, who put food on the table, who are building a better future for their families. That is just one small business in one small town in Texas. And that is happening all over the economy.

Mr. Speaker, let me at this time yield back to my colleague from Indiana who knows a lot about job creation himself.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding again. And, you know, the story you just told I think can be told millions of times around the United States. Certainly

small businesses are the backbone of our economy. Something like, you know, well over half of the employees in this country work for small businesses, and something like 90 percent of the employers are small businesses in this country.

We were home a couple of weeks ago. I have a small business advisory council, and one of the members of that council was talking about the 179 expensing that you were referring to, that allows small businesses to go out and buy capital goods, and they can expense it so they can invest in their business, grow their business, create jobs, provide benefits, contribute to the local economy and the national economy all at the same time, which is kind of a neat thing.

The good news is that there is a bill that is offered by Mr. HERGER, a member of Ways and Means, that would expand 179 expensing and make it permanent, which I think is good pro-growth tax policy.

I also heard a quick story that I got from my small business advisory council. A small businessman that has a business in LaPorte, Indiana, used to have to go borrow money to pay for his taxes, which is kind of crazy.

Because then he would restrict his flow of capital, was limited in being able to make the investments in his company, because he had to go out and borrow money to pay his taxes. But once we passed, in 2003, the 179 small business expensing provision, he did not have to do that any more. And he has been able to invest that money in his business and grow his business.

Just going back to the tax chart you had up a second ago, you know, it is kind of funny that opponents of tax relief, mainly our friends on the other side of the aisle, say we cannot afford to have tax relief. But your chart shows clearly, and the statistics that you talked about, tax receipts up 15 percent in 2005, the deficit is actually down in 2005 by about $100 billion, I think clearly shows that we cannot afford not to have tax relief to continue to have our economy grow.

Now, we can cite economic statistics all night long, and they are true, and they are relevant and they matter. But they probably do not matter to the guy without a job. But what does help the guy without a job is a growing economy, because when the economy grows, everybody has more opportunity; and what is important to do is to focus on the pro-growth policy that has resulted in those economic statistics.

And the pro-growth policies that have resulted in those economic statistics, I would say in large part, is the tax relief that was passed in 2001 and 2003, just like the section 179 expensing.

Now, when we talk about the deficit, there are only two ways to get a deficit. One is we tax too little. The other is we spend too much. And I do not know about the rest of the congressional districts around this country, I do not think they are a whole lot different than the Second District of Indiana. The people in the Second District of Indiana do not feel like they are taxed too little. They think we probably spend too much.

And so we have to move from using our measurement of success, how much we spend, to how well we spend. We spend enough here in Washington. We do not prioritize enough.

And just going back for a second to the Truth in Accounting Bill, we see that our spending is getting more challenging as we go forward. Just recently, yesterday I think, there was a report issued that showed that the Social Security trust fund will be exhausted by 2040. That is 1 year earlier than was projected last year, and Medicare by 2018. And I think last year it was projected by 2020.

So every day we wait to start using the measurement of success, how well we spend, rather than how much we spend, the situation gets worse. And, again, the best way that we can solve problems is to define problems and making sure that the Federal Government shares a clear picture of our financial challenges with the American people. I think that will result in the American people demanding that their elected representatives quit playing the politics of no, quit saying what they are against and start saying what they are for.

We are not elected to be against stuff. We are elected to be for bipartisan practical solutions, and the Truth in Accounting Bill is a bipartisan bill. It is co-authored by JIM COOPER of Tennessee, a conservative Democrat, and MARK KIRK from Illinois, a moderate Republican.

I consider myself a conservative Republican. We may not agree on all of the answers, but we certainly agree on the problem. And we have to get to a bipartisan solution, and I certainly hope the American people send people to this body that will not avoid this problem and be part of the ostrich generation.

Mr. Speaker, I yield back to the gentleman from Texas.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman. I want to once again point out one of our earlier charts to show just what has happened to the family budget, which is this lower blue line. Median family income in America in the last decade has gone from roughly $45,000 to $62,000.

Well, what has happened to the Federal budget in this same time period? This red line. About $1.6 trillion to $2.5 trillion. Again, the Federal budget is outpacing the family budget.

Mr. Speaker, only families can pay for the Federal budget. There is no magical machine that creates wealth in Washington, D.C. It comes from hardworking families from Indiana, from Texas, and from all across America.

And the gentleman, the colleague I have from Indiana, brought up a very good point. It is not how much money you spend in Washington that counts; it is how you spend the money.

Now, what we will again hear this week as we vote on the budget, and we have this annual budget vote and budget debate, we will be told that as a Nation we are not spending enough on education, we are not spending enough on housing, we are not spending enough on nutrition.

Well, Mr. Speaker, that may be right. But the fundamental difference between the Republican budget and the Democrat budget is the Democrats want the Federal Government to do the spending. The Republicans want families to do the spending. And we know the difference.

Now, the Democrats will say that the Republicans are cutting the budget. Well, I have yet to see any single budget submitted that actually cuts Federal spending. Frankly, we can probably use one.

What we do, though, is the Republicans will moderate the growth of government, and the Democrats will not. I have looked up ''cut'' in Webster's Dictionary, and it actually means to reduce. What the Democrats call a cut is that some government program under the Republican budget will grow 3 percent next year and they want it to grow 6. And they call that a cut.

Mr. Speaker, that is simply not the truth. That is not the truth. And they act like there has been an underinvestment in the Federal Government. Well, just in the last 10 years, the international affairs budget has increased 89 percent. The agriculture Federal budget has increased 118 percent.

The Federal transportation budget has increased 83 percent. The Federal education budget 113 percent. Health, including Medicaid, 126 percent. And guess what? During that same time period, median family income only grew by 33 percent.

Again, in just the last 10 years, the growth of the Federal Government is twice that of the family budget. It is just an unsustainable growth rate. And it begs the question again, what kind of America do you want?

Mr. Speaker, we already have 10,000 Federal programs spread across 600 different government agencies. I do not think there is one person in America who can tell you what each and every one of those agencies does and what every single one of the bureaucrats who works there, what they do.

□ 2045

I mean, at some point you have to say how much government is enough, how much government do we want to pay for. The Democrats act like nothing good ever happened in America if it was not funded by the Federal Government. Like, if we did not have a Federal program, there would not be any boy scouts, there would be no soccer games, we would have no physician, no Red Cross, no ice cream. None of this would happen. Anything good that happens in America, according to the

Democrats, can only happen through the Federal Government.

But we have to remember, every increase in a Federal program, again, is a decrease in some family program. What the Republican budget is about is we want a Federal Government that does a few things very, very well and not a Federal Government that tries to do everything but does them quite poorly, and this is what this is about.

Another difference between these two budgets, again as we talked about, is the Democrats wanting to bring forth a huge tax increase upon the American people. They want to take away paychecks and replace them with welfare checks. Mr. Speaker, that is not compassion.

A compassionate society ought to be measured ultimately by the number of paychecks it produces, not the number of welfare checks that are produced, and with that, I yield back to the gentleman from Indiana.

Mr. CHOCOLA. Mr. Speaker, well, the gentleman brings up a great point.

The gentleman asked the question earlier, what kind of country do we want, what kind of America do we want? I think we also have to ask the question, what kind of government do we want?

When we talk about raising taxes, talk about raising revenue, which we have already learned that good progrowth tax policy at lower rates actually increases Federal revenue, but you ask why would we raise taxes and what do we need to spend money on. I think it is important to recognize that we can actually have better government at a lower cost.

Every business in America and every family in America has to find a way to do more with less, find a way to be more efficient. For some reason, we do not think government can achieve the same standards. For some reason, we think the government does not have waste, fraud, and abuse.

Let me just share a couple of things with you. Recently, the Inspector General found that Social Security sent $31 million worth of Social Security checks to dead people. That is money that did not go to help anyone.

They found in 2003 that the food stamp program spent $1.1 billion in overpayments. That is with a B.

In 2001, the GAO reported and said about Medicare, there are no reliable estimates to the extent of improper payments throughout the Medicare program because they cannot audit their books, they cannot even tell the kind of financial controls they have.

In 2002, the Inspector General found that Medicare had $12.3 billion in overpayments and in 2001 found they had $12.1 billion. That is $24.4 billion in Medicare payments that were improper, did not go to help anybody, did not go to help any seniors that needed Medicare, did not go to help any low-income Americans, simply was money wasted. I always ask, what is compassionate about wasting $24 billion on mismanagement when the money does not go to help anyone, when there are certainly people in this country that need government help, and why is it compassionate to ignore that, not address it and get better government at lower cost by simply applying the same management tools and techniques that every business in America has to follow?

Certainly, I hope the American people are more demanding upon us to give them a good return on their taxpayer dollar and not stand for $24.4 billion being wasted in Medicare over a 2-year period of time.

I could go on for a long time. In 2001, HUD had overpayments of 10 percent of their budget alone. It is kind of depressing to keep going down this road. It is time that we find ways to have better government at lower cost, better management, better oversight; and I certainly appreciate, again, the gentleman bringing us here to highlight these issues because the more people understand, the more demanding they will be that we fix things and only elect people that will address these issues, not avoid these issues.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman from Indiana for bringing up that point because too often in this debate that we are having about the budget this week, Democrats act like if we would only take more money away from American families and send it to Washington, that somehow it will magically turn into love and happiness and kindness and all kinds of good things.

Yet, the Federal Government cannot account for $24 billion that was spent in fiscal year 2003. It has just disappeared into thin air; and yet the Democrats want to raise our taxes to pay for more of this?

The Defense Department wasted $100 million on unused flight tickets and never bothered to collect the refunds even though the tickets were refundable, and yet Democrats want to raise our taxes to pay for more of this?

The Federal Government spends $23 billion annually on earmarks, also known as pork projects, such as the grants to the Rock and Roll Hall of Fame, and, hey, I love rock and roll, but I am just not sure our taxes should pay for it, because most of the rock stars I have seen are doing quite well on their own, not to mention, of course, that earmark known as the Bridge to Nowhere, to be complemented now by the Railroad to Nowhere, $23 billion.

That is another thing, Mr. Speaker, we will take up is earmark reform this week, which is very important that we do, because as our colleague in the other body from Oklahoma, Mr. COBURN, has said, earmarks are the gateway drug to the culture of irresponsibility. Yet, as we spend all this money on pork projects, Democrats want to raise our taxes to pay for more of this.

Again, as was pointed out, the Department of Housing and Urban Development in 2001 lost 10 percent of their whole budget. How many families or how many businesses could still operate if they just lost 10 percent of their budget? It goes back to that truism that we are never as careful with other people's money as we are with our own. This is just inexcusable; and yet Democrats want to raise our taxes to pay for more of this.

Let us talk about duplication. We have 342 economic development programs at the Federal level. It begs the question, what does the Federal Government know about economic development? Small business people know. Entrepreneurs know. Families know. I am not sure what the Federal Government knows. We have 130 different programs serving the disabled, 90 early childhood development programs, 75 Federal programs funding international education and cultural exchange activities, and the list goes on and on.

So that could be 342 executive directors and 342 vice executive directors and the list goes on, and yet Democrats want to raise our taxes to pay for more of this.

Washington is spending $60 billion annually on corporate welfare versus $43 billion on homeland security. That does not make any sense, and yet Democrats want to raise our taxes to pay for more of this.

So again, Mr. Speaker, if we will just be smart, if we will decide that we need a Federal Government that is focused on a few items and do them very, very well, we can receive a brighter, brighter future for our children because if we do not, this is the future that we are facing. This is what is happening to spending today; and again, as we have used the comparison to a hurricane that is coming in our direction, right now revenues are roughly about 20 percent of our economy, a little bit less, but what is happening is that programs are far outstripping our ability to pay for them.

In just one generation, spending is due to more than double. Here is what is going to happen to revenues, but look at what happens to spending by the year 2040, and most of it is driven by Social Security, Medicare and Medicaid and interest on the national debt.

So, to some extent, it is a little bit like Charles Dickens' ''A Christmas Carol.'' We are all familiar with that story with Scrooge, and we know how fearful the Ghost of Christmas yet to come, how fearful that spirit is.

Well, what is going to happen here in many respects is the ghost of Christmas yet to come. This is the future that our children and grandchildren are facing if we do not start today with a very simple choice between a Democrat budget and a Republican budget. It starts today, Mr. Speaker. We can decide that the Democrats are right that we are not spending enough money, notwithstanding the fact that every Federal program has grown precipitously over the family budget, notwithstanding the fact that we are on

this road to either have no Federal Government except for Medicare, Medicaid and Social Security, or we are going to double taxes on the American people in one generation.

That is their vision of America. Our vision is one of limited government, better government, more effective government, one where our children and grandchildren still have an opportunity to use their God-given talents to roll up their sleeves, to work hard and to create the kind of future that they want for themselves. It is an America that is growing. It is an America that has more freedom, and this is what we see, and that is why these budgets are so different.

But the Democrats, again, want to keep this spending going. They want to have a tax increase.

Now, they do not like to talk about it. They like to point fingers at the Republicans; but let me tell you, for the last 10 years, every time the Republicans submitted a budget, the Democrat alternative budget spends even more, and they are pointing the finger of fiscal irresponsibility?

Mr. Speaker, I sit on the House Budget Committee, as does my colleague from Indiana, and we just marked up the budget. Every single Democrat amendment to the budget would have spent more money. They say the Republicans were fiscally irresponsible to provide a prescription drug benefit in Medicare, but guess what, Mr. Speaker? Their alternative plan spent even more money than the Republican plan.

It is just inconceivable that they can point the finger of fiscal irresponsibility when all they want to do is lead us to a future where taxes are double and an America where people do not create jobs, where people cannot afford to send their children to college, where people cannot find the capital to start new businesses, oh, but there will be plenty of welfare checks, and they will call that compassion. Compassion is about paychecks.

With that, I would like to yield back to the gentleman from Indiana.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding.

Recently, I was having a conversation with a friend of mine that said when you are talking about tax policy, he said, well, maybe it would be a prudent thing to raise taxes. This person was in the financial services industry, and I said, let me ask you a question: you do research on businesses and you do research on a business where every year the company has increasing losses and increasing debt. The company has not passed an audit in 9 years. The management is ineffective at combating waste, fraud and abuse; and the only strategy the management team can come up with to turn the tide is to raise prices on their customers. Do you think that is a business you would invest in? He said, you know, you have got a point; I do not think that that would be a good investment.

So it is interesting when our colleagues on the other side of the aisle say, well, gee whiz, we have got to raise prices on our customers to pay for our lack of proper management. I do not think that that is respectful to the American people, the American taxpayer, and certainly not a winning strategy.

I think the gentleman from Texas can wrap us up here; and, again, I thank him for bringing this very important subject to the floor tonight.

Mr. HENSARLING. Mr. Speaker, again, I thank the gentleman from Indiana for joining us tonight. I certainly thank him for his courageous leadership in this body.

In these closing minutes we have, Mr. Speaker, what is it that we do about all of this? Well, several things. Number one, we need to reform the budget process that we have today. Now, it is not particularly sexy kind of stuff; but, you know, the machine we have that produces spending in Washington was manufactured back in the 1970s, back when Democrats were in charge in this body, and it is a spending machine. We need to go back and retool that to a savings machine for American families.

Number one, most American families do not realize this, but our budget does not even have the force of law. At best it is a mere suggestion. The legislation sponsored by myself and the gentleman from Indiana (Mr. CHOCOLA) would ensure that our budget, when you tell the American people here's the budget, we will enforce it as a law.

Second of all, we have got to cap the growth. I did not say a cut, but we have got to cap the growth of the Federal budget to roughly that of the family budget. Only then will programs have to compete against each other. Only then will you start to root out the waste, the fraud and the abuse and the duplication. Only then when you say, okay, this is all the money we are taking away from the American family and we will take away no more.

□ 2100

We need sunsetting commissions in the Federal Government. Again, as President Reagan once said, the closest thing to eternal life on Earth is a Federal program. Many have long since outlived their usefulness.

I just tripped across this one the other day. We are still funding Radio Free Europe; and, to the best of my knowledge, the Berlin Wall fell back in 1989. We need to eliminate this thing called baseline budgeting which allows people to artificially inflate budgets. It is the kind of stuff that would make an Enron and WorldCom accountant blush, yet here people get away with it in Washington, D.C.

Mr. Speaker, it is time that we just balance the budget. It is time to balance the budget, and we need to do it without increasing taxes on the American people.

Mr. Speaker, certain principles transcend time. One of those principles is balancing the budget. Another principle is limited government. You cannot have unlimited government and unlimited freedom. If you want unlimited government, Mr. Speaker, people ought to support the Democrat budget. If they want more welfare, if their greatest hope and aspiration is a Federal check, then people should support that budget. But if people want more freedom and if they want more opportunity and their aspiration is a paycheck with a great career where people can use their God-given talents and be everything that they can be, then they need to support this Republican budget, and we can have a brighter future for my children and for all the children in America for generations to come in this great and blessed land.

BLUE DOG COALITION

The SPEAKER pro tempore (Mr. SCHWARZ). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. BOYD) is recognized for 60 minutes as the designee of the minority leader.

Mr. BOYD. Mr. Speaker, I come tonight before the country to discuss the state of our Nation and to talk about a few of the things that I think that we can do to improve the state of the Nation. This hour that we will have tonight, there will be some other members of the Blue Dog Coalition that will join me, I am sure.

Mr. Speaker, as you know, the Blue Dog Coalition is a group of 37 men and women from all over the country, Democratic Members that believe that there are certain things that we should do as a government, certain functions that we should perform to make the economic model work well, and we should try to perform those functions well, and we should be willing to pay for it.

I was very interested in the previous speaker and actually agree with what some of the previous speaker said, and I think he wound up by saying that we ought to balance the budget.

The Blue Dogs, Mr. Speaker, could not agree more that that is a very important step, and I think most Members, most folks out in the country would understand the concept or the notion of balancing the budget, whether it is our individual home budgets or whether it is our business budget, whether it is our local governments. Eventually, you have to have revenues meet expenditures, or you do not stay in business too long. Most of us understand that. Except in the Federal Government, we have a difficult time understanding it sometimes, and I think we have not done very well on that front in the last 6 years certainly.

I was also interested in some of the comments made by the previous speaker. You would have thought that the Democrats were in control of the Congress of the United States. I would remind the Speaker that the White House, the House and the Senate are all controlled by the Republican party. When it comes to doing budgets and

programs and balancing those budget and programs, that is certainly within the control of the majority party to do that.

There also was a good bit of talk about the welfare program. Mr. Speaker, the welfare program was something that this Nation worked together on back in the 1990s under a Democratic President and Republican-led Congress, worked very hard, sat down in a bipartisan way and came up with a good solution to find ways to move people off of welfare and get them into the workplace.

The previous speaker is absolutely right in that we need people in the workplace, getting paychecks, being productive, paying taxes into a society, and that way our economy works best and our lives are better.

Mr. Speaker, I want to talk about three specific issues, three broad areas, basically, where I believe this administration and this Republican-led Congress have failed us in being responsible.

Number one is they have failed to balance the budget. For 5 consecutive years now, we have had a budget that is out of balance.

Number two, they have failed to manage our Federal Government and its functions effectively and efficiently. Let me say that again. They have failed to manage the Federal Government and its functions effectively and efficiently, and I want to talk specifically about that a little more.

Thirdly, I believe that this administration and this Congress has failed to uphold the standards of honesty and accountability when it comes to perform their functions.

Now, I want to start with the second of those particular bullet points and talk about the management of the Federal Government and point out some of the things that have been going on the last 5 to 6 years.

When President Bush took office, he told us and we all knew that he came from a business world and with an MBA and with the charge that the government would be run like a business. Instead, Mr. Speaker, we have seen many of our Federal agencies managed by people with little or no experience. As a result, you find today 19 of the 23 Federal agencies are not in compliance with proper accounting standards. In other words, they cannot give a clean audit of their own actions in how and where they spent the money, the taxpayers' money that was given to them to perform their governmental function. What this means is that we cannot account for all of the government's assets and liability.

The previous speaker talked about the Department of Defense being the biggest offender; and, in actuality, the Department of Defense is the largest offender of this. Of course, the Department of Defense is one of the largest agencies in the Federal Government, the largest agency in the Federal Government, and we all know the high-profile story of the over $3 billion that was allocated, appropriated for Iraq reconstruction that nobody can account for. The Department of Defense cannot account for the over $3 billion that was appropriated for Iraq reconstruction.

The complete lack of management and accountability in our Federal agencies is unacceptable. If you had a manager that operated like that in your local government or in a business, you would replace that manager. So I think that we really should demand more of our executive agencies in terms of management and accountability as it relates to how they spend the money that is appropriated to that particular agency.

In the 1990s, Mr. Speaker, Congress and the President, again a Democratic President, a Republican-led Congress working together in a bipartisan way enacted a series of reforms for the Federal civilian workforce known as the Readmission of Government. These reforms reduced the size of the Federal Government, Mr. Speaker, by over 300,000 employees.

Let me say that again. In the 1990s, the size of the Federal Government was reduced by over 300,000 employees.

Despite this reduction, many Federal agencies improved their performance substantially; and I want to talk about one of those Federal agencies specifically, I think, which is a good example. Because, Mr. Speaker, I come from Florida, and in Florida we are accustomed to natural disasters, primarily hurricanes that start about this time of year and run all the way through the summer and into the fall. Last year, I think we had so many hurricanes that we ran out of alphabetic names and had to start back through the alphabet a second time to name all the storms. I think there has been a lot of press and a lot of publicity about the storms that we have had.

Florida has created an excellent emergency management system to deal with those storms, but we always work hand in glove with the Federal Emergency Management Agency, which is known as FEMA, and I found in my 18 years of public service in Florida that FEMA was one of the premier Federal agencies, really a professional agency that knew what its role was and knew how to get the job done probably more than any Federal agency I knew in the 1990s. It was the poster child, if you will, of a well-managed Federal agency. FEMA's structure was transformed, and three national response teams were created to quickly react to any national emergency. I guess in the 1990s, FEMA's performance was more notable for the newspaper stories that weren't written about it. Anytime you find an agency that is doing a good job, doing what it is supposed to be doing, then you do not hear much about it. Disaster victims and State officials alike, including myself, gave FEMA grade A marks, unanimous applause, if you will.

Now we fast-forward 5 years, 6 years, we find FEMA in response to Hurricane Katrina an utter failure. Just last week or 2 weeks ago, you had a Senate committee with jurisdiction over FEMA stating that FEMA is so broken that that bipartisan committee, leadership of that committee, believes that it should be completely dismantled.

How did we go in the late 1990s or in the 1990s from an agency that was acclaimed to be the most efficient and effective Federal agency to an agency that is almost dysfunctional today? Why do we have so many problems with FEMA?

Well, maybe it is because the administration dismantled the three national response teams prior to Katrina, so there was no group of folks within FEMA ready to go at a moment's notice. Perhaps it was that FEMA was folded into a brand-new Department of Homeland Security and, by all accounts, became the dumping ground for the Department.

Whatever these reasons are, I think every one of them point back to a management style or scheme or capability. One factor that certainly played a role in the change was that in the 1990s FEMA was run by professionals with strong emergency management experience at the State and local level.

Let me say that again. In 1990, early 1990s, the previous administration brought in emergency management professionals with strong management experience at the State and local level, and they took FEMA and they transformed it into a world-class organization. However, under the current administration, until weeks ago, FEMA was run by political hacks with little or no emergency management experience.

It is clear that on the fiscal and management fronts that this administration is failing the American people; and, as a result, you have agencies which cannot produce clean audits. They cannot tell you where the money was spent, the taxpayers' dollars that we are appropriating, and what was done with it. And that is one of the points that I want to make.

The other point and the one I mentioned earlier was the balancing of the Federal budget. Now, the previous speaker spoke of that; and, actually, as I said earlier, we are in complete agreement, that the Federal budget should be balanced.

I see that we have been joined by one of our fellow Blue Dogs, Representative JIM COOPER from Tennessee. Mr. COOPER serves in a role in the Blue Dogs where he chairs the policy committee and, as a result, has the task of leading us in developing of our policy positions. Mr. COOPER has done a lot of work on these issues, fiscal responsibility.

□ 2115

Mr. BOYD. Madam Speaker, I would like to call on my fellow Blue Dog from Tennessee, Mr. COOPER.

Mr. COOPER. Madam Speaker, I appreciate the gentleman's friendship

and leadership of the Blue Dog Coalition because we are perhaps the leading voice in Congress for fiscal restraint and fiscal responsibility.

The chart the gentleman has been referring to showing our national debt and each individual's share of the national debt is a truly scary document. But as the gentleman knows, I am afraid there are even scarier numbers in Washington than that because the debt figures that the gentleman is holding shows what the debt is according to a cash basis; and that is, unfortunately, a very weak form of accounting that is illegal for most businesses in America, certainly businesses of any size.

I want to put that in context for folks both in this Congress and back home because the numbers the gentleman referred to come from this document here, which is the President's budget. Every Congressman gets a hand-delivered copy of this. It is widely publicized in the media. It has a lot of good information in it, but it is the budget of the United States on a cash basis, counting dollars when they come in and go out.

There is another document which is even more important. It is almost secret. It is not classified secret, but it is even better than that. It was distributed on Christmas Eve without a press release by the United States Department of the Treasury. They only printed a thousand copies for all of America, so it is not exactly like they wanted everybody to read it. This is called the ''Financial Report of the United States Government.'' It is issued by the Treasury Department and signed by Secretary John Snow, and it also gives a picture of our financial situation. But it does not use cash accounting; it uses modern accounting that all large corporations in America are required by law to use. So if you really want government to be run like a business, you pretty much have to use this document.

The gentleman referred to our MBA President, the first one we have had in American history, and how so many Americans expected him, with his MBA degree, to run our country like a business. But this is still a largely secret and ignored document.

Why would that be? Because the numbers in it are so grim.

Mr. BOYD. So do I understand it to be Federal law that any business over $5 million has to use that accrual accounting procedure?

Mr. COOPER. That is exactly right. Modern accounting is required of all businesses in America with revenues over $5 million. That basically says any business larger than, say, a single McDonald's would be required to use modern accrual accounting. And lest anyone not hear the word correctly, ''accrual'' has nothing to do with the word ''cruel.'' In fact, accrual accounting is probably the kindest form of accounting because it remembers our elderly and sick and disabled. Cash accounting tends not to do that.

So modern accrual accounting is a very important innovation in accounting. All our businesses have used it for years. In fact, generally accepted accounting principles, GAAP accounting, really says that all businesses of every size should use accrual accounting because it is a more accurate picture of where we are.

As the gentleman knows, because he has a business background himself, the saying in business is if you can't measure it, you can't manage it. If you can't measure it, you can't manage it. That is what accounting does, it helps us measure our financial situation. This shows a picture of our financial situation. I hope it is clear.

Maybe I should come down to the gentleman's easel.

This is a very important chart because it shows us in clear perspective the difference between the budget numbers calculated on a cash basis and on an accrual basis. This top number of $319 billion is the cash deficit for the year 2005. That is a lot of money. That is the third largest budget deficit in all of American history in absolute dollar terms. It is not quite the third largest in percent of GDP terms; but it is a huge, whopping number.

If you look down the chart, you will see if you do not count the borrowing from the Social Security trust fund, the true cash deficit for the year 2005 was $494 billion, almost $500 billion. That is still using the old-fashioned, antique cash accounting method.

If you use modern accrual accounting, according to the Treasury Department and the Bush administration, Secretary Snow says the deficit for 2005 was $760 billion. That is starting to be a truly large number. That takes into account many of the obligations that we have in future years because what accrual accounting means, it takes into account when you use that national credit card to buy something. You have obligated yourself to buy something. It might have been pensions for our elderly, health care for our elderly, health care for the disabled, things that we know we are going to have to spend money on but we have not actually paid cash yet. That is the $760 billion number; but that is not the scariest number on the chart.

Everybody in this body has said that they believe Social Security and Medicare are vitally important programs for our Nation and that those benefits should be preserved for our seniors and those who are going to be seniors. Guess what, folks. The accrual number, as good as it is, does not take into account Social Security and Medicare benefits. How could that possibly be? Well, the reason is under modern accounting methods you only take into account contractual obligations, and Social Security and Medicare are not contractual obligations. Congress retains the right to vary the benefits.

Because of that, those numbers are left out of this deficit calculation. So I believe if you truly care about preserving Social Security benefits and Medicare benefits, as I do and most Members of Congress do, certainly on the Democrat side, you have to look at these other numbers because the budget deficit for 2005 actually goes up to $1.7 trillion if you include the anticipated Social Security benefits that we are going to have to pay in the incremental increase of 1 year.

If you add Medicare to that, the true budget deficit for 2005 was an astronomical $2.7 trillion.

I am indebted for these last two numbers to the professor of law and accounting at Harvard Law School, a gentleman named Howell Jackson who did these calculations. And they are still in draft form and subject to some refinement. But it is the first time we have really taken the numbers that originally professors at the Wharton School of Business and a business economist in Washington, D.C. have helped put together. Those gentlemen are Kent Smetters and Jagadeesh Gokhale. Those gentlemen have shown America and the world that our true unfunded liabilities are astronomical. If you look out a few decades, they are on the order of $49 trillion to $67 trillion.

So it is a situation where if you are just trying to measure it so you can manage it. Look at one year's annual deficit: you will see that the number we are given by the administration of $319 billion is probably not an accurate number. In fact, it is probably only one-tenth of the true size of the deficit because if you believe in Social Security and Medicare, as I do, you have to take into account the obligations that we are incurring on an annual basis to fund those programs.

These numbers are huge, Madam Speaker, because even this number of $760 billion, that is a deficit for the year that is greater than most all of the discretionary spending of the Federal Government. That is greater than the entire defense budget and greater than all of the road programs, agricultural programs, parks, recreation, arts, all of the things that the Federal Government is involved with. So that is a large number. But this number down here of $2.7 trillion, that is greater than the total Federal budget of the United States.

Madam Speaker, I think we should look at these accounting numbers, these facts, these fiscal facts so that men and women of goodwill all across America can evaluate our situation. As I said earlier, if you can't measure it, you can't manage it.

This should not be a partisan issue. I am taking these figures primarily from administration documents. This is a reality that I especially think all of our business people should pay attention to. The Tennessee bankers were in today. I acquainted them today with all of these numbers, and we had a number of Tennessee insurance agents visiting today. Unfortunately, our media have not seen fit to do many stories on these numbers. Perhaps they

are too large for the media to understand. I think it is very important for America to focus on this. What they really spell is a crisis for our country.

We are borrowing so much of this money; and we are not just borrowing it from ourselves, we are borrowing it from foreign nations.

I am proud to stand with my friend from Florida who is a great leader of the Blue Dog cause. It is very important that we get the word out on these facts.

There are many different ways to measure it. JOHN TANNER from Tennessee points out that it took 204 years of American history to borrow our first trillion dollars. That is 204 years, all of the way from George Washington through almost Jimmy Carter to borrow $1 trillion. Then we started on this pace where we are borrowing a trillion dollars now almost every 18 months, something that it took us 204 years to do before. That is unsustainable, to put it politely. It is crazy if you use more normal language.

There are other things that are going on that are worrisome. Under President Bush's administration, we have borrowed more money than all previous presidencies in America put together. President Bush is our 43rd President, and that means he has borrowed more money than our first President, George Washington, all of the way through our 42nd President, Bill Clinton. That is an amazing thing. And it is not just borrowing in general; it is borrowing from foreign nations. We have borrowed more money from foreign nations today than all previous Presidents in American history.

I am hoping that men and women of goodwill across this country will focus on some of these accounting facts. Maybe ask a little more of your newspapers and TV stations back home to get more real news because I think this will do more to determine the future of our kids and grandkids than anything else we talk about on the floor of Congress, because when you run deficits like this, that means you accumulate debt and that debt carries a high interest rate, and that interest simply must be paid.

That is the one tax increase that can never be repealed, and those debt costs are mounting every year. Petty soon the debt that we are having to pay our creditors, many of whom are foreign, is getting to be so large it is almost larger than the entire defense budget of the United States.

So it is a crisis, Madam Speaker. It is something that we must deal with, and I hope that our colleagues will pay more attention to these issues.

We understand that next week the budget is supposed to come up for a floor vote. They were unable to pass a budget a few weeks ago. It is vitally important that not only do we have a budget, but we have a budget that reflects reality. The budget that will be brought to the House floor will not reflect these true numbers. They will still be focused on the cash numbers with inadequate accounting.

However, I was able to get passed in the Budget Committee unanimously, House Democrats and Republicans, an amendment that said for next year we will start using the more accurate, accrual-based numbers. I think that is progress. Accrual will not replace cash budgeting, but at least you will be able to refer to both sets of numbers as we do the budget so that you can see what our true fiscal situation is.

Madam Speaker, I thank my colleague and friend from Florida for yielding. He has been a great leader of the Blue Dogs for a long time now, and I appreciate his leadership, and together I think we can continue to make progress on these issues.

□ 2130

Mr. BOYD. Thank you, Mr. COOPER.

A couple of things that you said struck me. One is, unsustainable; and the other is, we have to work together. Those of us who have been in this business, those of us who have any kind of accounting training in our background understand that those sorts of numbers, first of all, that reporting procedures, or those reporting procedures, are wrong; and the trend there of red ink, deficit spending, is unsustainable. It will be, and I think the public will recognize it when the markets begin to react to their fears that someday, if America doesn't turn around its habit or change its habit of deficit spending, that it will have difficulty sustaining itself economically.

The other thing that struck me about what you said is what I call the bipartisanship thing. I want to go to this chart here, and this talks about the budget deficits from 1982 to 2006, a 24, 25-year period, starts with President Reagan back in 1982. And you see the minus numbers here, all the way down through the fourth year of the Clinton administration, or fifth year of the Clinton administration, in which, working together right in here, a Republican-led Congress and a Democratic President worked together for the Balanced Budget Act of 1997, which then produced a positive result that got the country back on the right track, at least in terms of its cash basis deficit issue.

So you see that that was a very positive thing here.

And the biggest issue we had in 2001, when President Bush was sworn into office, was how do we deal with the $5.6 trillion, 10-year projected surplus we had. We had a $5.6 trillion, trillion, now, projected surplus in 2001.

Many of us, especially of those of us in the Blue Dogs said, hey, there are several things we can do. Number one is we ought to address these priorities related to Medicare and Social Security. We know those programs have long-term problems. Let's spend part of the money there. Let's use part of it to give back in tax breaks and let's use part of it to pay down this huge Federal debt that we had.

But this Congress and this administration decided not to follow that sort of three-pronged approach, debt reduction, deal with Medicare and Social Security, and tax relief. Instead, they poured all the money into tax relief. And then immediately you see what happened. You had 9/11 come after that and an economic downturn, and then now we have got deficits.

We have structural deficits. What does a structural deficit mean? It means that even if the economy works, everything works like it is supposed to, you are still going to have a deficit. You are still spending more money than you take in. That is wrong. That is fundamentally wrong. And we ought to, we have to correct it. We just can't afford to let it go on like this.

America is the greatest country on the face of the earth economically, politically, militarily. We won't be that way long if we don't fix this very dangerous structural deficit that we have.

We have been joined by another outstanding member of the Blue Dog Coalition. We come from all over the country. We have with us tonight Congresswoman LORETTA SANCHEZ from California who has joined us now. She has been a leader. She is a member of the Armed Services Committee and a leader there; and I would like to yield at this time to my friend, LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. Thank you so much, Mr. BOYD. I just am very grateful that you decided to take this hour to talk a little bit about the financial crisis, really, that our United States is in, and what we can do or what we must do in the near future to begin to get our financial house in order of our Nation.

As you know, I am an economist by training and a former financial advisor and investment banker for 12 years before I came to the House of Representatives; and besides sitting on the Armed Services Committee and the Homeland Security Committee, I also sit on the Joint Economic Committee for the Congress, the economic committee that looks at the macro picture of what is going on in the United States.

And, quite frankly, we take a look at our position vis-a-vis the rest of the countries of the world. In other words, how are we going to hold on to our financial status, our quality of life, our way of life as we know it? And I believe, every night when I go to sleep, I believe that this is the biggest issue that is facing us here in Washington, D.C., and as Americans.

Earlier, Mr. COOPER showed a chart that said that we are telling the American people, this Congress, this Republican-led Congress is telling the American people that, in this coming year, our shortfall or what we are overspending by for the year will be $319 billion. And it says it right there.

But the reality is, take aside our responsibilities that we have told people we are going to do for Medicare and Social Security for the future, the reality

is that we spend much more than $319 billion this year. Without that Medicare and Social Security responsibility, we really spend $760 billion more than the money we take in.

Now we sat down a while ago with the Comptroller of the United States as a Blue Dog Coalition, and he said to us that 70 percent of the deficit that we have on an annual basis is because we are not collecting the taxes we should be collecting from the American public. In other words, with the three sets of tax cuts that were given by President Bush and the Republican Congress, we have failed to take in the money we need to pay our bills. What we are basically doing is borrowing to pay, and at some point that comes due.

It is like putting it on a credit card. At some point, the credit card company will come and tell you, okay, you have got to pay up. And, as you know, it becomes much more difficult than to have paid it as you went along.

We, as Blue Dogs, believe that we should do pay as you go, that we should make tough decisions every year and decide how we are going to spend and how we are going to tax and bring in the monies we need, how we are going to cut spending, if we need to cut spending. But we haven't been allowed to do that. Each and every year, as Blue Dogs, when we get together and we make our budget and we think about it, Mr. COOPER, on the Budget Committee, others of us, and the reality is that every year the Republicans decide that it is not the year to get our house in order, our financial house in order.

Now, you know, there are some things that people haven't even begun to think that will impact even more our deficit spending over the inability for us to pay our bills on an annual basis and, therefore, put it on the credit card.

The Medicare part D, the prescription drug program that the Republicans voted in 2 years ago, okay, it hasn't gone very well. We all know that. We all wonder what they are doing with it, et cetera. They said it would cost $400 billion over 10 years. This is extra that they were going to spend. We now know it is going to cost at least $1.5 trillion if we meet the responsibility of that program. That is not factored into the budget deficit that we see coming in the future.

Hurricane Katrina, that is not factored in. We have done really very little. We have already given about $83 billion towards Hurricane Katrina, but the two Louisiana senators from that State have a bill that says they want us to spend almost $300 billion more just for Louisiana to get the place fixed up. That is not counted in the deficits we see for the future.

And the Iraq war, $1.5 billion a week of spending. How long is it going to take? We are already approaching almost $400 billion spent on that war by the end of this year. And I sit on that committee, the military committee. I don't think we are going to be out by the end of the year.

You do the math. $1.5 billion a week. That is the operating cost of being bogged down in Iraq. Will it be 3 years, 5 years, 10 years, 20 years? Korea, at 50 years?

Start adding up those numbers, America, and you will understand why we, the Blue Dogs, are so concerned that the Republicans will not take this seriously and sit down with us and hash out what we need to do in order to begin to get this under control.

That is why I am grateful that you have come down here today to talk about this, Mr. BOYD.

Mr. BOYD. I thank the gentlewoman from California for your leadership on these areas and particularly on the Armed Services Committee.

Mr. COOPER. I thank the gentleman for yielding.

I just wanted to add a note to what the gentlewoman from California said talking about pay as you go. That is a policy that former Federal Reserve Chairman Alan Greenspan said would be the single most important thing we could do in Congress to help get our fiscal house in order. Alan Greenspan saying the single most important thing we could do to get it in order.

Because Chairman Greenspan and most other economists know that PAYGO worked very well from 1990 when it was first put in place, until 2002, when the Republican majority allowed it to expire. Chairman Greenspan can even remember the day and the hour that PAYGO was allowed to expire, because he knew then that our Nation was risking serious trouble.

But we have not really been allowed to vote on bringing back pay as you go. It is a shame, because that pay as you go policy forces Congressmen to make responsible decisions. You cannot increase spending unless you find offsetting cuts somewhere else, and you cannot reduce taxes unless you find some way to pay for it. It is very sensible. It is the sort of policy we all have to do in our own household expenses, and our Nation was doing so well with it for 12 years, from 1990 to 2002. But, since 2002, we have not had PAYGO, and that is one reason you are seeing these terrifically high deficits.

Mr. BOYD. If the gentleman would yield.

I know the gentleman served in Congress prior to 1994 and is actually on his second trip back and was not here in 1997 when we did the 1997 Balanced Budget Act. But Congresswoman SANCHEZ and myself were. And one of the keys to that 1997 Balanced Budget Act which led us to balancing the budget here in this era was PAYGO.

Spending caps was another key element of that. You put caps on spending programs, and you leave them there, and you agree upon that. Those are not here anymore, as you know, under this administration, this Republican-led Congress and Republican administration. Back then, it was President Bill Clinton, a Democrat, Speaker Newt Gingrich, a Republican, and Majority Leader of the Senate, TRENT LOTT, a Republican, sat together and said how do we do this in a bipartisan way. You don't have any of that at work anymore.

I think that is the thing that disappoints me more than anything, is I know that there are people of goodwill that would work in good faith all over this country that serve in this body that don't have that opportunity because we are not allowed to sit down. The majority party in many cases just won't sit down with us and work together to solve these problems. So these are very, very difficult solutions.

I know the chart that showed the accrual accounting and the $2.7 trillion deficit, those are hard numbers to understand. Here is one that is not hard to understand. This is what you actually owe today. We owe as a government today $8.352 trillion. That is trillion with a T. $28,000 for every man, woman and child. That is what our debt is today. And somebody has to pay that back. We also have to pay the interest on that. We have to service that debt on a regular basis. And as the interest rates go up, then, obviously, that is what I call a debt tax which cannot be repealed. It has got to be paid.

Mr. COOPER. If the gentleman will yield.

He is exactly right. Those numbers are much clearer than the numbers I gave, because every American can look at that $28,000 and say that is what I owe. That is what my spouse owes. That is what each of my kids owes.

But if the gentleman would like the modern accounting comparison for those numbers, under accrual accounting, each American today owes $156,000 apiece, $156,000 for every man, woman and child in this country. And that would mean for a family of five, that is almost ¾ of $1 million. That is a luxury house anywhere in America, the cost of a luxury house. And yet we don't get to live in the house. We just get the mortgage. And that is on top of our real house and our real expenses and car payments and rent and all those things we have to pay.

□ 2145

So it is a terrific and crushing financial obligation that has been put on us just in the last few years.

Mr. BOYD. Madam Speaker, the fact is that some future Congress and some future President has a lot of hard, tough work to do, a lot of painful decisions to make to get us back in balance. It will be done somewhere down the road. We know that will happen, but it is going to be very painful.

Ms. LORETTA SANCHEZ of California. Madam Speaker, if the gentleman would yield, the other problem is that as soon as we focus, and we must focus, on beginning to figure out how we pay this down, we need to do that. We have explained why. But the

reality is that when we are doing that, that is less money in our pockets, if you will, to be able to educate our children, to educate ourselves, to invest in roads and water systems and sanitation systems and what makes America productive vis-a-vis the rest of the countries of the world.

I can guarantee you that this debt is held to a large extent by countries around the world, Japan and China, the European countries. They are who we owe. And they are looking at ways of how do they increase their quality of life. And they are investing in education. They are investing in water systems. When we have to pay this down, we will not be able to make that investment.

Mr. BOYD. Madam Speaker, the gentlewoman makes a good point. In the past when we had to run up debt, for instance, during World War II and at other times in a national emergency, that debt in large part was bought by Americans. That financing was provided by Americans. That is not the case today. Of this over almost $3 trillion that has been borrowed since January 2001, the great bulk of it, the majority of it, has been lent to us by China and Japan. So in most cases, foreign countries, some not necessarily that are friendly to our cause, are lending us this money.

Mr. COOPER. If the gentleman would yield, many Blue Dogs have asked where are the war bonds for the Iraq war. Because during World War II, we had war bonds and it was a patriotic obligation, if you could afford to, to lend money to our government to conduct the war. The administration has not asked for war bonds for Iraq. Nor have we asked for Katrina bonds. That would be a great way that Americans could show their support. I saw in the newspaper today that a Middle Eastern country, Qatar, has offered to pay millions of dollars to New Orleans. There should be an effort for the American people to lend ourselves the money we need to get through this. Instead, we run up $1 trillion of debt with China. Already many countries have gigantic amounts. You may have seen the cartoon. When the President of China, Hu Jintao, came to visit a couple of weeks ago, there was a cartoon in the paper where there was a little balloon out of the White House saying, ''Oh, our landlord's here.'' When you start lending money on that scale from China to the United States and we have to pay that back to China, that almost means that we are beholden to them, and that is a very dangerous security risk for our country.

So I appreciate the gentleman's leadership on this issue.

Mr. BOYD. I appreciate both of you folks being here today.

One last thing that I wanted to talk about, the third point that I wanted to make, was the issue of honesty and accountability by the administration. We have to deal with the American people in all areas, and particularly our financial area, with honesty, and we have to be accountable. On the congressional side, our forefathers designed our system so that the congressional side would have an oversight role, that we would make the laws and appropriate the money, and our job was to make sure that the executive branch, the President and the executive agencies, spent the money and applied the laws in the way that we intended them to be. And I do not think that is happening as well as it should these days. And I want to cite a couple of examples.

An article in Monday's Boston Globe reports that the administration has disregarded more than 750 laws enacted since he took office, adopting the policy that basically the administration has the authority to pick and choose a provision of which laws that they wish to follow. This is a blatant disregard for the way our forefathers set up our Federal Government and has really upset the balance between the branches of government, and it has prevented Congress from carrying out our responsibility of lawmaking and oversight.

Let me cite an example of oversight abdication: from 1994, when President Clinton sat in the White House and the congressional House and the Senate were controlled by Republicans, there were over 1,000 subpoenas issued from 1994 to 2000, over 1,000 subpoenas issued to appear before House committees, under oath, to justify and explain actions of the administration. It is a role that Congress should be playing, an oversight role.

Since January of 2001, there have been virtually no subpoenas issued by this House to this administration to explain their actions. And Congress has basically abdicated its oversight role. And as a result, you see misuse of power and some corruption springing up in places, and I think we will see more of that unless Congress steps up and exercises its role of oversight over the executive branch.

Ms. LORETTA SANCHEZ of California. If the gentleman would yield for a moment, but part of the reason of why no subpoenas have been issued is that this House is controlled by the same party that controls the White House. And the Democrats, my party, we are not allowed to issue a subpoena. A subpoena can only be issued by the consent of the chairman of a committee, and that chairman would be a Republican. And, believe me, I have had a lot of questions and a lot of things I have wanted to ask the administration and its Departments with respect to some of their spending. I am not allowed to do that. NANCY PELOSI is not allowed to do that. It must be done by a Republican, and they have refused to subpoena. This is one of the reasons why there have been no subpoenas basically issued out of the House.

Mr. BOYD. That is a great point, and I thank the gentlewoman for making it.

Madam Speaker, we have been joined by my good friend and fellow Blue Dog from Tennessee, Representative LINCOLN DAVIS, and I yield to my friend now.

Mr. DAVIS of Tennessee. Congressman BOYD, thank you for yielding. I deeply appreciate your efforts and the gentlewoman from California and my good friend from Nashville, Tennessee, for the comments that you have been making and trying to make this Congress, this House, and those who may be observing us, aware of the situation that we are in.

In the mid-1990s, I was amazed and somewhat taken aback and, quite frankly, somewhat was in agreement with the contract that was proposed by a group of individuals on September 27, 1994. And I looked at most of those and I thought that sounds just like a Southern Democrat in what they would propose. I am going to read some of those to you.

I am a general contractor, and I do not do much work anymore. Our job sure does not allow us to do that; so, therefore, I am not out building as I was through the 1990s and the 1980s and the early part of the 21st century. But when I signed a contract with someone, there were certain ordinances in that that said you have to abide by these or else if you do not, we will take over that contract and we will hire somebody else or put someone else in your place that will fulfill those commitments that you have made. And I would sign a payment of performance bond that would do exactly that. So I felt that any contract that you made with this country, it was a contract that was binding. So I want to read some parts of the contract.

Item No. 2, it says on the first day we will ''select a major, independent auditing firm to conduct a comprehensive audit of Congress for waste, fraud, and abuse.'' We cannot even audit several of our different Departments and agencies of the Federal Government today. This was a pledge in 1994.

I look at something else here. It says we ''guarantee honest accounting of our Federal budget by implementing zero base-line budgeting.'' In the Tennessee legislature, we understood what that was. Apparently, the folks who agreed to sign this contract did not, and the rest of the story, as some famous person says, is still being told.

Then I take a look at No. 6, the National Security Restoration Act: no U.S. troops under U.N. command and restoration of the essential parts of our national security funding to strengthen our national defense and our credibility around the world.'' When I go to other countries, I am sometimes frightened, not that I am an American, because when God put my soul in the body of a woman who lived in America at conception and let me be born an American, it was one of the greatest blessings I could receive. But other folks I do not necessarily agree with. I think they misinterpret the American people and how they have a lack of respect for us. I do not like that and I

want us to change that, and I think foreign policy can make a difference. So I think that those are failures.

Our national defense, September 11 happened after 1994. I am not blaming anyone there, but I am just saying we need to start thinking in this country.

Another one said ''term limits to replace career politicians with citizen legislators.'' We have a Senator who ran from Tennessee and said he would serve 12 years. I applaud BILL FRIST for not running again. I do not necessarily always agree with him, nor do I disagree with him a lot. But one thing I do agree with him on: he kept his word. We may not have passed the bill. But, quite frankly, the bill does not require you to keep your word. My father always said if you are honest, you will be rewarded; if you are dishonest, you ultimately will be punished and will lose.

Here is something else: ''a balanced budget and tax limitation amendment and a legislative line-item veto.'' I have been here for a little over 3 years. I have never seen either one of these items that these folks who signed the contract, as I would sign as a builder, have tried to pass. Again, if you were back in Tennessee and if you were working for a developer, the first thing that would happen is they would say you have broken your contract; so we will take it over and get somebody else to finish the job. I think the American public needs to understand that, that when you give your word, your word is your bond.

I travel my district, all 24 counties, and, quite frankly, there is no conversation about $3 a gallon of gasoline, very little. There is very little conversation about a $1,000 per month-plus for health care; very little conversation about the huge deficits that we have today; very little conversation about the war in Iraq, where we have lost 2,500 young men and spend $100 billion a year, approximately, in that country. But we played a little game one day as I played when I was a kid in school. We called it tag. In essence, you have to tag somebody else out so they can chase the other folks until ultimately they capture someone, and then they have to start running someone down. So I said let us kind of play tag. If you were President, what would you do?

An older fellow in the back said, No, Congressman. We have elected you. If you were the President, what would you do?

I said the first thing I would do for this country is I would audit this country. I would get the best CPAs, the most honest, the most knowledgeable, and I would audit every Department, every agency. I would look at every no-bid contract to find out how much profit was made. I would audit this country, and I would tell the American public why in 2001 we had 200-plus billion dollars in surplus and why now we have 300-plus billion dollars in deficits. So I would audit America. I would find out and tell the folks, this is where the money went. This is where your money went. It is your money and here is where your money went.

And the next thing I would do, I would call up at Andrews Air Force Base and I would have them cap off Air Force One with fuel. I would get 10 of the best pilots in the Navy. I would also get 10 of the folks who can speak Arabic really well, and I would load them up, and we would have a nonstop flight to Kuwait. And I would tell the folks in Kuwait, remember about 10 years ago when you were invaded by this fellow named Saddam Hussein, or almost 15 years ago, and you came to the world's stadium and platform and said, Please help us. We have got 600,000 people, and a 25 million population country and their leader, Saddam Hussein, has just invaded us and they have taken over our oil fields, and the rest of the world came to your rescue.

I would get the sheiks. I would get the mullahs and the emirs and whatever they call themselves, the royalty, the folks who inherit the position, and I would say $3-a-gallon gas is breaking the back of every woman and every man who is working in my district.

□ 2200

That is our worst enemy. We have conquered your enemy. You help with ours now.

I would go to Saudi Arabia and some of those folks, and I would tell them the same story. Then I would go to Iraq and put the troops there that was needed to put production back in those oil fields up to 3.5 million barrels a day that was there when Oil for Food was a policy that we criticize now so much. And certainly the dishonesty of it should be criticized. But I would put back on line those oil wells.

What that does for us is to help us balance our budget. Instead of us spending $100 billion of American taxpayer money, HAROLD FORD, a candidate for the U.S. Senate, says that the American taxpayers are footing the bill for both sides in this war. As we pay $3 a gallon gasoline, we are helping the insurgency get money, especially from some of their buddies in Saudi Arabia, and other places fund their insurgency through the dollars that go in and go back out to the radical groups of Islam. And then American taxpayers are paying for the American troops that are sacrificing their lives there.

I would put on line the oil fields in Iraq and get them producing more than 1.5 to 1.9 million barrels a day, and I would bring the revenue in to where the American taxpayers would have to quit paying for the cost of the war in Iraq.

I know our time is about ended. I have a whole lot more I would like to talk about. The point I want to make is that in this country today, we have a battle on our hands.

If you notice, I am not mentioning a word on the other side, their name. It saddens me when folks come to this floor and they want to criticize Democrats and Republicans. We are all adult and mature individuals. It is time we started acting like Americans instead of Democrats and Republicans.

It is my hope we can start working together and take this bitterness away. Bipartisanship is the only thing that is going to solve this thing. In the Rules Committee, when we are not allowed to introduce amendments, I just got a news release that went out, and I will mention this because it is from the National Republican Committee.

''DAVIS Shares Blame for High Gas Prices.

''National Democrats are desperate to gain traction on any issue they can in the lead up to the 2006 elections. As gas prices across the Fourth District rise, so does the Democrat rhetoric. What Representative LINCOLN DAVIS probably hasn't mentioned though is that he voted twice against helping consumers feel less of a pinch at the pump.''

They mention resolution number 519 and number 145, the Gasoline for America's Security Act and the Energy Conservation, Research and Development Act.

You realize that Republican Senator BILL FRIST wouldn't even put this bill up on the Senate floor because it didn't do what it said it did? So, in essence, even the Republicans in the Senate disagreed with those who voted in this House on this bill. That is the kind of truth you get from the truth squad when they come up and start talking.

Mr. BOYD. Madam Speaker, reclaiming my time, I appreciate the gentleman. He brings a lot of common sense and wisdom.

I know our time has expired, Madam Speaker. I just want to conclude by saying that I hope that you understand that the Blue Dogs are a group of men and women who are ready to work together across the aisle in a bipartisan way to solve these problems. We have some very, very tough problems, and we have a group of folks who are ready and willing to roll up our sleeves and go to work, and let's solve some of these problems.

Mr. DAVIS of Tennessee. Madam Speaker, that doesn't say Blue Dog Democrats. It says Blue Dog Coalition. Republicans can join it.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. SESSIONS (during the Special Order of Mr. BOYD) from the Committee on Rules, submitted a privileged report (Rept. No. 109–450) on the resolution (H. Res. 789) providing for consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

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

H. Con. Res. 349. Concurrent Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate has passed a bill and a Concurrent Resolution of the following titles in which the concurrence of the House is requested:

S. 1003. An act to amend the Act of December 22, 1974, and for other purposes.

S. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige.

PEAK OIL

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for half of the time remaining before midnight.

Mr. BARTLETT of Maryland. Madam Speaker, I have here in my hands two pretty big reports that were paid for by our government and have for reasons that it is difficult for me to understand been pretty much ignored apparently by the organizations that paid for them.

The first of these is a big report paid for by the Department of Energy called The Peaking of World Oil Production: Impacts, Mitigation and Risk Management. This is generally known as the Hirsch Report, because the project leader was Dr. Robert Hirsch from SAIC, a very prestigious scientific and engineering organization. This report is dated February, 2005.

For reasons that we are trying to find, this was bottled up, apparently, inside the Department of Energy, because it didn't become publicly available until several months after that.

The second report I have here is the report by the U.S. Army Corps of Engineers. This obviously is paid for by the Army. It is dated September of 2005, and it was just about 2 months ago that it finally got out of the Pentagon into the public. This one is called Energy Trends and Their Implications For U.S. Army Installations. I would submit that wherever they mention ''Army,'' you could substitute ''the United States'' and it would be completely appropriate.

What I would like to do for the first few minutes is to look at some of the comments and recommendations in these two reports; and I would like to keep asking the question, why have these two government agencies which paid for these reports done essentially nothing to promulgate this information across the country? Rather, it would seem that there was an intent to keep this information from the public, because the Hirsch Report was bottled up inside the Department of Energy for several months, and the Army Corps of Engineers report is dated September of 2005, and it says on the cover here, ''Approved for public release. Distribution is unlimited.'' But there was essentially no distribution of that until just about 2 months ago.

As you will see, Madam Speaker, if the content of these two reports is correct, if their observations and recommendations are correct, you would have expected these two government agencies to be using every vehicle at their disposal to get this information out to the public.

Let's look first at a few quotes from the Hirsch Report. The first here says, ''The peaking of world oil production presents the United States and the world with an unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically,'' oil was almost $75 a barrel today, ''and without timely mitigation, the economic, social and political costs will be unprecedented.

''Viable mitigation options exist on both the supply and demand sides, but to have substantial impact they must be initiated more than a decade in advance of peaking.''

A little later we will talk more about this. I am not sure that this is exactly the way that I would have articulated our challenge. We will talk about that a little later.

''Dealing with world oil production peaking will be extremely complex, involve literally trillions of dollars and require many years of intense effort.''

Now another quote from this Hirsch Report. ''We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules so as to incorporate higher energy efficiency technologies into the privately owned transportation sector. Significant improvements in energy efficiency will thus be inherently time-consuming, of the order of a decade or more.''

If we are talking about transportation, Madam Speaker, that is indeed true. Because the average automobile and small truck is in the fleet about 17–18 years and the average 18-wheeler about 28 years. So any improvements that we ever make, we are making in energy efficiency in automobiles and trucks, is going to take quite some time to show any meaningful effect because of how long they are in the fleet.

Now a third quote from the Hirsch Report. Madam Speaker, I would like us to keep in our mind the question, if this is true and we have two reports, as you will see, that have reached essentially the same conclusion, we have no reason to believe there was any collusion between them. Indeed, their dates of publication are quite different, February to September. And if these observations and recommendations in these reports are in fact correct, then one might wonder why haven't these agencies been using every vehicle at their disposal to get this information out to the American public and to initiate programs to deal with these problems?

''World oil peaking is going to happen. World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of competent forecasters project peaking within a decade. Others contend it will occur later. Prediction of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity and political influences. Peaking will happen, but the timing is uncertain.''

Then this, Madam Speaker, a very significant statement. ''Oil peaking presents a unique challenge,'' they say, and then this statement. ''The world has never faced a problem like this. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary.''

Now I would like to read a few of the quotes and recommendations from the Corps of Engineers study just out about 2 months ago, although the date was September of last year.

''Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility and cost. The qualities that enabled oil to take over from coal as the frontline energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then. Oil's many advantages provide 1–⅓ to 2½ times more economic value per million BTUs than coal. Currently, there is no viable substitute for petroleum.''

Madam Speaker, that is a startling statement. If in fact the world is peaking in oil production and there is no viable substitute for petroleum, wouldn't you think that the agencies paying for these studies would have used every vehicle available to them to get this word out to the American public and to articulate a rational program for dealing with this emergency?

''Oil prices may go significantly higher,'' they say, ''and some have predicted prices ranging up to $180 a barrel in a few years.'' Just under $75 today, $180 a barrel in a few years.

''In general, all non-renewable resources follow a natural supply curve: Production increases rapidly, slows, reaches a peak and then declines at a rapid pace, similar to its initial increase. The major question for petroleum is not whether production will peak, but when. There are many estimates of recoverable petroleum reserves, giving rise to many estimates of when peak oil will occur and how high the peak will be. A careful review of all of the estimates leads to the conclusion that world oil production may peak within a few short years, after which it will decline.'' Campbell and Deffeyes, several references here.

Let me digress for just a moment. One of these, Dr. Deffeyes, predicted that the peak did occur a couple of months ago, and he says he is no longer a prognosticator, he is now a historian, because the peak, he believes, is behind us.

''Once peak oil occurs, then the historic patterns of world oil demand and price cycles will cease. Unfortunately, Saudi Arabia has not been able to increase supply above its monthly production peak of April 2003.''

And I am reminded here of a recent book by Matt Simmons called Twilight in the Desert. He has done a very scholarly and exhaustive study of all of the open literature and believes that Saudi Arabia has peaked in oil production.

□ 2215

Iraq may also have significant excess capacity if it can be brought into production. Under Saddam Hussein, we got about 2½ million barrels a day from Iraq; now we are lucky to get 1½ million barrels a day.

Meanwhile, domestic oil production in both the lower 48 States and Alaska continues to decline. Many non-OPEC oil producers have also passed or are currently reaching their peaks of production. Indeed, Madam Speaker, of the 48 largest oil-producing countries in the world, 33 have already peaked.

And now their recommendations. And excuse me for reading, but to paraphrase this would not have quite the impact of reading exactly their words. The coming years will see significant increases in energy costs across the spectrum. Not only are energy costs an issue, but also reliability, availability, and security.

It is time to think strategically about energy and how the Army, and please substitute here the United States, should respond to the global and national energy picture. A path of enlightened self-interest is encouraged. The 21st century is not the 20th century.

Issues will play out differently and geopolitics will impact the energy posture of the Nation. Technology will change more rapidly and flexibility will be a crucial part of installation operations. This must also extend to the energy infrastructure and its operational concepts.

And then this very interesting statement: the days of inexpensive, convenient, abundant energy sources are quickly drawing to a close. When I read that, Madam Speaker, I was reminded of the short paragraph that Matt Savinar uses in introducing his discussion of peak oil.

He says: ''Dear reader. Civilization as we know it is coming to an end soon.'' I hope that he is overly pessimistic. We will see. Domestic natural gas production peaked in 1973. Now, note this statistic, Madam Speaker: the proved domestic reserve lifetime for natural gas at current consumption rates is about 8.4 years.

What this says is, if we can get all of our gas from our resources, it would last 8.4 years. Of course, we cannot get it out that fast. So we are importing gas. But that is all we have remaining is 8.4 years. This is the Corps of Engineers.

The proved world reserve lifetime for natural gas is about 40 years, but will follow a traditional rise to a peak, then a rapid decline. Domestic oil production peaked in 1970 and continues to decline. This is a really startling statistic. Proved domestic reserve lifetime for oil is about 3.4 years.

That means if we could pump oil as fast as we are using it, our 2 percent of the world's reserve would last us, at the rate at which we are using oil, 3.4 years.

World oil production is at or near its peak; and current world demand exceeds the supply, which is why oil is about $75 a barrel. Saudi Arabia is considered to be the bellwether nation for oil production and has not increased production since April of 2003. After peak production, supply no longer meets demand; prices and competition increase.

World proved reserves lifetime for oil is about 41 years, most of this at a declining availability. Our current throwaway nuclear cycle uses up the world reserve of low-cost uranium in about 20 years. We will see significant depletion of Earth's finite fossil resources in this century. We must act now to develop the technology and infrastructure necessary to transition to other sources.

This is dated September of last year, Madam Speaker. Have you seen anybody in authority in our country telling the American people this? We must act now to develop the technology and infrastructure necessary to transition to other energy sources.

Policy changes leap ahead of technology breakthroughs, cultural changes and significant investment is requisite for this new energy future. Time is essential to enact these changes. The process should begin now.

Indeed, if they had written this 20 years ago, they would use exactly that same language. Because we really should have started some 20 years ago.

Madam Speaker, what is all of this about? What are they talking about? To understand that, we need to go back about six decades and to the life of a very, now very famous oil geologist, Dr. M. King Hubbert, who worked for the Shell Oil Company.

In 1956, as a result of his studies, he published a paper that the 50th-year anniversary of that was March 8, in which he predicted that the United States would peak in oil production about 1970.

Now this was revolutionary. Because at that time I believe we were the largest producer of oil in the world, and probably the largest exporter of oil in the world. Shell Oil Company pleaded with him not to publish a paper, that we would make him and them look really silly.

He published the paper anyhow. And 14 years later when right on target we peaked, he became kind of a celebrity. What we have here, Madam Speaker, is his predicted curve, the smooth green curve. And then the more ragged curve, green curve with the largest symbols represents the actual data points.

And you see that right on schedule in 1970, oil production peaked. Now, this is the lower 48. He did not know about Alaska at that time, and in just a moment we will look at another chart which includes Alaska.

The red there, by the way, is the Soviet Union. More oil than we, peaked just a bit after us. They kind of fell apart when the Soviet Union fell apart, and they are now having a second small peak. But after that it will be continually downhill.

The next chart shows where we have been getting our oil from. Not just in the lower 48. And that is this blue curve and the dark blue one under it, Texas and the rest of the United States. But then you see the natural gas liquids and the Alaska oil, and the Gulf of Mexico oil.

And you see that in 1970 we peaked, and just a little blip in the downhill side of what is called Hubbert's peak here. I remember particularly, Madam Speaker, the fabled Gulf of Mexico oil discoveries which were supposed to get us home free. That is the yellow on this chart. Notice the relatively trifling contribution that the Gulf of Mexico oil discoveries made, about 4,000 wells out there. We were reminded of that last fall with these hurricanes, when a number of them were damaged.

The next chart is from the Hirsch report, and that shows you what we do with this oil. It is really kind of interesting. The light blue here represents transportation. That is about 70 percent of all of the energy from the oil that we use is used in transportation. Then there is industrial and a little bit of electric power and a little bit commercially. But the major part of our oil is used in transportation.

That is a liquid fuel. And, you know, the challenge is to find something to replace that. The next chart is a really interesting one, and we could spend a long time on this chart, because it has so much information on it.

But I want to look at it just in gross form here. The bar graphs here represent the discovery of oil, and you see that way back in 1940 we were discovering some big fields of oil. And then a little later in the 1950s, the 1960s, the 1970s, we were discovering a lot of oil.

And our use of oil was very small then. The heavy black line here represents our use of oil, and notice that we were finding enormously more oil than we were using.

So there was every reason to believe that for the foreseeable future and beyond everything was going to be just fine, because we were finding enormous amounts of oil and we were not using very much oil. But then that all turned around about 1980.

Because at about that time, the discoveries of oil reached a maximum, and

then they trailed off. And you can see it here on the downslope here. And in spite of improved techniques, in spite of intense drilling, year by year, we have found on the average less and less oil.

For those who are familiar with curves like this, it is quite obvious that the area under this curve, if we were to draw a smooth line through this discovery curve, the area under that curve represents the total volume of oil which has been discovered.

And the area under the consumption curve represents the total amount of oil that we have consumed. Now, it is very obvious that you cannot consume oil that you have not discovered, and so to find out how much consumption we can have in the future, all one needs to do is to look at the area under this discovery curve, and then to project where you think the consumption curve is going.

Now, this chart has peaking occurring, what, in 5 years or so, about 2010. There are a number of people who believe that peaking has occurred about now or will occur very shortly.

The lightly shaded part of this graph, of course, is to the future; and, Madam Speaker, you can make that future within limits look about any way you want to make it look. For instance, if we use enhanced oil recovery, and we drill a lot more wells, the United States has drilled 530,000 wells. I believe there are about 400 wells in Saudi Arabia and maybe 300 in Iraq, both of which have enormously more reserves than we have.

But if you vigorously go after this oil, you might get it sooner. But if you get it sooner, there will be less later, unless you are really good at enhanced oil recovery and you are able to get significantly more out of the ground. The next chart kind of puts this in long-range perspective, and this is a really interesting chart.

Looking at the top chart here, we are looking back about 400 years through history; and we see that the quadrillion Btus, it is so near the zero line here that you probably cannot see the difference. And then we began the Industrial Revolution in the late 1700s. And we began that with wood, of course. We denuded the hills of New England, the mountains of New England, carrying charcoal to England to make steel. We have a little furnace up here in Frederick County, and we denuded the hills of northern Frederick County to provide charcoal for that little furnace there.

The Industrial Revolution was stuttering with wood when we found coal and were able to utilize that. And then look what happened, Madam Speaker, when we discovered gas and oil. It just took off. This is an exponential curve at about a 2 percent growth rate.

In a moment we will show this same curve with different units on the ordinate abscissa, and it will appear to be a much less dramatic curve there because it really spread out the abscissa here.

But I would like to note that the world population has reasonably followed this energy cycle. So that we went from about one-half a billion to about 1 billion people here. Steady state for quite a long time until we now have between 6 and 7 billion people.

And that dramatic increase in the world's population was largely due to the incredible quantity and quality of energy from oil and natural gas. I would like to reflect for just a moment on the quality of this energy, the energy density of these fossil fuels.

One barrel of oil, and you will now pay a bit more than $100 for the refined product at the pump, 42 gallons, will buy you the work output of 12 people working all year for you.

If you worked really hard in your yard this weekend for a full day, I will get more work, more mechanical work out of an electric motor for less than 25 cents' worth of electricity. And that may be kind of humbling to recognize that we are worth less than 25 cents a day in terms of the energy available in these fossil fuels.

Madam Speaker, our children and certainly our grandchildren will look back at our generation and the generation of our parents, and I say that because my father lived almost half way through the age of oil, and they will wonder how we could have behaved the way we have behaved.

□ 2230

When we found this incredible resource, this wealth, we should have stopped and asked ourselves, what do we need to do so we can provide the most good for the most people for the longest time with this incredible wealth. It should have been obvious to everybody that this was not infinite. The earth is not made of oil. It is a finite resource.

We are now, as this chart shows in 5,000 years of recorded history, about 100, 150 years into the age of oil. In another 100, 150 years, we will be through the age of oil. What, then, when we have had to transition to the renewables?

Notice here, Madam Speaker, what happened in the 1970s. That was really quite dramatic. There was a worldwide recession, demand for oil fell, the price collapsed, and we reduced our energy consumption. It is now with China and India and the developing world demanding more and more oil increasing again at the same kind of a rate that it did up till 1970.

Madam Speaker, I would like to give one statistic that is just startling. Up until the Carter years, in every decade we used as much oil as had been used in all of previous history. What that means is, had we continued on that course, and fortunately we did not as this chart shows, but had we continued on that course when we had used up half of the world's supply of oil, only one decade of oil would have remained. In 5,000 years of recorded history, the age of oil would be just a blip, about 300 years long is all, out of 5,000 years of recorded history.

The next chart shows the predictions of some of the experts about when peaking should occur, and this is from the Hirsch report, and this was about a year ago, and they could not have known that Dr. Deffeyes was going to conclude that the peaking has already occurred. He gave a specific date for that, and he rather humorously said he is no longer a prognosticator, he is a historian.

Well, all these people believe the peak is going to occur in the next 5 years; and then there are a few that believe it will occur about 5 years after that. Then there are Serum, Shell Oil Company, a few who believe it will be sometime in the future. Nobody, Madam Speaker, will contend that we will not have peaking. It is not if. It is when.

The next chart is a simple depiction. It shows the same curve, that really dramatic one you saw a couple of charts ago, when we had this dramatic increase in the production of energy, same curve. You can make it short and very high or spread out, depending upon the units you use in the ordinate and the abscissa.

This is a 2 percent exponential growth rate, and notice that starts out rather slow, but 2 percent, leave the interest in the bank, it grows and grows till it is now getting quite steep, even on this expanded abscissa scale.

As you saw from the previous chart, most of the experts believe that oil peaking is either now or very shortly in the future. If, as we have indicated here, we are at this point, then the peaking will indeed occur a couple of years or so hence.

But notice that the discrepancy between the oil we would like to use, the demand curve and the oil which is available to use, begins before the curve. It will not be as smooth as this. It will be ups and downs, and oil may again fall down to $50 a barrel. That will be nice. Do not count on it.

What we have produced here is what is called a gap. That is a difference between what is available to use and what we would like to use; and, as the next chart shows, the Hirsch Report focused on the problems of filling that gap. What they did is look at the consequences of filling the gap, dependent upon when you start to fill the gap, and if you wait until peaking has occurred, you see zero here, that is when it has occurred. Then there will be significant shortfall. You will be able to do some mitigation.

In a few minutes, we will talk more about that mitigation; and I wonder if, in fact, we should try to mitigate or whether we need to effect a steady state where we can live happily and productively at the current energy level and thus leave a little more for our kids and our grandkids and a little more for the next few years just ahead of us.

What it shows here is that if you are going to have no supply shortfall, that you need to begin the mitigation 20 years before peaking occurs. Now, from all of the experts' predictions that we saw, that is going to be manifestly impossible because almost nobody believes that peaking is two decades from now. So what one would conclude from this is that there are going to be consequences.

The next chart shows what we would be using to peak. We would be using enhanced oil recovery, coal liquids; and, by the way, South Africa and Hitler's Germany demonstrated you can indeed do that; heavy oil, that is the oil shales, tar sands and so forth, gas-to-liquids and then vehicle efficiency.

I mentioned previously how long these vehicles stay in the fleet. If you start here, there will be several years before you notice any effect, and then slowly over 50 years. That is a little less than the average lifetime of the average car and pickup in the fleet and about half the average lifetime of an 18-wheeler in the fleet.

Madam Speaker, I would like to wonder if, in fact, we ought to be trying to fill the peak, that is, to fill this gap till there is no shortfalls so that the world can continue to use all the oil that it would like to use. Notice that, except for vehicle efficiency, we are dealing here with finite resources. They are not forever, and the more we use now, the less we will have to use in the future.

Today, we are amassing the largest intergenerational debt transfer in the history of the world. I would like not to include with that an enormous energy deficit that we are going to pass on to our kids and our grandkids. We are already burdening them with an enormous responsibility to not only run their government on current revenue but to pay back all of the money that we borrowed from their generations to run our government today. In good conscience, Madam Speaker, can we also borrow from their generations the fossil fuel energies which will be essential for establishing any reasonable quality of life in their generations?

I would submit that the challenge should not be to fill the gap. The challenge should rather be to establish an infrastructure and economy, lifestyles that can be interesting and productive and sustaining while we make the inevitable transition to renewables. These are all finite. You cannot fill that gap forever with these. As a matter of fact, for some of them, you cannot fill it very long.

The next chart shows us something about the consequences of excessive consumption. This is a really interesting chart. I would like to start here with this little insert where I think we are, and this is from our Energy Information Agency, and they get the data from the USGS. We talked to the Energy Information Agency, and they just use the information from USGS, and I think this is a rather meaningful misrepresentation of what the world will look like.

Madam Speaker, for any statisticians out there, it will be quite obvious that the 50 percent probability is not the mean. The most rightly thing to happen is the 95 percent probability. That is a high probability. It is the lesser, the lower amount of oil.

By the way, the 50 percent probability means that there could be a whole lot more oil. It also means there could be a whole lot less oil. You just do not know. What the Energy Information Agency does and the USGS is to assume that 50 percent probability is the mean. This is an unusual, and one might say bizarre, use of statistics, but using these statistics, you end up with almost twice the recoverable oil left in the world.

You see, they said that the ultimate recovery would be about 2 trillion barrels of oil with a 95 percent probability. We have already used about half of that, about 1 trillion barrels. So there is about 1 trillion left.

With the mean, which they say is expected, now that is not the expected value. The expected value is the 95 percent probability. That is the most probable. That is what it means. It is the most probable.

But with this assumption that that is the mean, which is a bizarre use of statistics, that pushes the peak out only from here at about 2000 to about 2016. So even if there is that much more oil there, and, by the way, only half of that yet to be pumped 2 trillion barrels have been found, you remember that earlier chart that showed the steep decline in discoveries, one must project something phenomenal in the future, that it will look just vastly different than the last few years. It would discover enormous basins of oil, and there is no expert out there that I know who believes that anything like that is going to happen. Notice that you push the peak out only about 10 years if you have that much more oil.

Now there is another interesting assumption that is made here, and that is if you can produce it with enhanced oil recovery and then you have a 10 percent decline, look what happens. You are really falling off a cliff.

The next chart kind of puts this in perspective; and it is these numbers, Madam Speaker, which prompted Boyden Gray and Frank Gafney and Jim Woolsey and 27 other prominent Americans, four-star admirals and generals, to write to the President some months ago, a number of months ago, saying, Madam Speaker, the fact that we have only 2 percent of the world oil reserves and we use 25 percent of the world's oil, importing almost two-thirds of what we use, is an unacceptable national security risk. Mr. President, we have got to do something about that.

Even if you think that the only problem with oil is a national security risk, we ought to be about freeing ourselves from the dependence on foreign oil. Even if there was no such thing as peaking, our behavior today needs to be vastly different than it is.

We are less than 5 percent of the world's population, about one person out of 22, and we use a fourth of the world's energy.

Madam Speaker, when we found all of that oil, and we more than others fit this characterization, rather than a responsible response to that discovery, which would ask the question how can we get the most good for the most people for the longest time, we acted like kids that found the cookie jar. We just pigged out, and here in the United States we are now using 25 percent of all the world's oil, and we represent a bit less than 5 percent of the world's population.

These top two numbers are significant. With only 2 percent of the oil reserves, we are pumping 8 percent of the world's oil. That means we are pumping our wells four times faster than the average in the world, which means that we are going to be increasingly dependent on foreign oil as we pump down our reserves.

The next chart kind of puts this in a global perspective. Because what this shows, and many people now recognize this, that for the last several years China has been scouring the world for oil. We have symbols here which show who has access to the major sources of oil in the world, and notice the symbol for China is all over this map. They have bought all of the increased capacity of the Canadian oil sands. They have major commitments from South American countries. They almost bought Unocal in our country. They have really major commitments from the Middle East.

Madam Speaker, not only this, but they recognize that we have the only blue water Navy, that is the Navy that sails the seven seas of the world and can control all of the access lanes. They see that we could, if we wish, cut off their source of oil.

□ 2245

So they are very aggressively building a blue water Navy.

Last year, we launched one submarine; they launched 14 submarines. Now theirs are not the quality of ours, certainly, but they are improving.

Well, what do we do? And the next chart kind of presents this challenge and this picture. Obviously, if what these two big reports say is true, that we are just about reached peaking, then we need to be about transitioning. In fact, we should have been about transitioning from fossil fuels to the renewables.

Madam Speaker, we knew of a certainty 26 years ago in 1980 we had already slid 10 years down the other side of Hubbard's Peak. Now, M.P. Hubbard was right about the United States. He predicted that the world would be peaking about now. Madam Speaker, he was right about the United States.

Would you not think that our leaders have wondered maybe, just maybe, he might be right about the world, and maybe we ought to be doing something about that? There has been a deafening silence on this subject for the last 26 years.

Any rational person, get a bright fifth grader and he will tell you what we need to be doing: We need to call upon all of our finite resources to help us through this transition period, and those finite resources are the tars and the oil shales and coal. And then there is nuclear as kind of a separate class, light water reactors, breeder reactors.

And note the quote from the Corps of Engineers study that the high-quality cheap, that is fissionable, uranium, will be exhausted in about 20 years, so we will need to move to breeder reactors which, as the name implies, makes more fuel than they use and so they are kind of self-sustaining. But, with that, you buy some problems of transportation and enriching and products that could be used by bad guys for making nuclear weapons.

I have a number of colleagues who have been stoutly opposed to nuclear, but when they are now rationally considering the alternative of shivering in the dark, nuclear is looking better and better.

Nuclear fusion, if we ever got there, Madam Speaker, we are home free. There is nothing else on this chart that gets us home free. Fusion does. I support happily the roughly $250 million a year that we put into this technology. But I think that counting on solving our energy future challenges with fusion is a bit like me or you, Madam Speaker, planning to solve our personal economic problems by winning the lottery, and I think the odds are probably somewhere near the same.

Once we have gone through these finite resources and have developed all the nuclear that we wish to develop, then we will ultimately, and the geology will assure it, because coal, gas and oil are not forever, we will transition to the renewables, and these are what they are, solar and wind and geothermal. That is true geothermal, where you are tapping into the molten core of the earth. There is not a chimney in all of Iceland because all of their energy is geothermal there, ocean energy, the tides and thermal gradients and so forth.

Agriculture resources, a lot of talk today about ethanol and methanol and soy diesel and biodiesel and biomass. Waste energy, a great idea. Instead of putting it in a landfill, burn it. There is lots of energy there. A very productive plant, state-of-the-art plant up in Montgomery County who would be happy, Madam Speaker, to have you come visit them there.

And then hydrogen from renewables. That is significant. Today, we are getting all of our hydrogen from natural gas. That is not renewable. That, by and by, will be gone, and then we will have to get hydrogen from renewables or from nuclear.

Just a word of caution. Hydrogen is not an energy source. We will always use more energy to produce hydrogen than we get out of it, or else we will have to suspend the second law of thermodynamics. And, Mr. Speaker, if we can do that, we can suspend the law of gravity and we are really home free, are we not?

Why even talk about hydrogen then? Well, because of the two characteristics of hydrogen. One is when you finally burn it, you get water that is not polluted. And if you have used a nonpolluting energy source to produce it like nuclear, for instance, or wind or solar, then you are totally nonpolluting.

The second advantage of hydrogen is that it is quite ideal for fuel cells if in fact we are ever able to make fuel cells that are economic. With the fuel cell, you get about twice the efficiency or at least twice the efficiency that you get out of reciprocating engine.

The next chart looks at coal. And some will tell you do not worry about energy because we have got an incredible supply of coal, they will tell you, in 500 years. That is not true. At current use rates, we do have 250 years of energy, of coal.

Albert Einstein said that compound interest was the most powerful force in the universe. If you increase its use only 2 percent, that 250 years shrinks to about 85 years. And, now, if you have to use some of the energy from the coal to convert to a gas or a liquid, and we will have to do that because we have limited uses for coal itself, then you reduce it to 50 years. That is meaningful. But it is a finite resource. It is not forever. It is dirty. You are either going to pay a big environmental penalty or an economic penalty for cleaning it up.

The next chart is an interesting one, and that looks at the opportunities and limitations from the agricultural world. On the top here, we have two little sequences which indicate the energy transformation from petroleum, and notice that you start out with maybe 5 equivalents of energy and end up with 4, so it is 5:4. And with corn to ethanol, you ought to do better, because you are getting some energy from the sun here. There are lots of challenges. It is or it can be energy positive. It certainly is in South America, where Brazil is converting sugar cane, which is a bit better than corn, to ethanol, and they are now freeing themselves from dependence on imported oil and soon all of their cars will be ethanol cars.

The bottom pie chart here is something I wanted to spend just a moment on because it is so startling. This shows you the energy input into producing a bushel of corn. Notice the purple area there, almost half of it, it says nitrogen, that is nitrogen fertilizer made from natural gas. When natural gas is gone, that source of nitrogen fertilizer is gone.

Madam Speaker, before we learned how to do that, the only source of nitrogen fertilizer was barnyard manure and guano. The guano is gone. It took tens of thousands of years to produce it, we believe, and now it is harvested, and it is gone. That is the droppings from birds and bats on tropical islands and caves and so forth.

All those other segments of the pie here are other fossil fuel energy inputs into growing corn. I would just like to emphasize in very large measure the food we eat is just transformed gas and oil, and without gas and oil it would be very difficult to produce the amounts of food that we are producing today.

The next chart is a really interesting one. The little analogy that I use here is that we are very much like a young couple whose grandparents have died and left them a big inheritance, and they have established a lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent from their income. They look at the inheritance and how old they are and project a reasonable life span, and, gee, the grandparents' inheritance is going to give out long before we retire. So, obviously, Madam Speaker, they have got to do one or both of two things: Either they have got to make more money, or they have got to spend less money.

I use that 85/15, and others will use 86/14. The 85/15 shows what our energy dependence is now. About 85 percent of all the energy we use comes from fossil fuels. That is like the inheritance from our grandparents: It will not last forever. And only about 15 percent of it comes from other sources. A bit more than half of it that comes from nuclear power, 8 percent of our total energy, 20 percent of our electricity.

As you drive home tonight, note that every fifth business and every fifth house would be dark if it weren't for nuclear power.

Then we look at that 7 percent which is renewable energy, and the biggest chunk of that is conventional hydro that will not grow in our country. We may get some micro-hydro, but the big rivers have all been dammed and probably more than we should have dammed.

The next biggest chunk of that comes from wood, and that is the paper industry and the timber industry wisely burning a waste product that would otherwise end up in the landfill.

And then waste energy, that 8 percent. By the way, this 1 percent is 0.07 percent, because that is 1 percent of 7 percent from solar. That is a tiny, tiny amount of energy. But this was in 2000. That has been growing at 30 percent a year, so now it is about four times bigger. It is now 0.28 percent. Big deal, Madam Speaker. 0.28 percent? And that is about the same thing for wind, maybe a bit more from agriculture.

Those are the energy sources we are going to have to increasingly rely on in the future. So we have got a big challenge ahead of us.

The next chart depicts what we ought to be doing. The first thing we

need to do is to buy some time. You see, it takes three things to develop these renewables: It takes money, and it takes energy, and it takes time. Mr. Speaker, we will not worry about the money, although we should. Because when it comes to money we just borrow it from our kids and our grandkids by running up a big debt. So let us not worry about the money here.

But we cannot borrow time from our kids, and we cannot borrow energy from our kids. The only way to buy some time and free up some energy is with a pretty massive conservation program which frees up some energy.

Today, Madam Speaker, there is no surplus energy to invest in alternatives. All of it is needed by the economies of the world, or oil would not be roughly $75 a barrel.

Madam Speaker, what this chart denotes is a program that I think needs three qualities if we are going to make this transition in any acceptable way. First, we must have everybody involved, a total commitment like World War II. I lived through that. Everybody had a victory garden, everybody saved their household grease and took it to a central repository. It was the last war, the last time that everybody in our country was involved. We need a program, Madam Speaker, that has the total commitment of our population in World War II. It needs to have the technology focus of putting a man on the moon, because we are going to have to have a lot of technology breakthroughs and applications here if we are going to make it.

Thirdly, it needs to have the intensity of the Manhattan Project. Minus that, I think we are going to have a very rough ride. We should have begun 26 years ago.

Once we have freed up some time and freed up some energy, we need to use it wisely. And what has the biggest potential? What will have the biggest payoff? I think there are enormous benefits to this. I can see the American people going to bed every night thinking to themselves, gee, I really contributed today. I used less energy, I lived very comfortably, and I am really working on that new project which is going to help my kids and my grandkids to live as well as I live or maybe even better.

I think that we can be a role model for the world. I think that we can develop a lot of technology that we can export, but, Mr. Speaker, we will never get there unless we start.

I am wondering again, unless we close in the way we started, these two big studies paid for by our government noting the problems that we face in the future, why have not those parts of the government that paid for these reports claimed ownership? Why are they not using the resources available to them to make this information available to the American people? Why are they not coming to us with a program that says we have a big challenge, we have big opportunities, we really need to get going?

Madam Speaker, I think that we have a great bright future if we challenge the American people and marshal the resource. I think we have a very bumpy ride if we do not.

I look forward, Madam Speaker, to our leadership showing the way. I think Americans will follow. I think that we can be a role model to the world, and I think that we can get through this with less problems than many are depicting, but we won't get there unless we start.

□ 2300

COVER THE UNINSURED

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for the remaining time until midnight.

Ms. BALDWIN. Mr. Speaker, I rise tonight during Cover the Uninsured Week to draw attention to a national crisis. According to the Census Bureau, 45.8 million Americans are without health insurance. Millions more encounter a health care system that is inadequate in meeting their basic medical needs because they are underinsured.

The Commonwealth Fund recently released a study estimating that there are an additional 16 million Americans who are underinsured, meaning their insurance does not adequately protect them against catastrophic health care expenses. That means that 61 million Americans either have no health insurance or have only sporadic coverage or have insurance coverage that leaves them exposed to very high health costs. Sixty-one million Americans is nearly 20 percent of all Americans. That is one in five Americans who have inadequate or no health care coverage at all.

The lack of affordable, comprehensive health care affects every congressional district in this Nation. To highlight the issue and the real impact that being uninsured has on the lives of Americans, I have selected some letters that I have received from my constituents who have had difficulty obtaining and affording comprehensive health care coverage.

Too often here in Congress we speak of health care issues in the antiseptic jargon of policymakers and lawyers, but people across America are hurting and these letters tell their stories in their own words.

I represent a district in south central Wisconsin, and while the letters I read may be from Wisconsinites, they speak to the difficulties people all over the United States face every day. I am going to start with a few letters about the ever-increasing price of health care.

Eva from Madison, Wisconsin writes, ''I am contacting you in regards to my desperate need for public health care. I am a grad student. I recently sprained my ankle playing soccer and had to go to the emergency room for x-rays. My bill came out to $1,242.50 because I can only afford a measly insurance that only has catastrophic coverage. This is a ridiculous amount of money for such a visit, and it causes me to consider those less fortunate than me who have even more serious injuries and less familial support. This cost can truly make waves in the lives of people.''

Suzanne from Stoughton, Wisconsin writes, ''It is time, time to have the government deal with health care. We are covered under COBRA which will run out in March. The cost is going from $500 per month to $900 per month. We checked with Blue Cross and they refuse us coverage because of a preexisting condition. They will not even offer a waiver for this preexisting condition. We checked with the Wisconsin State insurance program which will cover us for $1,200 a month. Please, let people over 60 buy into Medicare. It is impossible to find a job that offers health insurance.''

Roberta from Janesville, Wisconsin writes, ''I think the insurance bills for both medical and dental are horrendous. Both my husband and I work full time with two small children, living paycheck to paycheck. My insurance costs have caused us many heartaches with us owing more money than what needs to be paid. As a result, I will not get a needed medical procedure done. Something drastically needs to change in the United States of America where hardworking individuals and families can get the treatment they need without going broke.''

Roberta brings up an important point in her letter because people without health insurance are often not getting the care that they need. A recent study released by the Robert Wood Johnson Foundation found that cost prevented 41.1 percent of uninsured adults from seeing a doctor that they needed to see.

But getting needed care is also difficult for Americans who have health insurance because the financial strain resulting from high health care costs, rising premiums, and increasing copays and deductibles place an incredible strain on American families, often forcing them to choose between needed health care and basic necessities like food. It is no wonder that illness, injury, and medical debt is responsible for nearly 50 percent of all personal bankruptcies in the United States.

Patricia from Madison, Wisconsin writes, ''We need to fix health care. I have to choose between heat and food and medications. I have lost 80 pounds because of this. Please help.''

Heather from Waterloo, Wisconsin writes, ''I am married, and together with my husband I own a home. We live a modest, middle-class life, managing to always have what we need except for health care coverage. My husband has excellent health care at his job, but for me to also be covered by his plan, we would need to pay nearly $400 a month. That is two-thirds as much as our

home mortgage. Through school, I have worked less and less in order to maintain health coverage. I have only been able to afford short-term major medical coverage. I am grateful that we can afford this, but it does make a difference. Even now if I have a sore throat, I will wait for a few days to see how I feel. I will wait because if I don't need to go, I will certainly save the money. This is disturbing to me as a nursing student because I know about the importance of early treatment and prevention, and it is upsetting to me as a person because I value my health. It is unacceptable to me as a citizen because I know there are other people just like me who wait and get sicker or can't take the medications they need.''

Mr. Speaker, simply put, our health care system is failing and America knows this. Among the thousands of letters regarding health care that I receive, there is a common thread, a common theme that binds them together; and that common theme is an overwhelming frustration with a system they know just is not working and a call for us in Congress to take action.

Brad from Mount Horeb, Wisconsin writes, ''I write you today to urge you to take action on a growing crisis in America: health care. I strongly believe that we need a national health care plan to insure all Americans. My major concern with the current system is that when people attempt to obtain insurance, insurance companies refuse them because of past health history. Let's face it, insurance companies are in business to make a profit. The best way to make a profit is to insure the healthy so that you can minimize the claims you pay out and not insure those who need medical care or who may potentially need medical care.

I am 38 years old with a family of four. I currently participate in a health savings account. For all practical purposes, I pay for all of my own medical needs, including the recent birth of our daughter. I recently attempted to switch insurance providers. The insurance companies will insure me, but they will not insure my daughter for any type of treatment for her asthma for 3 years along with no drug coverage for life. The policy I was requesting had a $10,000 deductible, yet they still refused the coverage.''

Kimberly from Madison, Wisconsin writes, ''I am writing today because of my family's frustration and anxiety over health care. Although we hear a lot of rhetoric about making health care more affordable and/or more available for Americans, nothing is happening, at least not soon enough.''

□ 2310

''Let me briefly share our story,'' Kimberly proceeds. ''My husband recently started his own business. Obviously, it will take some time for his new company to see any profits, much less income. In the meantime, we are without health insurance. I am 5 months pregnant, and we have a 2-year-old son. Because of my pre-existing condition, we cannot buy affordable health coverage. COBRA would cost us $1,200 per month. I am currently applying for Medicaid and other forms of public assistance as a last resort. This is ridiculous.

''As someone with no insurance, I wonder what could possibly be the problem with implementing a public health care system. Oh, I have heard the horror stories about having fewer choices in doctors, longer waiting lists for procedures, and less incentive among doctors and researchers to develop new techniques. But what's most frightening to me is the chance that my son might get sick or my baby might be born with expensive complications while we are uninsured.

''I am not naive. I know that funding public health care is an issue. But is it wise to sacrifice the health and well-being of American citizens to avoid the challenge of implementing a change? I, for one, would be satisfied to pay more for goods and services if I could rest assured that my family's basic health care needs were being met.''

Victor, from Stoughton, Wisconsin writes, ''My wife can only work part time because of her health. Her employer offers a generic policy that costs only $3.97 per week and requires no background check. This policy covers basically nothing. Medical supplies, checkups, doctors visits necessary on a routine basis for my wife to survive are now not covered. My wife is uninsurable because of her health, and we have been turned down for health insurance that we have applied for. We cannot believe that this is happening.''

Ronald from Deerfield, Wisconsin writes, ''I was on COBRA insurance for 3 years, which ended this past fall. I spent from March until September trying to get private insurance, but could not because of my neck injury. I was, in effect, looked at and dismissed by 33 private insurance companies because of my pre-existing condition with my neck injury. Just imagine how you would feel after being dismissed by this many companies. I was finally insured through disability and Medicare. The sad reality of it is that if I want to try to work full time again, I cannot, because in doing so it would cost me the only insurance options I have left.

''The truth is that many other countries can and do provide equitable health insurance to all of their citizens, no matter what pre-existing condition they have or their ability to pay or what income level they have. I believe this country does have top-notch medical facilities, but not decent or equitable insurance for the poor and middle-income families.''

Susan from Bariboo, Wisconsin writes, ''I am writing you today regarding health insurance coverage for single people with no children. As of this time, I feel that I am left out of the loop in regards to this topic. I am 42, and last September I was diagnosed with breast cancer. In January of this year, the company that I worked for informed us that they would be closing down. I was laid off in December while I was out due to my cancer treatment. I have been searching for health care everywhere because my COBRA will be going up and I am on unemployment and barely able to pay the $244.76 for the coverage now. I cannot get insurance because of the breast cancer. HIRSP, which is the Wisconsin State High Risk Program, is too expensive for me to get coverage since they want 4 months of premiums up front, and as they only cover some things.

''What are single people supposed to do? We don't qualify for any government assistance because we are single. We cannot go without insurance. There are no programs to help us out. So when you are working on health care in the House of Representatives, please remember that there are other single people out there also in my shoes. I am at a crossroad because I have no avenue for assistance when it comes to health care. Come November, I will be unable to get coverage when I need it at this point in my life.''

Janet from Portage, Wisconsin writes, ''I have a 53-year-old brother who has psoriasis all over his body and arthritis that is caused by this. Three weeks ago, he fell and needs surgery on his shoulder to repair it. He has no job, no money and no insurance. We started looking for a program to help him. There are none that we can find. There is nothing to help him get his shoulder fixed. But after it heals wrong and he is disabled because of it, then there are programs to help him. They won't help him get it fixed so he could find a good job. Instead, they would rather support him for the rest of his life instead of trying to help him now.''

Gail from Janesville, Wisconsin writes, ''My husband lost his job in October of 2003. He applied for over 100 positions, only to be told that he lacked a college degree or he is overqualified, or they can only pay $8 an hour. I was diagnosed with breast cancer in June of 1998 and again in 2003. I have gone through breast cancer twice and have undergone a mastectomy and reconstructive surgery.

''COBRA has run out and without a stable income, we cannot afford to pay the premiums of our own health care policy. My husband is 59 and I am 58, and we have no medical coverage. I have looked in every insurance company and get turned down because of my medical history. All our lives we have paid into these insurance companies only to be turned away when we need coverage the most.''

Mr. Speaker, I hope that as Cover the Uninsured Week continues, my colleagues will join me in recognizing that obtaining comprehensive, affordable health care presents a very real challenge for millions and millions of Americans. We cannot turn a deaf ear on our constituents' pleas for help. I invite my colleagues to join me in

working on this most pressing domestic priority, to provide quality affordable health care for all Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. OSBORNE (at the request of Mr. BOEHNER) for today and the balance of the week on account of business in the district.

Mr. SWEENEY (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. COSTA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and May 3.

Mr. KENNEDY of Minnesota, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, May 3.

Mr. BILIRAKIS, for 5 minutes, May 9.

Mr. GINGREY, for 5 minutes, May 3 and 4.

Mr. BURTON of Indiana, for 5 minutes, today and May 3 and 4.

Mr. PENCE, for 5 minutes, May 3.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, May 3.

Mr. MCHENRY, for 5 minutes, May 3, 4 and 9.

ADJOURNMENT

Ms. BALDWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 3, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7139. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Modified Cry3A Protein and the Genetic Material for Its Production in Corn; Extension of a Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0174; FRL-7766-6] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7140. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance Technical Correction [EPA-HQ-OPP-2005-0205; FRL-7766-2] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7141. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2006-0168; FRL-7768-3] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7142. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Revocation of 29 Pesticide Tolerance Exemptions for 27 Chemicals [EPA-HQ-OPP-2005-0251; FRL-7760-6] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7143. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerance [EPA-HQ-OPP-2006-0053; FRL-7766-8] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7144. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7145. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Austria pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7146. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia; Approval of Revisions to the State Implementation Plan [EPA-R04-OAR-2005-GA- 0005- 200601; FRL-8045-4] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7147. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Arkansas Update to Materials Incorporated by Reference [FRL-8022-1] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7148. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Architectural and Industrial Maintenance (AIM) Coatings Regulation [EPA-R01-OAR-2005-ME-0003; A-1-FRL-8038-1] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7149. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule [R06-OAR-2005-TX-0016; FRL-8045-5] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7150. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection; Withdrawal of Direct Final Rule [EPA-R08-OAR-2005-CO-0002; FRL-8044-4] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7151. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals [EPA-HQ-OPPT-2005-0033; FRL-7335-2] (RIN: 2070-AD16) received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7152. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for Pennsylvania [FRL-8011-3] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7153. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection [EPA-R01-OAR-2006-0277; FRL-8157-9] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7154. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Substantial Inadequacy of Implementation Plan; Call for Missouri State Implementation Plan Revision [EPA-R07-OAR-2005-MO-0007; FRL-8158-7] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7155. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of TSCA Section 4 Testing Requirements for Certain Chemical Substances [EPA-HQ-OPPT-2003-0006; FRL-7751-7] (RIN: 2070-AD42) received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7156. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sodium Metasilicate; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2002-0241; FRL-8063-5] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7157. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee: Revisions to Volatile Organic Compound Definition [EPA-R04-OAR-2005-TN-000 8-200534(a); FRL-8157-8] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7158. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Washington: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-8158-4] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7159. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule): Reconsideration [OAR 2003-0053; FRL-8047-9] (RIN: 2060-AN57) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7160. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Resource Conservation and Recovery Act Burden Reduction Initiative [RCRA-2001-0039; FRL-8047-3] (RIN: 2050-AE50) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7161. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Lakeview PM10 Maintenance Plan and Redesignation Request [EPA-R10-OAR-2006-0010; FRL-8041-9] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7162. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; La Grande PM10 Maintenance Plan and Redesignation Request [EPA-R10-OAR-2006-0050; FRL-8041-6] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7163. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a draft bill entitled, ''To implement the Antigua Convention for the Stregthening of the Inter-American Tropical Tuna Commission''; to the Committee on International Relations.

7164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 008-06); to the Committee on International Relations.

7165. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period December 1, 2005 through January 30, 2006; to the Committee on International Relations.

7166. A letter from the Assitant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Turkey (Transmittal No. DDTC 001-06); to the Committee on International Relations.

7167. A letter from the EEO Programs Director, Board of Governors of the Federal Reserve System, transmitting the second annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2005; to the Committee on Government Reform.

7168. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2006-0124; FRL-8040-6] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7169. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Nevada State Implementaion Plan, Washoe County District Board of Health [EPA-R09-OAR-2005-0002, FRL-8040-8] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7170. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended (RIN: 1400-AC06) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7171. A letter from the Secretary, Department of Transportation, transmitting the Department's final report entitled, ''Nonmilitary Helicopter Urban Noise Study,'' pursuant to 49 U.S.C. 47528(d)(2); to the Committee on Transportation and Infrastructure.

7172. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisan Bay, California [COTP San Francisco Bay 05-007] (RIN: 1625-AA87) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Skidaway Bridge (SR 204), Intracoastal Waterway, mile 592.9, Savannah, Chatham County, GA [CGD07-04-124] (RIN: 1625-AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Cheesequake Creek, NJ [CGD01-05-096] (RIN: 1625-AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connecticut River, East Haddam, CT [CGD01-06-004] (RIN: 1625-AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez, Tank vessel moving security zone and Valdez Narrows, Valdez, AK [COTP Price William Sound 02-011] (RIN: 1625-AA87) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez and Valdez Narrows, Valdez, AK [COTP Price William Sound 05-012] (RIN: 1625-AA87) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Shark Rivr, NJ [CGD05-06-001] (RIN: 1625-AA-09) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Virginia [CGD05-06-004] (RIN: 1625-AA-09) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Oceanport Creek, Oceanport, NJ [CGD01-06-013] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connecticut River, Old Lyme, CT [CGD01-06-020] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7182. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River, Correction [CGD05-05-079] (RIN: 1625-AA09) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7183. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availability of ''Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2006 Appropriations Act'' [FRL-8053-8] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES OF 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. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 359. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics

Law Enforcement Torch Run (Rept. 109–448). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies (Rept. 109–449). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 789. Resolution providing for consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes (Rept. 109–450). 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. SENSENBRENNER (for himself, Mr. HASTERT, Ms. PELOSI, Mr. CONYERS, Mr. CHABOT, Mr. NADLER, Mr. WATT, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Mr. OWENS, Mr. CLYBURN, Ms. LEE, Mr. SCOTT of Virginia, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. NORTON, Ms. KILPATRICK of Michigan, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. HONDA, Mr. GONZALEZ, and Mrs. NAPOLITANO):

H.R. 9. A bill to amend the Voting Rights Act of 1965.

By Mrs. WILSON of New Mexico (for herself, Mr. BASS, Mr. SHAYS, Mr. HALL, Mr. DEAL of Georgia, Mr. BILIRAKIS, Mr. SHIMKUS, Mr. PITTS, Mr. NORWOOD, Mr. BURGESS, Mrs. BONO, Mr. BUYER, Mr. ROGERS of Michigan, Mr. CHOCOLA, Mr. BRADLEY of New Hampshire, Mr. FERGUSON, Mrs. CUBIN, Mr. WALDEN of Oregon, Mrs. JOHNSON of Connecticut, Mr. SULLIVAN, Mr. UPTON, Mr. BARTON of Texas, and Mr. WAMP):

H.R. 5253. A bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BASS (for himself, Mr. BARTON of Texas, Mr. KIRK, Mrs. BONO, Mr. SHIMKUS, Mr. DEAL of Georgia, Mr. HALL, Mr. PITTS, Mr. NORWOOD, Mr. SULLIVAN, Mr. BURGESS, Mr. CHABOT, Mr. BUYER, Mr. CHOCOLA, Mr. PICKERING, Mrs. CUBIN, Mr. UPTON, Mr. JOHNSON of Illinois, Mr. GERLACH, and Mr. PORTER):

H.R. 5254. A bill to set schedules for the consideration of permits for refineries; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 5255. A bill to prohibit a school from receiving Federal funds if the school prevents a student from displaying or wearing in a respectful manner a representation of the flag of the United States; to the Committee on Education and the Workforce.

By Mr. JONES of North Carolina:

H.R. 5256. A bill to establish a statute of repose for civil actions filed against recreational vessel manufacturers; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 5257. A bill to amend the Internal Revenue Code of 1986 to provide a basic income guarantee in the form of a refundable tax credit for taxpayers who do not itemize deductions; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5258. A bill to suspend temporarily the duty on certain plasma flat panel displays; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5259. A bill to require the Biomass Research and Development Board to prepare a biobased fuel action plan to increase the use in the United States of biobased fuel as a ground transportation fuel; to the Committee on Agriculture, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 5260. A bill to provide that any reduction in the hours of operation of Department of Veterans Affairs Medical Center emergency rooms may be implemented only after notice is provided to Congress and a period of 180 days has elapsed; to the Committee on Veterans' Affairs.

By Mr. BRADLEY of New Hampshire:

H.R. 5261. A bill to remove the permanent tariff and the temporary duty on ethanol; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mrs. BLACKBURN, Mr. BURGESS, Mr. PRICE of Georgia, and Mr. CAMP of Michigan):

H.R. 5262. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the payment of premiums for high deductible health plans, and for other purposes; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN (for herself, Mr. WATT, Ms. LEE, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mr. TOWNS, Mr. CONYERS, Ms. NORTON, Ms. CARSON, Mr. CLEAVER, Mr. FATTAH, Mr. PAYNE, Ms. KILPATRICK of Michigan, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. MEEKS of New York, Mr. CLAY, Mr. WYNN, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. RANGEL, Mrs. JONES of Ohio, Mr. BUTTERFIELD, Mr. JEFFERSON, Mr. CLYBURN, Ms. WATSON, Mr. CUMMINGS, Ms. WATERS, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Ms. MCKINNEY, Mr. MEEK of Florida, and Mr. FORD):

H.R. 5263. A bill to amend part D of title XVIII of the Social Security Act to extend the 2006 and 2007 initial enrollment periods for the Medicare prescription drug benefit and suspend the late enrollment penalty through December 31, 2007, to permit Medicare beneficiaries to change enrollment in a prescription drug plan during the first 12 months of enrollment, and to prevent changes in formularies other than at the time of open enrollment periods and only with advance notice; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 5264. A bill to provide American consumers information about the broadcast television transition from an analog to a digital format; to the Committee on Energy and Commerce.

By Ms. HOOLEY:

H.R. 5265. A bill to provide grants to certain areas to prepare for a tsunami; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. CONYERS, Ms. LEE, Mr. SANDERS, Ms. WATERS, and Mr. OLVER):

H.R. 5266. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. CONYERS, Ms. LEE, Mr. SANDERS, and Ms. WATERS):

H.R. 5267. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. CONYERS, Ms. LEE, Mr. SANDERS, Ms. WATERS, Mr. OLVER, Mr. NADLER, and Mr. GEORGE MILLER of California):

H.R. 5268. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. CONYERS, Ms. LEE, Mr. SANDERS, Ms. WATERS, Mr. OLVER, Mrs. MALONEY, Mr. NADLER, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. BROWN of Ohio, and Mr. SHAYS):

H.R. 5269. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, 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. KUCINICH (for himself, Mr. CONYERS, Ms. LEE, Mr. SANDERS, Ms. WATERS, and Mr. OLVER):

H.R. 5270. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. CONYERS, Ms. LEE, Mr. SANDERS, Ms. WATERS, and Mr. OLVER):

H.R. 5271. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, 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 Mrs. LOWEY:

H.R. 5272. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Science.

By Mr. MARKEY (for himself, Ms. ESHOO, Mr. BOUCHER, and Mr. INSLEE):

H.R. 5273. A bill to promote open broadband networks and innovation, foster electronic commerce, and safeguard consumer access to online content and services; to the Committee on Energy and Commerce.

By Mr. SWEENEY:

H.R. 5274. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for the provision of boating safety equipment; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mr. OWENS, Mr. MORAN of Virginia, Mr. HINOJOSA, Mr. PRICE of North Carolina, Mr. SERRANO, Ms. DELAURO, Mr. FARR, and Mr. OSBORNE):

H.R. 5275. A bill to establish the Silver Scholarship program to provide transferable educational awards to older individuals who have performed certain volunteer services; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 5276. A bill to amend the Older Americans Act of 1965 to include a grant program to support life-long learning programs; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 5277. A bill to amend the Older Americans Act of 1965 to require the Assistant Secretary, when making grants for multidisciplinary centers of gerontology and gerontology centers of special emphasis, to give preference with respect to such centers that are located at institutions of higher education in urban areas; to the Committee on Education and the Workforce.

By Mr. MEEKS of New York (for himself, Mr. MCNULTY, Mr. MCGOVERN, Mr. LANTOS, Mr. MICHAUD, Mr. PAYNE, Mr. TANCREDO, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. CROWLEY, Mr. COBLE, Mr. DELAHUNT, Mr. SMITH of New Jersey, Mr. CUMMINGS, Mr. MILLER of North Carolina, Mr. ADERHOLT, Ms. BERKLEY, Mr. SERRANO, Mr. MCCOTTER, and Mr. RANGEL):

H. Con. Res. 397. Concurrent resolution honoring 2006 Olympic team member Joey Cheek and recognizing the need to work with international partners to help bring an end to the ongoing genocide in Darfur region of Sudan and the suffering of children in Chad; to the Committee on International Relations.

By Mr. HEFLEY (for himself, Mr. TANCREDO, Mr. SHAYS, Mr. RAMSTAD, Mr. VAN HOLLEN, Mr. NEAL of Massachusetts, Mrs. MCCARTHY, Mr. OTTER, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mr. DINGELL, Mr. KING of New York, Mr. DREIER, Mr. HOLT, Mr. REICHERT, Mr. LEVIN, Mr. BEAUPREZ, Mr. SALAZAR, Mr. UDALL of Colorado, Ms. BORDALLO, Mr. POE, Ms. GRANGER, Mr. SIMMONS, Mr. PORTER, Mr. EMANUEL, Mr. SKELTON, Mr. ROYCE, Mr. RUPPERSBERGER, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Mr. CALVERT, Ms. KILPATRICK of Michigan, Mr. BERMAN, Mr. STUPAK, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. FARR, Mr. DOYLE, Mr. COSTELLO, Mr. MURPHY, Mr. BROWN of Ohio, Mr. PETERSON of Minnesota, Mr. WEINER, Mr. SESSIONS, Mr. PLATTS, Mr. GORDON, Ms. DEGETTE, Mr. LARSEN of Washington, Mr. SAXTON, Mr. CARDOZA, Mr. ALEXANDER, and Mr. CONAWAY):

H. Res. 788. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Government Reform.

By Ms. DELAURO (for herself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mrs. MALONEY, Mr. MCDERMOTT, Mr. CONYERS, Mr. HONDA, Mr. SERRANO, Mr. COOPER, Mr. SANDERS, and Mr. RANGEL):

H. Res. 790. A resolution recognizing the African American Spiritual as a national treasure; to the Committee on Education and the Workforce.

By Mr. GINGREY (for himself and Mr. BARTLETT of Maryland):

H. Res. 791. A resolution recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs efforts to decrease hunger and help feed those in need; to the Committee on Agriculture.

By Mr. MEEKS of New York (for himself, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. PAYNE, and Mr. OWENS):

H. Res. 792. A resolution recognizing the 40th anniversary of the independence of Guyana and extending best wishes to Guyana for peace and further progress, development, and prosperity; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. KING of New York, Mr. PENCE, Mr. FORD, and Mr. TANNER):

H. Res. 793. A resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

302. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 118 urging the enforcement of the reduced maximum containment level for arsenic in drinking water be suspended until such time as definitive scientific evidence with the United States validates that consumption of water between 10 to 50 PPB of arsenic causes cancer mortality or produces some other health problems; to the Committee on Energy and Commerce.

303. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 120 opposing any proposals which lead to a significant sale of federal land located in the state of Idaho; to the Committee on Resources.

304. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 113 supporting the confirmation of the appointment of Judge N. Randy Smith to serve on the Ninth Circuit U.S. Court of Appeals; to the Committee on the Judiciary.

305. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 119 requesting the Congress of the United States to adopt S. 520 and H.R. 1070; to the Committee on the Judiciary.

306. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 441 supporting the vision of ''25 by 25,'' whereby agriculture will provide twenty-five percent of the total energy consumed in the United States by the year 2025, while continuing to produce abundant, safe, and affordable food and fiber; jointly to the Committees on Agriculture, Energy and Commerce, and Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 278: Mrs. MUSGRAVE.
H.R. 311: Mr. TERRY.
H.R. 378: Ms. MCKINNEY.
H.R. 550: Mr. VISCLOSKY.
H.R. 552: Mr. SODREL.
H.R. 559: Ms. MCKINNEY and Mr. FATTAH.
H.R. 602: Mr. FATTAH and Mr. FOSSELLA.
H.R. 633: Mr. DICKS.
H.R. 819: Mr. GERLACH, Mr. BAKER, and Ms. BERKLEY.
H.R. 831: Mr. OLVER.
H.R. 916: Mr. SHIMKUS and Ms. ROYBAL-ALLARD.
H.R. 986: Mr. FATTAH and Ms. MOORE of Wisconsin.
H.R. 998: Mr. PORTER and Mrs. WILSON of New Mexico.
H.R. 1106: Mrs. MALONEY.
H.R. 1188: Ms. HOOLEY.
H.R. 1306: Mr. MELANCON, Mr. OBERSTAR, and Mr. SALAZAR.
H.R. 1366: Mr. SANDERS.
H.R. 1372: Mr. GORDON.
H.R. 1380: Mr. BONNER and Mr. LEACH.
H.R. 1384: Mr. BOUCHER, Mr. BURTON of Indiana, Mr. ROGERS of Alabama, and Mr. SIMPSON.
H.R. 1415: Mr. CONYERS.
H.R. 1416: Mr. CUMMINGS.
H.R. 1425: Mr. HONDA, Mr. EVANS, and Ms. ZOE LOFGREN of California.
H.R. 1431: Mr. WELDON of Pennsylvania and Mr. DEFAZIO.
H.R. 1554: Mrs. EMERSON and Mrs. MALONEY.
H.R. 1578: Mr. SCOTT of Georgia.
H.R. 1588: Mr. SABO.
H.R. 1632: Mr. LATOURETTE.
H.R. 1872: Mr. MCCOTTER.
H.R. 1932: Mr. DAVIS of Kentucky.
H.R. 1951: Mr. RAHALL.
H.R. 2048: Ms. LEE.
H.R. 2070: Mr. PAYNE.
H.R. 2071: Mrs. LOWEY and Ms. DELAURO.
H.R. 2076: Mr. SANDERS.
H.R. 2178: Ms. BALDWIN and Mr. EMANUEL.
H.R. 2230: Mr. BASS.
H.R. 2231: Mr. SCOTT of Georgia and Mrs. TAUSCHER.
H.R. 2317: Mr. HUNTER.
H.R. 2553: Mr. WU.
H.R. 2567: Mr. WU.
H.R. 2629: Mr. MOORE of Kansas.
H.R. 2716: Mr. GORDON and Mr. BISHOP of Georgia.
H.R. 2793: Mr. EMANUEL, Ms. HART, and Mr. SCHWARZ of Michigan.
H.R. 2870: Ms. CORRINE BROWN of Florida, Ms. LEE, and Mr. SERRANO.
H.R. 2877: Mr. LYNCH.
H.R. 3183: Mr. POMEROY.
H.R. 3186: Mr. OSBORNE and Mr. FORTENBERRY.
H.R. 3189: Mr. INGLIS of South Carolina.
H.R. 3385: Mr. WAXMAN and Mr. BOSWELL.
H.R. 3427: Mr. GERLACH, Mr. MCHUGH, Mr. JEFFERSON, Mr. THOMPSON of California, Mr. ENGEL, Mr. HINOJOSA, Mrs. MALONEY, Mr. KING of New York, Mr. ACKERMAN, Mr. LYNCH, and Mr. HIGGINS.
H.R. 3466: Mr. KING of Iowa.
H.R. 3476: Mrs. MALONEY, Mr. DENT, Mr. MURPHY, Mr. MANZULLO, Ms. ZOE LOFGREN of

California, Mr. LANTOS, Mr. MICHAUD, and Mr. WELDON of Pennsylvania.

H.R. 3584: Mr. KUCINICH, Mr. NADLER, Mr. GRIJALVA, Mr. DOGGETT, and Mr. FRANK of Massachusetts.

H.R. 3683: Mr. KUHL of New York.

H.R. 3690: Mr. OLVER.

H.R. 3762: Ms. SCHAKOWSKY.

H.R. 3852: Mr. FATTAH, Mr. PAYNE, and Mr. MORAN of Virginia.

H.R. 3858: Mr. BONNER, Mr. SKELTON, Mr. DELAHUNT, Mr. KUCINICH, and Ms. ROYBAL-ALLARD.

H.R. 3883: Mr. CUELLAR and Mr. GUTKNECHT.

H.R. 3915: Mr. ROGERS of Kentucky.

H.R. 3964: Mr. HINCHEY, Mr. WU, Mr. LEWIS of Georgia, and Mr. ISRAEL.

H.R. 4025: Mr. CUMMINGS, Mrs. EMERSON, Mr. AL GREEN of Texas, and Mr. ENGLISH of Pennsylvania.

H.R. 4059: Mr. MOORE of Kansas.

H.R. 4166: Mr. CAPUANO.

H.R. 4184: Ms. BALDWIN.

H.R. 4188: Mrs. MALONEY, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, and Ms. ZOE LOFGREN of California.

H.R. 4201: Mr. CONYERS and Mr. DELAHUNT.

H.R. 4222: Mr. KUCINICH.

H.R. 4232: Mr. FATTAH.

H.R. 4236: Mr. MELANCON, Mr. PENCE, Ms. HERSETH, and Mr. POMBO.

H.R. 4259: Mr. PAUL.

H.R. 4293: Ms. DELAURO.

H.R. 4318: Mr. ROGERS of Alabama, Mr. ROHRABACHER, Mr. CRAMER, Mr. COOPER, Mr. CUELLAR, and Mr. KANJORSKI.

H.R. 4341: Mr. LEACH, Mr. SOUDER, Mr. POMEROY, and Mr. SWEENEY.

H.R. 4347: Mr. HONDA and Mr. EMANUEL.

H.R. 4384: Mrs. KELLY, Mr. INSLEE, Mr. CUMMINGS, and Mr. LEWIS of Georgia.

H.R. 4409: Mr. PRICE of North Carolina, Mr. TOWNS, Mr. EVERETT, Mr. MCCAUL of Texas, and Mrs. LOWEY.

H.R. 4421: Mr. LEWIS of Kentucky and Mr. NEUGEBAUER.

H.R. 4479: Ms. HOOLEY and Ms. KILPATRICK of Michigan.

H.R. 4597: Mr. THOMPSON of California.

H.R. 4608: Mr. BARTLETT of Maryland.

H.R. 4683: Mr. MCDERMOTT.

H.R. 4695: Mr. KUCINICH, Mr. VISCLOSKY, Mrs. KELLY, and Mr. MCCOTTER.

H.R. 4703: Mr. SIMMONS, Mr. OWENS, Mr. SESSIONS, Ms. BEAN, Mrs. BONO, and Mr. BURGESS.

H.R. 4708: Mr. EVANS.

H.R. 4727: Mr. SMITH of Washington.

H.R. 4730: Mr. LOBIONDO, Mr. COLE of Oklahoma, Mr. GONZALEZ, Mr. MCCOTTER, and Mr. ALEXANDER.

H.R. 4736: Mr. CARNAHAN, Ms. KAPTUR, Mr. JEFFERSON, Ms. BERKLEY, Mrs. MALONEY, Ms. BALDWIN, Mrs. CAPPS, Mr. PALLONE, Ms. CARSON, Mr. CROWLEY, Mr. EVANS, Mr. CUMMINGS, Ms. MCKINNEY, and Mr. TIERNEY.

H.R. 4740: Mr. MANZULLO.

H.R. 4755: Mr. WAXMAN, Mr. MCKEON, Ms. HARRIS, and Mrs. NAPOLITANO.

H.R. 4760: Mr. CARNAHAN and Ms. BORDALLO.

H.R. 4761: Mr. CANNON.

H.R. 4773: Mr. FATTAH.

H.R. 4775: Mr. JINDAL.

H.R. 4828: Mr. PRICE of North Carolina.

H.R. 4836: Mr. HOSTETTLER.

H.R. 4844: Mr. WESTMORELAND.

H.R. 4871: Ms. MCKINNEY.

H.R. 4894: Mr. FOSSELLA, Mr. KELLER, and Mrs. BIGGERT.

H.R. 4897: Mr. CARNAHAN.

H.R. 4902: Mr. NORWOOD.

H.R. 4903: Mr. HOYER and Mr. WAXMAN.

H.R. 4953: Mr. EVANS.

H.R. 4960: Mr. SOUDER.

H.R. 4976: Mr. PAUL and Mr. DELAHUNT.

H.R. 5005: Mr. BARRETT of South Carolina, Mr. RAHALL, and Mr. BONNER.

H.R. 5013: Mr. CHABOT, Mr. BONNER, and Mr. BURTON of Indiana.

H.R. 5022: Mr. VAN HOLLEN and Mr. KUCINICH.

H.R. 5035: Mr. GRIJALVA, Mr. KUCINICH, Mr. MCDERMOTT, and Mr. OWENS.

H.R. 5037: Mr. KIRK, Mr. TERRY, Mr. EMANUEL, Mr. GUTKNECHT, Mr. GARRETT of New Jersey, Mr. VAN HOLLEN, Ms. LORETTA SANCHEZ of California, Mr. BUTTERFIELD, Mr. SKELTON, and Ms. KILPATRICK of Michigan.

H.R. 5065: Ms. MCKINNEY.

H.R. 5099: Mr. EVANS and Mr. WICKER.

H.R. 5120: Mr. BOUCHER, Mr. ROTHMAN, and Mr. SESSIONS.

H.R. 5129: Mr. KOLBE, Mr. SOUDER, and Mr. WOLF.

H.R. 5134: Mr. GARY G. MILLER of California, Mr. YOUNG of Alaska, and Mr. ROGERS of Michigan.

H.R. 5135: Mr. KANJORSKI.

H.R. 5143: Mr. ISSA, Mr. BARRETT of South Carolina, Mr. MCHENRY, Mr. CALVERT, and Mr. WELDON of Pennsylvania.

H.R. 5150: Mr. VAN HOLLEN, Mr. EMANUEL, and M. RAHALL.

H.R. 5158: Mr. MCGOVERN.

H.R. 5159: Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Mr. DOYLE, Mr. COLE of Oklahoma, Ms. DEGETTE, Mr. MCCOTTER, Mr. ALEXANDER, Mr. MILLER of North Carolina, Mr. SMITH of New Jersey, Mr. POMBO, and Mr. PITTS.

H.R. 5166: Mr. POMBO, Mr. JEFFERSON, Mr. TIBERI, Mr. JONES of North Carolina, Mr. REHBERG, Mr. ROGERS of Michigan, Mr. GALLEGLY, Mr. CRAMER, Mr. SHADEGG, Mr. CALVERT, Mrs. DRAKE, Mr. PLATTS, Mr. LATOURETTE, Mr. GEORGE MILLER of California, Mr. DELAHUNT, MR. LARSON of Connecticut, and Mr. MARCHANT.

H.R. 5170: Mr. PITTS, Mr. HALL, Mr. FOSSELLA, Mr. BURGESS, Mr. FLAKE, Mr. KOLBE, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAYS, and Mr. MILLER of Florida.

H.R. 5177: Mr. JONES of North Carolina.

H.R. 5201: Mr. CARNAHAN, Mr. MEEHAN, Mr. EMANUEL, Mr. SMITH of New Jersey, and Ms. VELAZQUEZ.

H.R. 5204: Mr. DOYLE, Mr. BROWN of Ohio, Mr. THOMPSON of Mississippi, and Mr. STUPAK.

H.R. 5206: Mr. CALVERT, Mr. FOLEY, Mr. JONES of North Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. REHBERG, Mr. ENGEL, Ms. KILPATRICK of Michigan, Mr. GERLACH, and Mr. WELDON of Florida.

H.R. 5209: Mr. JEFFERSON.

H.R. 5225: Mrs. CAPPS, Mr. PALLONE, and Mr. KILDEE.

H.R. 5230: Mrs. KELLY and Ms. FOXX.

H.R. 5252: Mr. BASS, Mr. FOSSELLA, Mrs. BONO, Mr. HALL, Mr. WYNN, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, and Mr. BUTTERFIELD.

H. Con. Res. 42: Mr. JEFFERSON.

H. Con. Res. 235: Mrs. DAVIS of California.

H. Con. Res. 347: Mr. DAVIS of Illinois, Mr. MCCOTTER, Mr. WEXLER, Mr. KUCINICH, Mr. BASS, Mr. FILNER, Mr. ENGLISH of Pennsylvania, Mr. MCGOVERN, Mr. BAKER, Mr. BISHOP of Georgia, Mr. ABERCROMBIE, Mr. FORD, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. WICKER, Mr. SMITH of Washington, Mr. COLE of Oklahoma, Mr. MILLER of Florida, Mr. SHUSTER, Mr. GORDON, Mrs. JOHNSON of Connecticut, Mr. CASE, Mr. CONYERS, Mr. PETERSON of Minnesota, and Ms. MCCOLLUM of Minnesota.

H. Con. Res. 348: Mr. LEACH.

H. Con. Res. 380: Mr. GONZALEZ and Mr. MCCOTTER.

H. Con. Res. 392: Mr. INGLIS of South Carolina, Mr. GORDON, Mrs. MILLER of Michigan, Mr. LANTOS and Ms. BERKLEY.

H. Con. Res. 393: Mr. MCDERMOTT, Mrs. JONES of Ohio, and Mr. SCOTT of Georgia.

H. Con. Res. 395: Ms. ZOE LOFGREN of California and Mr. EVANS.

H. Con. Res. 396: Mr. INGLIS of South Carolina and Mr. MCGOVERN.

H. Res. 212: Mr. BACA, Ms. CORRINE BROWN of Florida, and Mr. CONYERS.

H. Res. 245: Mr. BROWN of Ohio.

H. Res. 327: Mr. KUCINICH and Mr. DICKS.

H. Res. 675: Mr. KENNEDY of Rhode Island and Mr. FATTAH.

H. Res. 697: Mr. MCCOTTER and Mr. WEXLER.

H. Res. 699: Mr. MILLER of North Carolina and Ms. DELAURO.

H. Res. 720: Mr. MANZULLO and Mr. SOUDER.

H. Res. 723: Mrs. DAVIS of California, Mr. EVANS, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. CUMMINGS, Mr. LIPINSKI, Ms. ESHOO, Mr. CAPUANO, Mr. SCHIFF, Mr. HINCHEY, Mr. MEEKS of New York, Mr. WU, Mr. PENCE, Mrs. NAPOLITANO, and Mr. WOLF.

H. Res. 727: Mr. GONZALEZ and Ms. BERKLEY.

H. Res. 729: Mr. SHERMAN.

H. Res. 745: Mr. WEXLER, Mr. JEFFERSON, Mr. MCGOVERN, Mr. MCHUGH, and Ms. HARMAN.

H. Res. 758: Mr. PASCRELL.

H. Res. 759: Mrs. NAPOLITANO, Mr. CASE, Mr. PAYNE, and Mrs. MALONEY.

H. Res. 760: Ms. BORDALLO, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CASE, Mr. CASTLE, Ms. DELAURO, Mrs. DRAKE, Mr. FARR, Mr. FOLEY, Mr. FOSSELLA, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. HARRIS, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. KING of New York, Mr. KIRK, Mr. LOBIONDO, Mr. LYNCH, Mr. MCINTYRE, Mr. MACK, Mr. ORTIZ, Mr. PAUL, Mr. ROHRABACHER, Mr. ROTHMAN, Mr. SAXTON, and Mr. WALSH.

H. Res. 773: Mr. KIRK, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Mr. FOLEY, Mr. INSLEE, Ms. BERKLEY, Mr. BLUMENAUER, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mrs. MCCARTHY, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. SHERMAN, Mr. WAXMAN, Mr. WEXLER, Mr. HOLDEN, Mr. BURTON of Indiana, and Mr. HONDA.

H. Res. 784: Mr. LANTOS, Mrs. DAVIS of California, Mr. BROWN of Ohio, Mr. CROWLEY, and Ms. DELAURO.

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, MAY 2, 2006 *No. 50*

Senate

The Senate met at 9:45 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.

Sovereign Guide of humanity, we come to You as Your pilgrims in need of direction. We come as Your soldiers in need of strength for life's battles. We come as Your disciples in need of knowledge in our perplexity. We come as Your ambassadors in need of grace to represent You with honor.

Today, as Senators serve as Your pilgrims, soldiers, disciples, and ambassadors, infuse them with wisdom. Provide them with insights for every challenge and help for every need.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a couple minutes, we will begin 1 hour of debate prior to the scheduled cloture vote on the emergency supplemental appropriations bill. That vote should occur around 11 a.m. this morning. I expect cloture will be invoked today, and that will allow us a road to finish this bill on Wednesday. If cloture is invoked, Senators should anticipate further votes over the course of the day. The chairman and ranking member will be scheduling the votes on the pending amendments that qualify under the germaneness rules. We will also recess today for our weekly policy meetings.

ORDER FOR RECESS

I now ask unanimous consent that the Senate recess from 12:15 p.m. to 2:30 p.m. today for those meetings and that the time be counted against cloture under rule XXII if cloture is invoked.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, Senators should expect a busy couple of days as we vote on the remaining appropriations amendments today and tomorrow.

Finally, I also remind my colleagues that Senators have until 10:30 this morning to file their second-degree amendments to the pending appropriations bill.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. FRIST. Mr. President, today the Senate will vote on cloture for the emergency spending supplemental appropriations bill. The President has made it clear that he will veto any supplemental bill coming out of the committee that exceeds the administration's request. I applaud the President's determination to stick to true emergency spending, and I will support such a veto, if necessary, to keep that Federal spending under control. Families have to live within their means and so should we in Washington. I think we need to tighten the belt and follow a course of strict fiscal discipline.

The President has taken a strong stance on a must-pass piece of legislation that will bolster our national security, hurricane recovery, and border security efforts. I expect my colleagues to work in good faith to meet the President's request.

The President submitted his emergency spending request in late February. The House acted on the supplemental in March. The legislation needs to be on the President's desk before Memorial Day. It is time for us in the Senate to bring debate on this measure to a close. We need to support our troops who are fighting to protect us. We need to support our fellow citizens who are working hard to rebuild and recover their homes and communities on the gulf coast. We need to focus resources on securing our borders against illegal immigration.

That is what this vote is all about. These are extraordinary responsibilities, and we cannot, we should not play politics at such critical times. Time is limited. We must finish this legislation this week so we can quickly get a conference report with the House and get it to the President for his signature.

Indeed, by pulling together, we can move this legislation forward and address the critical work of the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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IMMIGRATION

Mr. REID. Mr. President, yesterday marked another day of peaceful, dignified rallies all over the country in support of comprehensive immigration reform. In fact, in Los Angeles, at the direction and suggestion of Cardinal Mahoney, many people stayed at work and at school. At his request, people met later in the day. Hundreds of thousands of people met at 5:30 p.m. in the day to talk about why it is important that we have peaceful, very powerful demonstrations. The reason: They underscore the need for Congress to pass a strong, comprehensive immigration reform bill.

Last Friday, I had the privilege of discussing this subject with Cardinal Mahoney, the archbishop of Los Angeles, and Cardinal McCarrick, the archbishop of Washington. For me, it was a very moving meeting. I appreciated the chance to visit with these two kind, thoughtful, and spiritual men. Both of them have been tremendous leaders on the issue of immigration. We all agreed that it is of utmost importance for Congress to move forward with the immigration reform bill this year as soon as possible.

Last week, I also had the opportunity to meet with a number of other Senators at the White House with President Bush. As I said after that meeting, I am not in the habit of patting the President on the back, but he deserved credit—and I said so publicly—for calling us together and for hosting a good bipartisan meeting. My hope is that this will continue.

I made clear to the President that Senators on this side of the aisle are committed to comprehensive immigration reform. I pledged to work with the President and the majority leader, as I have in the past, in a bipartisan way on this very important issue.

Every day we fail to fix the immigration system, it gets worse. I have said many times our current immigration system is broken, and it is. We supposedly fixed it 20 years ago, and in the process we have 11 million or 12 million illegal immigrants. We didn't do a good job of fixing it. We must do better. We must have a cohesive, coordinated effort to strengthen border security, create legal mechanisms for American companies to hire essential temporary employees, and encourage the 11 million or 12 million undocumented immigrants in our country to come out of the shadows and be part of America. We need to know who these people are and make sure they are productive, law-abiding, taxpaying members of the community. We must also have proper employer sanction enforcement so that employers do not hire undocumented aliens with impunity. That is so important.

But the question remains: How will we move forward in the Senate? Prior to the Easter recess, I tried, we tried to get agreement on the number of amendments. We couldn't. The best we could get is there were at least 2 dozen. I tried to get an agreement on conference and couldn't do that.

Why is conference important? As we learned even in high school, when the Senate passes a bill and the House passes a bill on the same subject, the two bodies must meet and work out their differences. In the past, those have been public meetings where the two sides got together and worked out their differences. In recent years, with this Republican-dominated Congress and the President in the White House, conference committees have not been held. The Republican members of a particular committee meet in private with the leadership and come back with whatever they want, ignoring the minority. So that is why it is important we have some agreement on conference.

Over the Easter recess, I sent a letter to the distinguished majority leader, my counterpart, urging him to bring the immigration bill back before the full Senate at the earliest possible time. I expressed my view that the Senate should resume the immigration debate immediately after we completed work on the emergency supplemental appropriations bill. That bill is going to be completed this week, as we heard from the majority leader.

I continue to believe that such a schedule makes a lot of sense. Few other issues are as important and no other is as ripe for Senate debate as this issue. Surely, we can pass comprehensive immigration legislation before the Memorial Day recess. But to accomplish that goal, the majority leader and I need to reach an agreement on the process for completing debate.

There are two basic elements to such an agreement: the number of amendments and an understanding about how the bill will be handled in conference with the House.

Opponents of reform and fairness have filed hundreds of amendments—it is estimated about 500 amendments—to weaken or kill this comprehensive immigration legislation. We Democrats are prepared to debate and vote on some of these amendments, but there must be a finite number of amendments. Before we start the debate, we must know how many amendments there are.

I have made clear to the majority leader that I am flexible on that number. As I said previously, prior to Easter, I suggested three amendments per side. As I indicated earlier, I was told there were at least 2 dozen. We were unable to reach agreement before the recess.

So today I suggest we vote on 10 amendments per side. That is 20. We can have second-degree amendments and, as we have done in recent history, we can have side by sides. That immediately balloons up to 40, and possibly, with side by sides for each of those, 80. I don't think there is any chance that would happen, but it is certainly possible if someone wanted to be mischievous. I am willing to start with that number, 10 amendments per side.

I think this is the right way to do it, but this bill has not had the blessing of the majority in moving forward. This bill is going to take some time to finish. It is not going to be finished in a couple days. I hope we can finish it in a couple weeks, but there is no guarantee of that. But we are willing to work through this.

As important as the number of amendments is what happens in conference, no question about that. With the Republicans in the House having passed a bill making all undocumented immigrants felons—felons—with the House majority leader publicly dismissing the Senate's bill, and with the House Judiciary Committee chairman serving as sponsor of the felon provision in the House legislation—listen to what Chairman SENSENBRENNER said on the House floor. Basically, he said the White House originally proposed the idea to criminalize the undocumented status of these people. This is from Chairman SENSENBRENNER:

> At the administration's request, the base bill makes unlawful presence a crime, such as unlawful entry already is. This change makes sense. Aliens who have disregarded our laws by overstaying their visas to remain in the United States illegally should be just as culpable as aliens who have broken our laws to enter and remain here illegally.

Again, at the administration's request, says Chairman SENSENBRENNER. A few days ago, on April 16, a White House source confirmed this statement in the L.A. Times as being accurate.

Does everyone understand why I am a little concerned, a little suspicious? We have the House passing a bill declaring these immigrants as felons, and we are told by the chairman of the House committee that the idea came from the White House, and we have the majority leader in the House saying he doesn't like our bill. So we must have some agreement, and we need it soon. Time is a-wastin', for lack of a better description. It is imperative we have a firm agreement on whom the conferees will be, whom the participants will be, before we move the bill forward. As I have said in the past, membership would consist of Democrats and Republicans on the Senate Judiciary Committee—10 Republicans, 8 Democrats—and the Republicans would have a 2-vote majority. However, if the distinguished majority leader has an alternative proposal that will protect the completion of a fair conference, I will listen, as will Senator LEAHY, the ranking member of the Judiciary Committee.

We cannot allow the House to hijack this bill and destroy the Senate Judiciary Committee's bipartisan work. Under these unusual circumstances, conference protections are indispensable. There are many kinds of possible conference protections. I have indicated the most straightforward way is to appoint the members of the Judiciary Committee as conferees. The concept of sending a full committee to

conference is hardly unprecedented. In fact, it happens all the time. The Presiding Officer here for years was chairman of the Appropriations Committee, and I met with him when he was chairman and I ranking member on many occasions when we had the full Appropriations Committee there. It has happened with Armed Services. They typically send their entire membership to conference. The Judiciary Committee has done the same on prior occasions.

One way or another, it is crucial that this bill be the product of bipartisan consensus. This is how people feel around the country, not only Members of this Senate. Not many feet from here, on Friday, I was at a press conference in which Cardinal McCarrick and Cardinal Mahony participated. Cardinal Mahony said to everyone within the sound of his voice: There must be protections in conference.

I hope we can work together toward adequate assurances that the Senate's delicate compromise, bipartisan compromise, will not be filibustered by amendment or decided or blown apart in the dark of night without a real congressional conference.

Immigration reform is vital to America's national security. We have an obligation to act. I look forward to the Senate resuming this important debate as soon as possible and I would hope the minute we finish this supplemental appropriations bill. I look forward to the distinguished majority leader and I making a proposal to the body so that we can move forward on this issue.

Mr. President, I yield the floor.

IRAQ REDEPLOYMENT

Mr. FEINGOLD. Mr. President, our country desperately needs a new vision for strengthening our national security, and I believe it starts by redeploying our U.S. forces from Iraq and refocusing our attention on the global terrorist threats that face us. I filed an amendment that requires the redeployment of U.S. forces from Iraq by December 31, 2006. Unfortunately, the Senate will not be given the opportunity to vote on this amendment if we invoke cloture on the emergency supplemental bill we will be considering shortly.

I am afraid this body has failed time and time again to debate the direction of our country's policy in Iraq. Three years ago, the President landed on an aircraft carrier and, as we all remember, declared ''Mission Accomplished'' in Iraq. Today, with thousands of lives lost and billions of dollars spent, we are still no closer to a policy that lifts the burden from our troops and taxpayers and actually makes our country safer from the terrorist networks that seek to hurt us.

By failing to discuss alternatives to the administration's failed Iraq policy, we have let down this institution and our constituents. We simply cannot continue to avoid asking the tough questions about Iraq. We should not be appropriating billions of dollars for Iraq without debating and demanding a strategy to complete our military mission there, not when the lives of our soldiers and the safety of our country are at risk.

Our military has performed heroically in Iraq, but the continued and indefinite presence of large U.S. forces there significantly weakens our ability to fight the global terrorism networks that threaten us today.

That is why I filed an amendment requiring the Pentagon to draw up a flexible time line for redeployment of U.S. forces from Iraq by the end of this year. The President has repeatedly failed to spell out for the American people when we can expect our troops to redeploy from Iraq. He has refused to provide a vision for ending our military mission in Iraq, and as a result a growing majority of Americans have lost confidence in our purpose, our direction, and our presence in Iraq.

Last August, I proposed a target date for withdrawal when I suggested U.S. troops leave Iraq by the end of 2006. This amendment in part reflects the fact that the administration has made no progress—no progress whatsoever—in developing a clear vision for ending our military mission, redeploying U.S. troops from Iraq, and refocusing on the real national security threats that face our country.

My amendment spells out what an increasing number of military intelligence and diplomatic officials have been saying for a very long time: that a massive and seemingly indefinite U.S. presence in Iraq is destabilizing and potentially damaging to Iraqi efforts to rebuild their government and their country. Our presence in some ways is generating instability in Iraq, and the less we make it clear that our intent is to leave and to leave now, our presence can become more harmful than it is helpful.

More important, though, is the fact that our current Iraq policy is making the United States weaker, not stronger. We need to redeploy U.S. forces from Iraq because, as a result of our current costly and burdensome presence in Iraq, we are unable to direct our resources worldwide to defeat the wide and growing network of terrorist organizations that seek to harm Americans and America. This administration has compounded its misguided decision to wage war in Iraq by refusing to recognize the consequences of its actions, the tremendous cost to our brave troops and their loved ones, the drain on our financial resources, and the burden on our Nation's national security sources and infrastructure, which are unable to focus on new and emerging threats to our country.

I don't have to point very far to show how imbalanced and burdensome are our policies in Iraq. While we have spent, according to the Congressional Research Service, upwards of $6 billion per week during Operation Iraqi Freedom and $1.3 billion per week during Operation Enduring Freedom, we are spending a little more than $2 million—$2 million—annually—not weekly, annually—in Somalia, a known haven for terrorists and criminals and a true threat to our national security. This supplemental appropriation, if passed, will increase the cost of this war to $320 billion, and rising.

This is simply unsustainable, and because the President has failed to provide us with any semblance of a vision for when our troops will be redeployed, we can expect more of the same in years to come; that is, unless the Congress finally requires the administration to develop an Iraq strategy that includes a flexible time line for redeploying our troops by the end of 2006. My amendment recognizes the need to maintain a minimal level of U.S. forces in Iraq beyond 2006. Those forces will be needed for engaging directly and targeting counterterrorism activities, training Iraq in security forces, and protecting essential U.S. infrastructure and personnel.

It is time for Members of Congress to stand up to an administration that continues to lead us astray on what has become an extremely costly and mistaken war. We need to hold this administration accountable for its neglect of urgent national security priorities in favor of staying a flawed policy course in Iraq. We need to tell the administration that it can't continue to send our men and women in uniform into harm's way without a clear and convincing strategy for success.

Some have suggested that we should tie our military presence in Iraq to whether Iraqis are able to form a unity government. While I share their frustration with the status quo, I think the decisions about troop presence should be based on what is best for our country's national security. Making decisions about our troop levels contingent on a political solution in Iraq doesn't make sense. Our troops should not be held hostage to the failure to bring about a political solution in Iraq.

So here is the bottom line: We need to refocus on fighting and defeating the terrorist network that attacked this country on September 11, 2001, and that means placing our Iraq policy in the context of a global effort rather than letting it dominate our security strategy and drain vital security resources for an unlimited amount of time. The President's Iraq-centric policies are preventing us from effectively engaging serious threats around the world, including Iran, global terrorist networks, and other emerging threats. We must change course in Iraq, and we must change course now.

It is in this spirit that I filed this amendment to this supplemental spending bill. If I am not allowed a vote on my amendment to the supplemental, I can assure my colleagues that I will be looking for the next opportunity to bring this amendment to the floor for debate and a vote.

My colleagues are, of course, entitled to disagree with my approach. I welcome their suggestions and their advice. But what I really want is for the Senate to live up to its responsibility and engage in a serious debate about the topic that is on the mind of every American: how to put our Iraq policy right and our national security policy right.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining on the minority side?

The PRESIDENT pro tempore. Twenty-two minutes.

FAILED ENERGY POLICY

Mr. DURBIN. Mr. President, this morning across America, people got up to go to work. Some of them had a very unsettling moment because they had to fill up their gas tanks. So people heading off to work pulled into a gas station across America—in Chicago, in Springfield, and all across our Nation—and saw again a reminder of the failure of our energy policy. They watched as those numbers rolled in front of them and saw a new, almost recordbreaking total, just for the gasoline for their trucks and their cars going to work.

Businesses face the same thing, businesses that are trying to keep their heads above water and that may be forced to lay off people. The farmers I represent across the State of Illinois, farmers who are out trying to plow for their corn crop this year, are paying more for their diesel fuel, paying more for the fertilizer they are going to ultimately need.

All of these are part of the cumulative impact of the increase in energy prices across America. The pain is being felt in every family of modest means in America. Money they have spent they know is going directly from their pockets and their credit cards to the biggest oil companies in America, the biggest oil companies in America, which have recorded record profits—record profits.

I took a look at the five major companies and how well they did. In the year 2005, they had $111 billion in profits. That boils down to $1,000 for every household in America. Every family of every home paid an additional $1,000 last year that went directly to the profits of these oil companies. It didn't go for investment, investment in new oil opportunities and oil sources or gas opportunities, no. It went to profits, profits that were realized by the people who are running the companies.

One of them is the CEO of ExxonMobil. ExxonMobil has the largest corporate profits in the history of the United States of America, and they are on course to break that record again this year. They rewarded the architect of these profits, Mr. Lee Raymond, their retiring CEO, with a little farewell gift. No, it wasn't a gold watch. No, it wasn't a set of golf clubs. It happened to be $400 million—$400 million given to this man as a parting gift for realizing all these profits. What does that come out to? Well, every household in America donated $3 so that Mr. Raymond would have a nice little going-away gift—$400 million. And Lee Raymond didn't even have to buy a Powerball ticket; all he had to do was to be there in the corridors of power when the money came rolling in.

So who is to blame? Well, part of the blame is right here, right here in Washington where we have failed to develop an energy policy. Do you know that we signed—the President signed, I should say, and we passed—an energy bill last August, 8 months ago, that spelled out the energy policy for America, a policy to lead us forward into the future. No sooner had the ink dried on that bill than the cost of heating our homes across America went up 20 percent, our imports from overseas started reaching record levels, and the price of the gasoline we had to buy has broken all records. What an energy policy. What a failure. What a failure of leadership. Honestly, when you take a look at this failure of leadership, you can understand why people across America are calling for a change in direction. They are sick and tired of the policies that have brought us to this point, failed energy policies which do not protect the consumer, that do not punish the profiteer, and sadly they do not promote the kinds of things we need for our energy future.

On the floor of the Senate during the debate of this energy bill, Senator MARIA CANTWELL, of Washington, stood up and made a proposal. Here is what she said: We need to reduce our dependence on foreign oil. Let's set a national goal of reducing our dependence on foreign oil by 40 percent over the next 20 years.

It is ambitious, it is tough, it would require real leadership and cooperation on a bipartisan basis. She said this should be our national goal—Democratic Senator MARIA CANTWELL.

It was virtually rejected out of hand. The Republican side would have nothing do with it, not even setting a goal of energy independence. Do you know why the administration said they opposed it? Because it would require oil savings; using less oil to reach that goal, conservation and efficiency. The administration said they would oppose the Cantwell amendment because it would force us to improve our CAFE standards, the fuel economy of the cars and trucks we drive. That was the administration 8 months ago, 8 months ago opposing the Cantwell amendment, 8 months ago opposing a clear way out of the crisis we currently face.

I think we understand the obvious: 60 percent of all the oil we import goes into the cars and trucks we drive. Unless they are more fuel efficient, we are going to continue to burn more oil every single year to go the same mileage we went last year. Burning more oil means more dependence on foreign sources, means more cost to families and businesses, and sadly means more air pollution, more greenhouse gases, more global warming, more natural disasters, more hurricanes and storms. All of it is tied up in one sad package. But the administration opposed our efforts on the Democratic side to spell out a clear energy goal.

This morning the Republican leader of the Senate, Senator FRIST of Tennessee, appeared on a string of television shows to express his concern about gasoline prices. I saw one on CNN. I read a transcript of his comments on NBC. He is touting, among other things, a $100 rebate; that we would send a $100 check back to the people of America for the gas prices they are currently paying—$100. One of the newspapers yesterday said that is chump change instead of real change. What does $100 buy you, two tanks of gas if you are lucky? Is that the best we can do in Washington, DC? And then say, Adios, voters, see you in November, we have taken care of the problem? We certainly have not.

What the majority leader said on the show was what he was rebating to the consumers across America were the Federal taxes they paid on gasoline. Let me tell you, the cost of gasoline has gone up dramatically. Some of it is associated with Federal taxes, but most of it is associated with profit taking by the biggest oil companies in America, an issue and subject which most Republicans will not even touch.

Then, of course, the majority leader, Senator FRIST, returned to that good old saw of drilling for oil in the Arctic National Wildlife Refuge. According to Senator FRIST, that is the answer to America's prayers. If we could go up to this wilderness and wildlife refuge—set aside 50 years ago to be protected for future generations—if we could get the trucks and the equipment and the pipelines and the roads, then America could breathe easy. Then we could find ourselves relieved from this terrible burden of oil and gas prices.

But, sadly, the facts don't back him up. The United States of America has under its control in Alaska, offshore in the continental United States, 3 percent of the world's oil supply, all of it. If we could drill it, all we have, 3 percent. Each year we consume 25 percent of the world's oil supply. We can't drill our way out of this. We can't even if we invade every wilderness, every refuge, the Great Lakes, the national parks, and put a derrick down by the Washington Monument—we cannot drill our way out of this problem. But time and again, that is what the Republicans suggest is the answer.

Let me tell you the facts. If we decided to start drilling in the Arctic, if we decided to violate this land that we once promised to hold sacred for future generations, if we said America was so desperate that we have to turn to drill for oil to a wildlife refuge in Alaska, this is what we can expect: The first drop of oil would come out of that area in 10 years, and as we drill for that oil

and bring it out, how much is there by best estimates? By best estimates, eight-tenths of 1 percent of world oil production. OPEC could turn the spigot off just a little bit and eat up all of the oil we take out of that wildlife refuge. The Arctic National Wildlife Refuge is not the answer to America's energy prayers. It is a desperation effort by the Republicans to come up with some answer to deal with the problem, an answer which sadly does not meet the challenge we face.

I listened as our majority leader talked about why we face these gas prices today. Time and again he said, and I quote, ''I think the price is determined by supply and demand.''

You know, that is basic economics—reduce supply, increase demand, and the price goes up. Increase supply and reduce demand and the price goes down, basically. Except there is one element the majority leader does not refer to, an element which is critically important: We are not just talking about price, we are talking about profit. We are talking about a market price which has been inflated so these companies can realize record-breaking profits at our expense.

This last weekend I appeared on a talk show surrounded by people from the oil industry, investors, and they talked about all of the conditions that have led us to this point where gasoline prices are so high: Hurricane Katrina, reduced refinery capacity, $70 to $75-a-barrel oil—they went through the whole litany of these things. I said to them, as I learned basic economics, everything they explained to me would account for an increase in the price of oil. But they all failed to acknowledge an increase in the profits of the oil companies, dramatic, record-breaking historic profits by these oil companies. Unless and until we address this reality, then everything we do here is for nothing.

What can we do? We are down to five major oil companies. Isn't it curious, as you drive around your hometown, all the prices on all the pumps seem to go up at the same time and come down at the same time and then go up? Is that the sort of thing Government ought to look at once in a while? I think so. But when you look at the antitrust division of the Department of Justice, they turned kind of a blind eye to all the mergers and acquisitions that have led to this concentration of ownership in the oil industry, concentration at the expense of the consumers and the American economy.

Sadly, we don't have the kind of Government oversight we need. This administration, the President and Vice President, made their fortunes in private life in the oil industry. This administration is closer to the oil industry than any administration in our history at a moment in our history when the oil industry needs to be held accountable.

So what do we do? We need to move forward in several areas and we need to do it specifically and immediately. This morning I read in the New York Times that there was a debate on the Republican side about a package of legislation to deal with this issue. This is what the headlines in this morning's New York Times said:

> Republicans drop a tax plan after business leaders protest. Senate rejects action to cushion high gas prices.

What is this all about? In the Republican plan to deal with high energy prices, they imposed a tax on these profitable oil companies and they squealed like stuck pigs. Their lobbyists got on the phone and started raising all sorts of objections, indignation, and the Republicans removed the tax. So we cannot even tax these businesses, according to the Republican majority, when they are experiencing record-breaking profit.

This article goes on to talk about all of the protests that came from this industry, and this is a powerful industry. Pick up this paper, the New York Times, or your hometown paper, and today you are likely to find a full-page ad—they run every day, every single day—explaining why all the money you are paying at the gas pump is for your own good. This is a public relations campaign by an industry that is experiencing record-breaking profits. Last week the American Petroleum Institute—which represents all these oil companies—was asked, What are you going to do to respond to the consumers' outrage over gasoline prices? What are you going to do about the fact that you are crippling businesses and farmers and hurting individuals? What will you do when it comes to changing policy?

They said, What we will do is this: We will spend $30 million more this year on lobbyists in Washington, DC, and $25 million more buying newspaper ads explaining that it really isn't so bad.

The American Petroleum Institute is not going to come willingly to the table. What our Republican friends have said is they are not going to drag them to the table to hold them accountable for what has happened across America.

What can we do? What should we do? First, we need fuel economy standards for the cars and trucks we drive. I have introduced this amendment twice and it failed twice, and I will call it up again the first chance I have. The year 1985 was the last time we had a serious effort to bring about more fuel-efficient, fuel-economical vehicles across America. It worked. We increased the average fleet mileage of cars across America from about 15 miles a gallon to 25–28 miles a gallon, and we did it in 10 years without raising gasoline prices through the roof, despite the objections and resistance from Detroit and the oil companies. We showed leadership and got it done.

In that 10-year period of time, as America's economy surged forward, our imports of oil from overseas dropped by 30 percent. We dedicated ourselves to conservation and efficiency, burned less fuel, and still fueled economic growth. That is what we need again. But it calls on a President and a Congress controlled by his party to step out and say some things which a lot of oil companies will find objectionable. But so be it. That is what leadership should be about.

We need to encourage the kinds of technology for sustainable and renewable fuels, technology that will lead to new companies, good-paying jobs across America. Instead of being enslaved to foreign oil, we need to be masters again when it comes to energy, and we can do it with leadership. We can see in these ways the way of the future. There are alcohol-based fuels. The President has talked about them. I think he is right. For a long time I have supported ethanol. Of course, that is homegrown in Illinois. It is our corn turned into alcohol fuel supplementing our gasoline. There is a great opportunity for expansion there. Biodiesel, taking soybean oil and other vegetable oils, adding it to diesel fuel to stretch the value of that fuel and to reduce its pollution—that is another opportunity for us. Cellulosic ethanol, which is another approach that has been used successfully by Brazil. Brazil, over 30 years, decided they would become energy independent. They saw the writing on the wall. As long as their economy depended on foreign oil, they could not control their future and so they said we are going to be dependent on our own homegrown fuel. With local oil as well as alcohol, they have transformed their economy into an energy-independent economy which, within 2 years, will start exporting fuel around the world. What did it take to reach that? Leadership. Leadership that said no to the powerful oil interests and said their country's interests were more important.

We need the same thing now. We need a President who will stand up to leaders in this oil industry and say the economy of America is more important than their profits. We can do this, we can do it as a nation, and we need to do it because we need to combine this energy debate with another debate that is critically important.

In a few days former Vice President Al Gore is going to release a documentary. It is called ''An Inconvenient Truth.'' It is going to talk about global warming and how it is changing the world we live in, why we have so many violent storms and hurricanes and changes in weather patterns. It just isn't God's random way of reminding us He is in charge.

Sadly, we had something to do with it. What that means is we have found ways to burn less fuel and still fuel our economy.

We have to find ways to conserve and be more efficient so we don't see the disappearance of the Arctic, or Greenland, or sections of Antarctica, or the elimination of species of animals such

as polar bears because of the ice melting that is taking place around the world. It is a very real issue and a very real problem. As we debate the future of energy, let us do it in an environmentally responsible way.

When my Republican colleagues say we can find new places to drill, such as wildlife refuges and wilderness, we can drill in all of these places and are bound to find some oil; maybe we would, but at what cost? Shouldn't America's goal be economic growth in an environmentally sensible and responsible way? That should be part of this debate as well. We cannot ignore it—the energy debate and the environmental debate together.

Whatever our solution is, it should be a solution that says to our children we will not only give you a world where you can drive and go to work with affordable gasoline prices, but we will give you a world where it is safe to live, where the environment you live in is not going to destroy the lifestyle we have enjoyed for generations. That is part of our responsibility.

I think we have a special challenge. There is a challenge to Congress to rise to the occasion which has caused concern and anger across America—energy prices that have broken the backs of individuals, families, and businesses, driving people to payday loans and pawnshops to fill up their tank so they can go to work. We need to show leadership. It starts by acknowledging that the Energy bill signed by the President last August has failed. We need a new approach. We need new leadership. We need to punish profiteers. We need to protect consumers across America. We need to promote energy independence and the new technologies of sustainable and renewable fuels that will generate new industries, new jobs, and new opportunities. That is the vision for an America moving in a new direction, a significant new direction, something the people across America have been asking for.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Arizona is recognized.

ENERGY

Mr. KYL. Mr. President, I wish to address the same subject and begin where the distinguished Senator from Illinois left off when he talked about new leadership.

I wonder if he would join Republicans to see if we can eliminate the tariff on Brazilian ethanol, something which the Senator from Illinois suggests we need more of, one of the three solutions he says we need—more leadership, more ethanol and fuel economy standards. I think we are going to provide some leadership and we are going to provide some more ethanol. One way to do that is to reduce the extraordinary expense of bringing it in from Brazil. We haven't gotten a lot of cooperation from the other side on that. That will be my first question to him: Will he step up and exercise leadership with us to eliminate that tariff on ethanol?

There is a 10-percent mandate in the Energy bill on ethanol. The Senator suggested we should have a higher mandate on ethanol, or a higher subsidy for that. The reality is one of the reasons gas prices have been where they are is we haven't been able to meet that 10-percent mandate. There isn't enough ethanol being produced and, therefore, because there is a lack of supply in comparison to the demand, the price has gone up, obviously. What we need to do here, instead of pointing fingers and demagoguing the issue, is to understand economics and appreciate where the real problem is. Then we can begin to solve it.

There is an old saying: For every complex problem, there is a simple and wrong solution. That is what we have mostly heard on the other side. The reality is, if you want to know the truth, the single most important component in the retail price of gasoline is the cost of crude oil—the single most important factor. Indeed, the cost of crude oil accounts for 95 percent of the price of a gallon of gasoline. Changes in the price of retail gasoline are almost entirely explained by changes in crude oil prices.

I have a chart I wish to show you which demonstrates that over the last 15 years, changes in the world price of crude oil have accounted for more than 95 percent of the changes in gasoline prices. It shows that as crude oil prices have gone up, the price of gasoline has tracked it almost exactly.

If you are looking for a culprit and why crude oil prices have gone up, it is because the demand has exceeded the supply. Countries such as China and India are demanding more and more of the product. And because of constraints imposed significantly by the Congress, we have not been adding to the supply.

There are also other problems that have created this spike recently. The largest reason, according to the folks on Wall Street, is the nuclear saber rattling from Iran, which produces about 4 million barrels of oil a day—or about 5 percent of world's supply—and it controls the Strait of Hormuz through which about 17 million barrels of Middle East oil passes every day. Some experts believe that concern about the Iranian nuclear crisis has added $10 per barrel to the price of crude oil since the start of the year. If you add to that supply disruption in Norway and Nigeria, as well as the machinations of Venezuela's strongman Hugo Chavez, you can see there has been a spike in the world prices which have been reflected at the pump.

We have also had some domestic problems that have added to the spike in prices. The U.S. Minerals Management Service has reported that over 334,000 barrels per day of crude oil production in the gulf coast are still shut in as a result of Hurricane Katrina. More importantly, some of the heavily damaged gulf coast refineries representing nearly 5 percent of U.S. refining capacity are still undergoing repair. But the good news is they are likely to resume production at the end of this month.

Another problem is because there was so much refining capacity that went down, the Government urged the refiners to continue refining and forego their regularly scheduled annual fall maintenance in order to keep the supply of gasoline from dropping even further. They did that. I am glad they did.

The problem now is the crisis is over and they are having to engage in that deferred maintenance. And after months of heavier than normal usage, they are finding this long overdue maintenance is reducing production out of the refineries as well. As it comes on line, we are going to see some relief.

Finally, as occurs every spring, refiners, in compliance with Federal mandated fuel regulations, have to switch from the wintertime fuel blend to the summertime fuel blend which entails completely drawing down supplies of wintertime fuel blend and replacing it with the summertime fuel blend. This obviously also causes a short-term supply disruption adding to the spike.

There are some other factors as well, having to do with the elimination of MTBE as a motor fuel additive and the mandate for ethanol production or addition to the fuel which was not initially able to comply with the 10-percent standard which has had some impact on prices, especially in much of the East Coast and Texas.

But the bottom line here is there is a variety of reasons why fuel costs and, therefore, gasoline prices have spiked. It does not do a lot of good to point the finger at somebody and say, We know the answer; we will punish them and that will solve the problem. The reality is that profits from the oil industry are now being put to use in expanding production. The industry invested nearly $109 billion in 2004. While the numbers aren't in for 2005 yet, for first three quarters it showed investment spending was 28 percent higher than in the first three quarters of the previous year. It is projected this year to grow by double digits again.

This investment will lead to a 2.2 million barrel per day increase in production this year, outpacing demand that is expected to rise by just 1.8 million barrels per day. That, more than any of these other factors, is going to add actual fuel to the pipeline which will, therefore, enable us to bring the fuel costs down.

The bottom line here is when you are talking about solutions, you talk about that which will either reduce the demand or increase the productivity. Unfortunately, consumer demand has not been reduced that much even with the higher prices, which means you have to look for more production. There are several ways you can do this.

The Senator from Illinois scoffed at ANWR, saying it is only 3 percent of the world's supply. Do you realize how much that it is? That is huge. That is as much oil as Iraq produced.

Had President Clinton not vetoed the exploration in ANWR 10 years ago, that oil would now be flowing today. The Senator says it will take 10 years. Yes. Before you can complete your journey, you have to establish the first step. That is what we have to do here. Had we done that 10 years ago, that oil would be flowing today.

By the way, to characterize it as a wilderness area is a misrepresentation because as we should realize, this is an area expressly set aside for oil exploration by the Congress. It is not going into a wilderness area and cutting it out and then exploring in an area that was set aside for wilderness.

There are other increases in productivity in addition to ANWR. Increasing our deepwater production 100 miles offshore is virtually safe. Clearly we can eliminate restrictions on the 100-mile limit for deepwater drilling offshore. We could, if we wanted to, stop buying temporarily in this market today for the SPR, the Strategic Petroleum Reserve. We could suspend the boutique fuel blends and reduce the ethanol mandate.

Those are short-term things that could be done. But again for the longer term, if you want to bring in more ethanol, eliminate or reduce the tariff on Brazilian ethanol; if you want to have more production, look at deepwater drilling and ANWR. Those are ways to actually add crude oil and, therefore, fuel to the equation rather than these ideas of not adding any oil whatsoever but simply make a political point.

The point was made that profits of the oil companies are up. As has been indicated, those profits are now being plowed back into production and to refinery capacity which is going to help us reduce the cost.

The Senator from Illinois said it is strange indeed that prices go up all over town when they go up. It is not strange at all. You don't have to have collusion between the oil companies for that phenomenon to be reflected because of the fact that the crude oil prices are the same for everyone. So if everybody's baseline price goes up, everybody is going to be raising the cost of gasoline at the fuel pump. The idea that there must be collusion or at least the inference there must be collusion, remember that the Government has been investigating this for years and, to my knowledge, has never found any evidence of collusion. As the President said, we will keep on looking for it. If we find it, obviously those people will not go unpunished.

Let us not try to point a finger of blame in an area where we know we are coming up with a dry hole. That isn't going to add anything to the production of crude oil and, therefore, do anything to increase the supply and, therefore, reduce the cost.

The bottom line is this: There are a of lot ideas about how to deal with the short-term cost of energy. Some of them are good. There are ways to increase the long-term supply and thus deal with the long-term cost. But until we are serious about the economics of the issue, rather than simply trying to come up with a bumper sticker solution, we are never going to be able to eliminate the cost to consumers. And that, after all, ought to be our primary responsibility.

The PRESIDING OFFICER. The Senator from Virginia.

IRAQ

Mr. WARNER. Mr. President, last evening, as most of us had departed with the understanding that the floor was about to close, our colleague from Illinois, Senator DURBIN, the distinguished whip of the Democratic Party, came over and proceeded to give what I felt was a very strong critique of all of those things in Iraq which in his judgment and, to some extent, the judgment of others sharing it went wrong. There was little or no reference to what went right and the progress that has been made in Iraq.

He concluded again with his own personal views with regard to Secretary Rumsfeld and what should be done with respect to his services in the future.

It is interesting. Yesterday, Senator BIDEN also spoke out with regard to his concept of this very difficult dilemma, facing not only the Iraqis but all those nations working to help the Iraqis form their government, as to how certain modifications should be taken with regard to the new government, namely three secretaries having their own say in this matter with an overall arching government on top. Senator BIDEN's commentary, in my judgment, was constructive, and was maybe a little too late to back up from where we are at this moment. But it was nevertheless a positive contribution to the debate and constructive, in sharp contrast to the comments of Senator DURBIN.

A lot of things have gone right in Iraq, not the least of which is the freedom of elections, the formation of a new government, the difficult process that their political structure went through in selecting a new prime minister, and making the commitments by that newly selected prime minister to finish within this month of May the appointments necessary to have a government in place and one that hopefully will work to establish and take upon itself the responsibility of full sovereignty of that nation. This was a ray of optimism, in my judgment, a ray of hope.

If there were any time in the entire history of this Iraqi confrontation situation and the Iraqi war when the new leaders of Iraq need support, it is now. I daresay the constructive criticism of many—I led a codel with Senator LEVIN a few weeks ago, and other codels have gone through. The Secretaries of State and Defense have been through. Ambassador Khalilzad has done a remarkable job in encouraging the Iraqi leadership to move forward with this new government. That has been done.

Now is not the time to stop all the constructive debate but to stop those remarks and debate which can be pulling back from the gains we have made, showing less than full support to the Iraqi people for their courage and their new government.

I have studied each of the generals individually. On the whole, I personally believe it was a constructive contribution to the debate. Others may differ. Somehow, I believe throughout our history our senior uniformed officers—and, indeed, others, including enlisted men—have come forward at times to provide their own perspectives which are contrary to the policymakers in charge of that period of history.

I commend all who are participating in the constructive debate. It should go forward at this time. This Nation is at war. At the very minute we are privileged to be in the Senate exercising freedom of speech and debate, young men and women in our Armed Forces are in harm's way, subjecting themselves to life at risk and, indeed, giving their lives and limbs. We must be ever mindful of the suffering of their families.

Now is the time to show our strongest resolve in Iraq. The President has made a decision as to the leadership he desires, including Secretary Rumsfeld. He has that right as Commander in Chief under the Constitution. He has exercised that unequivocally and stated his views. It is now a matter for all to respect that judgment of the President and move forward.

I personally have worked with many Secretaries of Defense; three I served under in the Department of Defense. Every one in the last 30-plus years I have worked with—except one, coincidentally; when Secretary Rumsfeld was Secretary of Defense I was taking 2 years of my life preparing to try and get elected to the Senate, so with that one hiatus I have worked with them all, I have established a satisfactory, hard-working relationship with Secretary Rumsfeld.

Our committee is now in the midst of its markup and prepared to bring to the Senate its annual authorization bill. This is the most intense work period between our committee and the Department of Defense.

I conclude by saying think first of our troops and their sacrifices that they have made, the risk they face each day, and our goals to try and support the formation of some type of democratic government of the choosing of the Iraqi people and their leadership. Progress is being made every day now. Now is the time to stand steadfast in our support of our troops, the coalition forces, the Iraqi elected leaders, and the people.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIMBER

Mr. SMITH. Mr. President, I intended to speak in reference to an amendment I was to call up for the supplemental, but because we are in morning business I will speak in morning business.

My amendment would be objected to as out of order, as being inconsistent with the supplemental emergency bill. However, I am here to talk about an emergency in rural Oregon in timber-dependent communities.

For 100 years, there has been a relationship between the Federal Government and rural communities that has been absolutely indispensable to our country and to those communities. The deal was this: In those States where the Federal Government owns much of the land—in my State it owns more than half of the State of Oregon—there would be multiple uses of public lands. They would be managed as to their resources consistent with environmental law.

In the case of the State of Oregon, there would be the result of timber products, wood products, to build countless millions of homes. There would be jobs for people and there would be the types of jobs that would create tax revenues that would allow local communities to have services.

In addition to that, there is what are called timber receipts. Local communities would get 25 percent of the timber receipts from the harvest of public timber. This has been absolutely indispensable to the life of these rural communities.

That deal changed in the 1990s. To show you how devastating this change was to my State, we had the listing of the spotted owl. We had the Endangered Species Act go into effect. President Clinton and Vice President Gore pursued a forest policy that took a harvest of roughly 8 billion board feet a year down to less than 1 percent of that in many national forests. As a consequence, by the end of the 1990s, our schools were closing. They operated 4 days a week. Counties had no money because many of them have lost up to 60 percent of their operating budgets.

At the end of the Clinton administration, the Congress, with President Clinton, recognized the damage, the devastation, being done to these communities, so we passed, in 2000, the Secure Rural Schools Act to bridge the gap between what had been, the gridlock that existed, and the hope for a brighter day when there would be a predictable, sustainable level of forestry.

President Bush and the Congress pursued the Healthy Forests Initiative and this President has fully funded the Northwest Forest Plan that was the product of President Clinton but never delivered on the timber that it promised in the hopes of bridging the gap for these communities.

But still, after all of that effort, 6 years later, we find that only a small percent of what was done 20 years ago is available to these communities in terms of timber harvest. As a consequence, this secure rural schools fund is about to expire.

I suggest this is a very real, present danger, even an emergency, that is appropriate to this supplemental. We ought to include it. These are Federal decisions that have been made. They have been made by an administration in the 1990s. They have been made by Federal law, the law that passed by this Congress. They have been made by courts that have enforced that law and have locked up our forests and now have us in a bind that is truly an emergency.

This is a Federal obligation. I need to use every tool as a Senator that I have available to me to try to remind this Senate, this Congress, of the obligation it has. We cannot abandon these communities. We cannot abandon these people. We have to find a way to continue to get back to a management level that is consistent with environmental law, that allows for multiple uses of the land, the harvest of timber, the employment of our people, the production of wood products, the receipt of timber taxes, so that schools can remain open, streets can remain paved, counties can be safe because they have police protection.

This is not inexpensive. The annual cost of what we did to bridge this gap was $500 million a year. Oregon is responsible for 20 percent of the merchantable timber in this country. We are not alone in terms of the benefit that came from this secure rural schools fund. California received $380 million over the last 6 years; Montana, $63 million; Mississippi received $38.8 million to keep their rural timber-dependent communities together body and soul.

We cannot walk away from this until we find a day where we can get back to a deal that is sustainable in terms of environmental policy, timber production, and the employment of our people. Heaven knows we need the timber. We are now a net importer of timber in this country. Yet what do we do with our own timber? Our policies are in gridlock and our forests are burning.

Three years ago, there were 500,000 acres burned in southern Oregon, larger than the State, I am told, of Rhode Island. Yet that timber still stands rotting, a moonscape that, frankly, ought to be allowed to at least be salvaged in some degree.

Until we come to a day where we have a policy that we in the Federal Government agree upon, we cannot abandon these rural communities.

I will at the appropriate time propose my amendment and hope it is not ruled out of order.

I yield the floor.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Oregon for his comments and his leadership on these issues that are so important to our forestry owners and people throughout the States who depend on incomes from those jobs.

I ask unanimous consent I be permitted to call up amendments at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

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:

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.

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.

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.

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.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Coburn amendment No. 3641 (Divisions IV through XIX), of a perfecting nature.

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.

Vitter/Landrieu modified amendment No. 3626, to increase the limits on community disaster loans.

Vitter modified amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas.

Santorum modified amendment No. 3640, to increase by $12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by $12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.

Salazar/Baucus amendment No. 3645, to provide funding for critical hazardous fuels

and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Vitter amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Burr amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza.

Coburn (for Obama/Coburn) amendment No. 3693, to reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts.

Coburn (for Obama/Coburn) amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures.

Coburn (for Obama/Coburn) amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available.

Coburn (for Obama/Coburn) amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts.

Menendez amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies.

Murray (for Harkin) amendment No. 3714, to increase by $8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset.

Conrad/Clinton amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation.

Levin amendment No. 3710, to require reports on policy and political developments in Iraq.

Schumer/Reid amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers.

Schumer amendment No. 3724, to improve maritime container security.

Murray (for Kennedy) amendment No. 3716, to provide funds to promote democracy in Iraq.

Murray (for Kennedy) modified amendment No. 3688, to provide funding to compensate individuals harmed by pandemic influenza vaccine.

Cornyn amendment No. 3722, to provide for immigration injunction reform.

Cornyn amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG program.

Cornyn amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita.

Murray (for Byrd) amendment No. 3708, to provide additional amounts for emergency management performance grants.

Domenici/Reid amendment No. 3769, to provide additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration.

AMENDMENT NO. 3769

Mr. COCHRAN. Mr. President, I call up amendment No. 3769 on behalf of Mr. DOMENICI regarding levee funding. This amendment has been cleared on both sides of the aisle, and I urge it be agreed to.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to the amendment.

The amendment (No. 3769) was agreed to.

Mr. COCHRAN. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3789

Mr. COCHRAN. I call up amendment No. 3789 on behalf of Mrs. HUTCHISON regarding treatment of Hurricane Rita States.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. HUTCHISON, for herself, Mr. CORNYN, and Ms. LANDRIEU, proposes an amendment numbered 3789.

Mr. COCHRAN. Mr. President, 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 ensure States impacted by Hurricane Rita are treated equally with regard to cost-share adjustments for damage resulting from that hurricane)

On page 165, line 20, after ''*Provided*,'' insert the following: ''That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: *Provided further*,''.

Mr. COCHRAN. Mr. President I urge agreement of the amendment. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3789) was agreed to.

Mr. COCHRAN. Mr. President, we are at a point in the proceedings at the hour of 11 o'clock to vote on cloture on the bill. I urge Senators to support this motion to bring to a close debate on the provisions of the supplemental appropriations bill so that we may proceed to consider other amendments that are pending and dispose of that measure.

It is an urgent supplemental. It contains emergency funding for the Department of Defense, the Department of State, as well as disaster assistance for the gulf State regions and elsewhere for natural disaster damages and destruction.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 391, H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

Bill Frist, Thad Cochran, Judd Gregg, Lamar Alexander, Wayne Allard, Johnny Isakson, Mitch McConnell, Mel Martinez, Orrin Hatch, Kay Bailey Hutchison, George Allen, Norm Coleman, Pat Roberts, Richard Shelby, Larry Craig, Richard Burr, Robert F. Bennett.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4939, an act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to death in family.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 92, nays 4, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—92

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Lieberman	Thune
Crapo	Lott	Vitter
Dayton	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	

NAYS—4

Dodd	Levin
Feingold	Wyden

NOT VOTING—4

Biden	Lincoln
Kerry	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. Mr. President, I voted against the motion to invoke cloture on the supplemental appropriations bill because it will have the effect of preventing the consideration of a number of important and relevant amendments.

There are more than a hundred amendments which have been filed on this bill. Several are important amendments, such as Senator WYDEN's amendment to prevent funds from being used to continue discounts given to the oil companies on royalties which otherwise would be paid to the Federal Government for production of oil and/or natural gas on Federal lands. Another example is the bipartisan amendment that I offered with Senators COLLINS and REED to require reports to Congress on progress toward a national unity government in Iraq.

Too frequently in recent years, we see a pattern of slowing down consideration of amendments or filling the amendment tree to block them altogether, followed by cloture to end debate and further restricting or preventing the consideration of amendments. The Senate, which has often been referred to as ''the world's greatest deliberative body'' and which historically has been characterized by the quality of its debate, should not permit this pattern of preventing the consideration of, and votes on, amendments to become the norm.

When I came to the Senate, the leadership did not as a routine approach try to prevent consideration of amendments they didn't agree with. Instead, they attempted to amend them or simply vote against them. In recent years, we see more and more bills on which amendments are limited or blocked entirely, more like the House. On the PATRIOT Act, this year, for example, the amendment tree was completely filled by the leadership, a procedural technique for preventing any amendments from being considered, and none were.

Mr. President, I support the funding for the troops in Iraq and Afghanistan, and I support the emergency assistance for the gulf coast in the wake of Hurricane Katrina. I intend to support this bill on final passage in the Senate. I am opposed, however, to the use of this procedure to limit debate and the consideration of amendments.

AMENDMENT NO. 3617

Mr. MCCAIN. Mr. President, I have an amendment at the desk, No. 3617. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending. It is now the regular order.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, this amendment would strike the $6 million earmark for sugarcane growers in Hawaii, which was not included in the administration's emergency supplemental request.

I would again remind my colleagues of the Statement of Administration Policy which was issued on April 25, obviously on the legislation now being considered. Again, this has been repeated several times in the Chamber, but I think it is important to again quote from the administration's statement, saying:

> The administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline. Accordingly, if the President is ultimately presented a bill that provides more than $92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

The administration statement goes on to say:

> 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 ad hoc disaster assistance. In 2005, many crops had record or near record production and the 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.

So the administration is pretty clear about this issue of these add-ons which have ballooned this bill from $92 billion to $105 billion or so.

I also point out for my colleagues' benefit that the American people are growing very weary of this earmarking process. Last Thursday, there was a poll published in the Wall Street Journal, which is an NBC News/Wall Street Journal poll, and it was interesting in that it says:

> In particular, Americans who don't approve of Congress blame their sour mood on partisan contention and gridlock in Washington. Some 44 percent call themselves ''tired of Republicans and Democrats fighting each other.'' Thirty-six percent say nothing seems to get done on important issues. Further, 34 percent cite corruption among lawmakers. Among all Americans, a 39 percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

If there is ever a bill that would emphasize the frustration Americans have felt, it is this legislation that is before us.

A worthy cause, although I intend, along with others, to stop this business of continuing to fund the war in Iraq, which has been going on now a number of years now, the ''emergency supplemental,'' it is long overdue and time to focus on the normal budgetary process because we know we will be spending money on Iraq, unfortunately, for a long period of time. But this vehicle in itself is a violation of the normal procedures of the Senate because it should be authorized and then appropriated. But this vehicle is then, of course, used to load up unnecessary, unwanted, unfortunate, and sometimes outrageous additional spending.

For example, in this bill, which is not subject to this amendment, we have $15 million to the USDA Ewe Lamb Replacement and Retention Program. This program already exists and is meant to assist with lamb breeding stock needs, not hurricane recovery; $400,000 goes to the Rio Grande Valley sugar growers for assistance with sugarcane storage and transportation costs to the port of Baton Rouge, LA. Among the many sugar growers nationwide, why are we providing an earmark to this particular group?

There is $120 million for sugarcane and sugar beet disaster assistance in Florida. Rather than using existing USDA disaster assistance programs, this legislation would establish a special program that caters directly and solely to Florida sugar. By the way, it is one of the most heavily subsidized industries in America today.

There is $6 million to compensate owners of flooded crop and grazing land in North Dakota. Hurricanes in North Dakota? North Dakota is one of the nation's top producers of, you guessed it, sugar.

Mr. President, the amendment I offer today would strike an earmark in the bill that provides $6 million to sugarcane growers in Hawaii. Obviously, the Hawaiian lands were not anywhere near the path of the 2005 hurricanes. Certainly it is appropriate that any farmer impacted by a natural disaster can seek Federal assistance which, as I already said, is why there are existing USDA disaster recovery programs authorized under the 2002 farm bill. But in this case the appropriators are establishing a special program that caters directly to Hawaiian sugar growers via a must-pass emergency appropriations bill.

I think it is important that we continue to go back, as we argue the merits or demerits of these earmarks, to the fact that this is the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery.'' Hawaiian sugar growers do not fit in any of those categories.

According to this bill, according to the legislation before us, the Secretary shall use $6 million to ''assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to receive marketing assistance loans and loan deficiency payments.''

What does that mean? I can only assume this funding will be directed to the Hawaii Sugar and Transportation Cooperative, the only entity that received $7.2 million from a nearly identical provision in last year's, guess

what, military construction appropriations. This same entity has already got $7.2 million out of a MilCon bill. I am informed the members are the Gay and Robinson Sugar Company, the island of Hawaii, and the Hawaiian Commercial Sugar Company, the island of Maui. These are producer-owned sugarcane mills that own the land.

Let me repeat. The same cooperative got a bailout a year ago. Are we now going to start providing these two companies with annual supplemental appropriations bailouts? I urge my colleagues to question what we are doing.

Let me quote from the administration's Statement of Administrative Policy again:

> 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.

What are we trying to do with this bill? We are trying to tell our farmers, no matter where you are or what you farm, don't bother with crop insurance because come next year's supplemental, we will dole out far more than you need.

As Secretary Mike Johanns said:

> I have spent the last week studying the bill to try to get an understanding of the mechanics of the bill, but taking it a step further, trying to get an understanding of what we have done for disaster relief in the last year. And what is the agricultural economy like that may lay the foundation for somebody to say we need disaster relief.

He said for the 2005 and 2006 crop years, despite pockets of weather problems, ''Every year you see them. For a country this big, it is unusual not to have some weather issues out there.''

But despite pockets of problems, production and yields set records or near records recently.

Johanns' conclusions, after getting answers to his questions: ''I got all that data and evidence, and that got me thinking, 'What are they trying to do with that bill?' '' He is talking about the supplemental bill before us. ''So I studied the bill and I must admit, my forehead started wrinkling.''

Well, as noted in Saturday's Washington Post editorial, ''Should Farming Be the Nation's Only Risk-Free Enterprise?'' perhaps the intent in providing this $6 million to the Hawaiian sugar growers is to prop up a sugar industry which has fallen on hard times. With rising diabetes and child obesity rates which have more than doubled since 1977, maybe sugar isn't in demand as in previous years. Maybe the efforts by parents to have soft drink machines stripped from public schools is having a prolific effect on sugar production. If only that were the case. In reality, consumption of sweeteners in the U.S. has risen from 113 pounds per person per year in 1966 to around 142 pounds per person per year in 2004. At that rate Americans consume the equivalent of about 1 teaspoon of sugar per hour every 24 hours, 7 days a week.

The U.S. News & World Report compared our sugar fix to other, more nutritious agricultural commodities and found that Americans ate an abysmal 8.3 pounds of broccoli a year in 2003, something I can understand.

Again I question the need to spend more taxpayer dollars on sugarcane. Didn't we just vote last week not to fund a $15 million marketing program for seafood? Certainly less than a week later we are not going to turn around and vote to fund marketing to support this effort.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the provision under attack at this moment was not snuck in during the dark of night. It was openly discussed with the authorizing committee and was granted approval. It was openly discussed with the Appropriations Subcommittee on Agriculture and it was granted approval. That is why this provision is in the supplemental. It was approved by the authorizers and the appropriators. Thirdly, it was openly discussed with the Secretary of Agriculture, and the Secretary issued a statement declaring that this was a disaster area.

Why do we call this a disaster? In one of those strange natural phenomena, for 40 days and 40 nights it rained in Hawaii. In one spot, it rained 126 inches in those 40 days. The average in most areas was 3 inches a day. Obviously, with such sustained heavy rains, you would have devastation. Many families lost their homes. Private property and public property were destroyed.

The $6 million in this provision is to assist the two sugar companies, Gay and Robinson and Hawaiian Commercial and Sugar, with their crop losses, damage to their irrigation canal system, and washed out roads.

It may interest my colleagues to know that on the island of Kauai, that plantation suffered more than 100 miles of roads being severely damaged. They are washed out and require complete rebuilding. Some of the most critical roads were the access roads to irrigation, and these will have to be rebuilt.

In addition to the roads, the irrigation infrastructure on the island of Kauai was totally damaged and destroyed. This infrastructure damage has two costs. One is the cost of repairing, obviously, and the other is the sugar losses due to production disruptions. And the same can be said for the island of Maui.

The yield losses alone for the two companies will far exceed the amount we are requesting for assistance. Losses have occurred because of this damage.

In summary, heavy rains caused tremendous infrastructure damages. The actual repair or reconstruction costs are much higher than the amount we are seeking.

I hope my colleagues will show some compassion and understanding. It is an emergency.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this provision was included in the committee bill in the agricultural disaster title of the supplemental because of severe weather-related damage to Hawaii's sugarcane crop this year.

Hawaii sustained heavy rains and flooding from February 20 through April 2, devastating and destroying public and private property. The funds were considered by the committee to be necessary to assist sugarcane farmers through their cooperatives with cane crop losses.

They also sustained damage to their irrigation canal systems, and there were public roads that were washed out resulting from the heavy rains.

I support the position of the Senator from Hawaii on this amendment and urge the amendment be defeated.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be very brief.

One of the things we know we are all going to have to look at in the 2007 farm bill is how do we continue down this road and be able to afford it.

The 2002 farm bill put in what was called crop insurance. Every time we put in a program that undermines the incentive to use crop insurance, all we do is add it to the deficit, and we come back.

There is no question there are some needs, and probably legitimate, but what this appropriation does is create an incentive for people not to use crop insurance. That is exactly what it does.

So if we want to unwind further and raise the costs for the American people of the farm bill we have today, all we have to do is keep this kind of funding in, and we will undo and make sure we spend more money in the future.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Arizona.

Mr. McCAIN. Mr. President, I will be brief.

I understand Hawaii experienced severe flooding this winter. It should be pointed out that the heavy tropical rains did not lead to a Presidential disaster declaration. Surely the flooding impacted a broad range of agricultural commodities in Hawaii, not just sugarcane growers, and the Secretary of Agriculture is providing assistance under existing USDA disaster recovery programs. These programs will help farmers with noninsured crops, debt management, emergency loans, infrastructure repair, and farmland rehabilitation. Do we really need an additional earmark of $6 million for Hawaiian sugarcane growers on top of the assistance already offered by the USDA?

Mr. President, I ask unanimous consent to print in the RECORD a USDA factsheet that contains the programs that are available: Emergency Conservation Program, Noninsured Crop Disaster Assistance Program, Disaster Debt Set-Aside Program, and the Emergency Loan Program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ONGOING DISASTER ASSISTANCE PROGRAMS FOR AGRICULTURAL PRODUCERS

OVERVIEW

The Farm Service Agency (FSA) offers farmers and ranchers various types of disaster aid to facilitate recovery from losses caused by drought, flood, freeze, tornadoes, hurricane, and other natural events. Ongoing disaster assistance programs available to eligible producers are:

EMERGENCY CONSERVATION PROGRAM (ECP)

ECP provides funding for farmers and ranchers to rehabilitate farmland damaged by wind erosion, floods, hurricanes, or other natural disasters and for carrying out emergency water conservation measures during periods of severe drought. The natural disaster must create new conservation problems which, if not treated, would:

Impair or endanger the land;

Materially affect the productive capacity of the land;

Represent unusual damage which, except for wind erosion, is not the type likely to recur frequently in the same area; and

Be so costly to repair that federal assistance is, or will be required, to return the land to productive agricultural use.

NONINSURED CROP DISASTER ASSISTANCE PROGRAM (NAP)

NAP provides financial assistance to eligible producers affected by drought, flood, hurricane, or other natural disasters. NAP covers noninsurable crop losses and planting prevented by disasters.

Landowners, tenants, or sharecroppers who share in the risk of producing an eligible crop may qualify for this program. Before payments can be issued applications must first be received and approved, generally before the crop is planted, and the crop must have suffered a minimum of 50 percent loss in yield.

Eligible crops include commercial crops and other agricultural commodities produced for food, including livestock feed or fiber for which the catastrophic level of crop insurance is unavailable.

Also eligible for NAP coverage are controlled-environment crops (mushroom and floriculture), specialty crops (honey and maple sap), and value loss crops (aquaculture, Christmas trees, ginseng, ornamental nursery, and turfgrass sod).

DISASTER DEBT SET-ASIDE PROGRAM (DSA)

DSA is available to producers in primary or contiguous counties declared presidential or secretarial disaster areas. When borrowers affected by natural disasters are unable to make their scheduled payments on any debt, FSA is authorized to consider set-aside of some payments to allow the farming operation to continue.

After disaster designation is made, FSA will notify borrowers of the availability of the DSA. Borrowers who are notified have eight months from the date of designation to apply. Also, to meet current operating and family living expenses, FSA borrowers may request a release of income proceeds to meet these essential needs or request special servicing provisions from their local FSA county offices to explore other options. A complete fact sheet about DSA can be found at *http://www.fsa.usda.gov/pas/publications/facts/debtset05.pdf*.

EMERGENCY LOAN PROGRAM (EM)

FSA provides emergency loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine.

Emergency loans may be made to farmers and ranchers who own or operate land located in a county declared by the president as a disaster area or designated by the secretary of agriculture as a disaster area or quarantine area (for physical losses only, the FSA administrator may authorize emergency loan assistance). EM funds may be used to:

Restore or replace essential property;

Pay all or part of production costs associated with the disaster year;

Pay essential family living expenses;

Reorganize the farming operation; and

Refinance certain debts.

Mr. MCCAIN. Mr. President, I also ask unanimous consent to print in the RECORD the editorial contained in the Washington Post on April 29 basically saying:

There are, no doubt, farmers who have suffered severe losses this year. Isn't that what crop insurance—government-subsidized crop insurance, to the tune of $4.2 billion this year—is supposed to be about?

The administration is right to oppose this provision;

They are talking about the provision of $4 billion in disaster payments to farmers as part of the emergency spending bill—

the Senate ought to show enough discipline to take it out.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 29, 2006]

FARMERS AT THE TROUGH

Farm Subsidies have risen from $8 billion in 1997 to a projected $22 billion this year. Farm earnings have risen, too. Net farm income grew from $36 billion in 2002 to a record $83 billion in 2004. Although that fell last year to $72 billion and is forecast to drop again 2006, to $56.2 billion, that's still above the 10-year average.

But why let good news stand in the way of even more payments to farmers? The Senate is poised to add $4 billion in ''disaster'' payments to farmers as part of the emergency spending bill it's debating. A big chunk would go to farmers who have suffered no other disaster than the high energy prices that are hitting every other sector of the economy—not to mention anyone who drives a car.

Under the Senate proposal, farmers who already receive cash subsidies for the corn, wheat, cotton or other crops they grow—money they get when prices are high or prices are low, in good years and bad—would get an extra 30 percent, at a cost of $1.56 billion on top of the $5.2 billion the government is already spending. Because payments are based on the size of farm operations, this would funnel the largest amounts to the biggest commercial farms; according to an analysis by the Environmental Working Group, just 10 percent of bonus subsidy recipients will collect nearly 60 percent of the money. More than 50 producers would collect an extra $100,000 or more. Meanwhile, 60 percent of the nation's farmers would get nothing under this program because they raise livestock or grow crops that aren't eligible for the subsidy.

Proponents of the spending point to droughts in Iowa, floods in North Dakota and wildfires in Texas—calamities that have affected farmers there, they say, in much the same way Hurricane Katrina slammed those in the Gulf Coast. There are, no doubt, farmers who have suffered severe losses this year. Isn't that what crop insurance—government-subsidized crop insurance, to the tune of $4.2 billion this year—is supposed to be about? True, crop insurance doesn't cover, all losses, but should farming be the nation's only risk-free enterprise? Besides, one of the theories behind the egregious 2002 farm bill was that it would, at least, provide generous enough payments year in and year out that farmers wouldn't need emergency bailouts.

The administration is right to oppose this provision; the Senate ought to show enough discipline to take it out. Don't count on it, though. On Wednesday, Senate Majority Leader Bill Frist (R-Tenn.) touted a letter to the president, joined by 35 of his colleagues, pledging to sustain a threatened veto if the spending package exceeds the administration's requested $95.5 billion. That same day, the Senate voted by a veto-proof 72 to 26 against removing the farm spending and other provisions from the bill— current price tag, $106.5 billion.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, if I may respond, on April 2 of this year, the rains ended. The Governor of Hawaii, in a most expeditious manner, gathered all the facts and filed a report with the President of the United States on April 10. That letter to the President requested that the President issue a declaration of disaster. It is now in the White House under consideration. It is unfortunate it is not before us, but we have been assured that it will be part of the declaration. I wish the record to show that the State of Hawaii did go through every regular step to make certain this request was done in the regular fashion.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3617. The yeas and nays have been ordered. 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.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—40

Alexander	Dole	Martinez
Allard	Ensign	McCain
Allen	Enzi	McConnell
Brownback	Feingold	Nelson (NE)
Bunning	Frist	Santorum
Burr	Graham	Sessions
Chafee	Grassley	Snowe
Coburn	Gregg	Sununu
Collins	Hagel	Thomas
Cornyn	Hutchison	Thune
Craig	Inhofe	Vitter
Crapo	Isakson	Voinovich
DeMint	Kyl	
DeWine	Lugar	

NAYS—59

Akaka	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Inouye	Reed
Bond	Jeffords	Reid
Boxer	Johnson	Roberts
Burns	Kennedy	Salazar
Byrd	Kerry	Sarbanes
Cantwell	Kohl	Schumer
Carper	Landrieu	Shelby
Chambliss	Lautenberg	Smith
Clinton	Leahy	Specter
Cochran	Levin	Stabenow
Coleman	Lieberman	Stevens
Conrad	Lincoln	Talent
Dayton	Lott	Warner
Dodd	Menendez	Wyden
Domenici	Mikulski	

NOT VOTING—1

Rockefeller

The amendment (No. 3617) was rejected.

Mr. INOUYE. Mr. President, 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 New Jersey.

Mr. MENENDEZ. Mr. President, I rise to discuss an amendment, filed by Senator NELSON of Florida and myself, joined by Senators LIEBERMAN, LAUTENBERG, KERRY our distinguished minority leader, that will provide serious resources, not just lipservice, to help us kick the oil addiction habit and put this country on a long-term path to real energy security. At a time when American families are spending exorbitant amounts to fill their cars and heat their homes, when this Nation is using ever increasing quantities of foreign oil, when our coastal communities are threatened by rising sea levels caused by global warming, we need a new approach. For the sake of our economy, our security, and our environment, we need to act now.

For years, this administration has promoted one course—more drilling. Instead of making the necessary and timely investments needed to push this country in the direction of a sustainable energy policy, the administration has beat one drum over and over again—drill, drill, drill. Drill in the Arctic, drill in our wilderness, drill off our beaches. This is not the way to kick our oil habit. The President claims to have seen the light, and now touts the virtues of efficiency and the importance of biofuels and renewable energy, and we applaud him. But he proposes to fund the Department of Energy's Efficiency and Renewables programs at the same level they were at in 2001, and he refuses to endorse higher mileage standards for automobiles, which are the same now as they were years ago.

Our energy situation has reached a critical point, and it is truly an emergency. Secretary of Energy Bodman even admitted on Sunday that we are facing a crisis. Gas prices are nearing their record highs, rising 41 cents in the past month and over 54 cents since the Energy bill was signed into law last August. Many of the countries that we depend on for our oil are politically unstable or have unfriendly regimes. The Iranian situation, in particular, threatens to drive oil prices far higher. We can not allow our economy to be continually held hostage by the whims of OPEC.

This is not just about economic security. It is about national security. As former CIA Director James Woolsey testified before the Energy Committee, the hundreds of billions of dollars we send abroad each year to feed our oil addiction help to fund the very organizations that preach hatred for America.

We should have taken serious action years ago. The American people can afford to wait no longer. The Nelson-Menendez amendment provides the immediate funding we need to allow us to take control of our destiny and create a brighter, cleaner, and safer energy future for America. It provides $3 billion for a wide range of efficiency, security, and research and development programs—programs the President talks about in glowing terms but does not propose to actually fund.

His 2007 budget barely includes half of the authorized funding for renewable energy research, and provides less than 2 percent for the incentives needed to encourage the installation and use of renewable energy. Our amendment would add $50 million for renewable energy research and development in the Department of Energy, over $100 million in renewable energy rebates for homes and small businesses, and $200 million for the Department of Defense to do its part to meet the renewable energy goals set out by the President and in the law.

The administration has tried for years to portray efficiency as a vice, something that is totally inconsistent with the American way of life. Recently they have changed their tune, but not their actions. The President's budget actually cut energy efficiency programs by 13 percent. That simply astounds me. Few things are more effective for curbing our addiction to oil than becoming more energy efficient. A 2001 study by the National Academy of Sciences found that a $7 billion investment in DOE energy efficiency programs had returned $30 billion in benefits. That's better than 4 to 1. But the President cut efficiency programs by over a hundred million dollars. The weatherization program, which helps low-income families reduce fuel use and lower their energy bills, has been shown to provide well over $3 of benefit for each $1 spent. But the President proposed to slash that by nearly 30 percent.

Our amendment recognizes the tremendous benefit we as a Nation receive by becoming more efficient, and provides an additional $300 million for energy efficiency programs, and another $225 million for weatherization grants.

If we want to make a serious dent in our use of oil, however, we need to look at the transportation sector, which is responsible for two-thirds of our national oil consumption. While everyone seems to agree on the need to get more flex fuel and alternative-fuel vehicles on the road, and the urgency of producing cellulosic ethanol, the administration simply does not make the real financial commitment. But this amendment does. It provides $150 million for vehicle research programs, $350 million for the clean cities program, $200 million for biomass research and development and $250 million in production incentives for cellulosic fuels.

There are also provisions in this amendment to increase the reliability of our electricity grid, encourage the Federal Government to purchase alternative fuel vehicles, help improve the efficiency of aircraft, and much more. It is a large amendment because this is a large problem. Our economy, our environment, and our national security are all too important to be left to the best interests of OPEC and the giant oil companies. Skyrocketing gas prices have been a wake-up call for everyone, but even if we succeed in providing relief for American consumers, as my amendment last week would have done, we can not afford to go back to sleep on this issue. The American people expect us to get serious about our energy future, and they expect us to do it immediately. If we don't act now, when do we act?

So even though I fully recognize the rules of the Senate and understand the nature of the debate we are having today, I do believe we are in an emergent process as it relates to our energy independence, to our energy security, to giving consumers an opportunity for a break.

Therefore, I ask unanimous consent that any pending amendments be laid aside to call up amendment No. 3721 and that it be considered germane for the purposes of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I ask unanimous consent, the order for recess notwithstanding, I be allowed to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE ECONOMY

Mr. BENNETT. Mr. President, last week we had numbers that came out with respect to the economy. We also had testimony from the chairman of the Federal Reserve Board with respect to the economy. And as recently as yesterday we had some stunning numbers that came out telling us what is happening in the economy. I would like to review those very quickly for the Members of the Senate.

This chart demonstrates that the economy remains strong. Last week's number said that economic growth in the first quarter was 4.8 percent.

As you can see on the chart, that is the highest number since we had the spike in 2003.

Each one of these dark figures represent a quarter and demonstrates that the economy has now grown ever since the end of the recession in 2001. We had weak growth for the first little while and then the economy has been growing very strongly ever since.

This a very strong and vibrant economy, as Chairman Bernanke made clear in his testimony to the Joint Economic Committee.

People want to talk about jobs. Let us look at the unemployment rate.

If you will notice, the shaded areas in the chart represent the last three recessions. In the recession of the 1980s, unemployment got into double digits—10.8 percent is where it spiked. In the recession that occurred in the early 1990s, unemployment got to 7.8 percent—spiked at that point. In the recession we just had, unemployment spiked at 6.3 percent, a relatively low level, but it has been zinging ever since, and it is now at 4.7 percent.

I have sections of my State—and I trust others have in theirs—where there are more jobs than there are people, where people are looking for jobs. The unemployment rate is going down and demonstrating the strength of this economy as it generates new jobs.

Here is the flip side of that. This chart shows payroll jobs either lost or created.

Here, each bar represents a month. Starting in 2003, instead of losing jobs, we began to gain jobs each month. And there are over 5.1 million new payroll jobs that have been created since the Senate and the House passed the 2003 Tax Relief Act.

More Americans are working today than at any other time in our history. There are more jobs today than at any other time in our history. This is a consequence of the robust economy.

The next chart shows the growth of business investment. You will notice there are no dates. These are quarters. The red shows quarters in which business investment shrank and the blue shows quarters in which business investment grew.

I ask as a test for people: What is the date when the bars went from red to blue? We didn't put them on the chart. If you were to guess that it was the first quarter of 2003, the time when the tax cuts took effect, after which the tax cuts changed the pattern for business investment, you would be correct. You can see the dramatic difference between the quarters that preceded the tax relief and the quarters that succeeded it.

I would be the first to concede that it is not a pure cause-and-effect relationship. But I think the chart demonstrates that you cannot discount the fact that the tax cut had a significant beneficial effect on the economy.

Business activity continues to grow.

This chart gets a little bit busy, but the line in the middle is the line between growth and shrinkage. And the two graphs, the red one is the growth in services, the blue one is growth in manufacturing.

For those who say manufacturing is in trouble, look at the facts.

Again, starting in 2003, manufacturing crossed the line and became positive and has been positive ever since.

Yesterday this appeared in the Associated Press:

> Manufacturing cranked up. Builders boosted construction spending to an all-time high, and consumers opened their wallets wider, fresh signs that the economy has snapped out of its end of the year slump.

This was the message coming from the latest patch of economic reports released Monday.

A report from the Institute for Supply Management showed that factory activity expanded with gusto in April. The group's manufacturing index rose to 57.3 in April; from 55.2 in March. The showing was much better than the predicted reading of 55 that economists were expecting.

So business activity continues to grow.

To tick off the facts of what has happened since May of 2003 when the tax cuts kicked in, real gross domestic product growth has averaged 4 percent; over 3½ million new payroll jobs have been created; the unemployment rate has fallen to 4.7 percent; manufacturing has expanded for 35 consecutive months; service industries expanded for 36 consecutive months; business investment has increased for 10 consecutive quarters, with growth averaging over 9 percent; inflation-adjusted after-tax income has grown by almost 5 percent; the Dow Jones Industrial Average is up 27 percent; the NASDAQ is up 44 percent; and, taxes paid on capital gains was $80 billion dollars last year, compared to taxes paid on capital gains in 2002 which was $49 billion.

We hear a lot of gloom and doom on this floor. We hear a lot of people talking about how bad things are. The facts do not support that.

The economy is strong. The economy is going forward, and the economy is in a boom period and has been since the tax cuts took effect in May of 2003.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENT NO. 3626, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent to call up and pass amendment 3626, as modified. This amendment is noncontroversial but very much needed and has been cleared by both the majority and minority side and all leaders of the relevant committees.

Mr. COCHRAN. Reserving the right to object, No. 3626 is listed on one list of amendments I have as having been passed.

It is pending. It is a community disaster loan limits amendment.

Mr. VITTER. Precisely.

Mr. COCHRAN. Because of some question as to whether this is cleared on the Democratic side, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk 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 rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I renew my request that amendment No. 3626, as modified, by Senator LANDRIEU and myself, be called up and passed by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3626), as modified, was agreed to.

AMENDMENT NO. 3641, DIVISION IV

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment 3641, division IV, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. We are considering a very large supplemental spending bill that now stands about $10 billion larger than what the President has said he will sign. I thought it would be interesting to spend a minute to think about what $1 billion is because we throw that number around so often. We need to consider that $1 billion is a difficult number to comprehend.

A billion seconds ago, it was 1959. A billion minutes, ago Jesus was alive. A billion hours ago, some would say our ancestors were living in the stone age. A billion days ago, no one walked on Earth on two feet. A billion dollars was only 8 hours 20 minutes ago at the rate we are spending money in the Federal Government.

A billion is a hard number to get your arms around. It is an interesting number and $10 billion more than what the President thinks we need. More than what we actually need is a tremendous amount of money.

The second point I make in talking about this amendment is that the money we are going to spend on this emergency supplemental bill we will not ever see anywhere when we come to talk about the deficit because it will not get included in the deficit reported by the Federal Government. What it will get included in is the payments your children and grandchildren will have to pay back 30 years from now, amortized at 6 percent, and that $10 billion is going to come to about $50 billion when they pay it back. We are reaching forward and stealing opportunity from our kids.

This particular amendment deals with an item in the supplemental that is meant to help a very significant contractor in our defense industry. They do a lot of great things for this country in terms of supplying jobs, giving us great equipment, great ships, great tools for our men and women to fight with and defend this country. I understand the damage that has occurred in both Pascagoula and all the shipyards along the coast. We are making plans to do what is right. In the supplemental, we put greater than $1.5 billion toward that.

There is a significant amount of loss that was incurred by Northrop Grumman as the hurricane came on shore and damaged both their facilities and their equipment. They had significant operating losses from that. My problem with the amendment is they have insurance with which to cover this loss. No one knows exactly how much it is going to be. Northrop Grumman says by their own public statements that $500 million was their business interruption cost insurance, so it could be upward of $500 million. It is probably somewhere between $100 and $200 million.

If we allow this amendment to go through, we set significant precedence that we will be hard pressed to ever break.

First of all, this is a private contractor with insurance who is now suing their insurance company for the claims they have made that will not be adjudicated until 2007.

One of the messages we will send if we pass this supplemental with this in it is we will tell the rest of the defense contractors: You do not have to have business interruption insurance. Why would you have to if the Federal Government is going to come in and pick up the tab?

There is an answer that whatever is collected will come back and be paid to the Navy if, in fact, we intercede in the midst of this contract dispute for Northrop Grumman. I hear what the contracting office says, and it is a fairly important point because the contracting officers and the contracting office know the right of legal loss doctrine. Most of our insurance, whether it is homeowners, auto insurance, or business interruption insurance, runs on the doctrine of legal loss. Legal loss in insurance contracting says that if you get paid by someone else, we do not have to pay you.

This amendment is not so much about being against helping Northrop Grumman; it is about not helping their insurance firm which actually owes this money, which will be adjudicated in the future, and not limiting their responsibility and not transferring that responsibility from them to our children and our grandchildren.

September 28, 2005—this is the Contract Management Agency for the Defense Department:

> This office believes it would be inappropriate to allow Northrop Grumman to bill for costs potentially recoverable by insurance because payment by the Government may otherwise relieve the carrier from their policy obligation.
>
> If the Government pays the costs, or agrees that the costs are even tentatively or conditionally allowable, there is a risk that insurers will deny coverage on the basis that there has been no loss suffered by Northrop Grumman.

In fact, that is exactly right. If we pay the loss, Northrop Grumman does not have a loss, and therefore the legal loss doctrine will apply to this contract, so there will not be a lawsuit. This is in litigation.

I also make the point that Northrop Grumman, by their CEO's own statements this year, said that it continues to expect sales of $31 billion; earnings per share between 4.25 and 4.40; and cash from operations, free cashflow, between $2.3 and $2.6 billion. If this is $100 million or $200 million, they have all the capability in the world to borrow that money, pay the interest, and collect the interest charges against the insurance company. We are setting a terrible precedent by doing this.

The other thing we are going to do is send a message to every other defense contractor: Don't get business interruption insurance because we will come in and pick up the tab.

I want them to be fully remunerated. I want the shipyards to be up and running. I want every aspect we can deploy that will make things happen, that will resecure the jobs, resecure our production of ships. But I don't want to do that when Factory Mutual Insurance Company really should be on the hook for this, not our children and our grandchildren.

The other point I make is should companies that contract as defense suppliers and make billions each year be put ahead of the others waiting in line for help? Is it going to be our policy by this bill to further subsidize the business interruption insurance of all the rest of the contractors?

Their own litigation filed in California says:

> There is no reason to allow Factory to avoid accountability for its wrongful actions.

I agree. And by keeping this in the bill, we will allow Factory Mutual to avoid accountability for its obligations.

Mr. President, I ask unanimous consent to have printed in the RECORD the Defense Contract Management Agency letter, dated September 28, 2005. There has also been the filing of Northrop Grumman Corporation against Factory Mutual Insurance Company in the U.S. District Court for the Central District of California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE CONTRACT MANAGEMENT AGENCY,
Los Angeles, CA, September 28, 2005.

Memorandum for all Sector Administrative Contracting Officers (ACOs).

Subject: Hurricane Guidance.

Until all avenues for recovery from insurance carriers are exhausted by the contractor it is recommended that Contracting Officers not approve payments for costs associated with or related to the hurricane disaster(s) if such costs are potentially recoverable through insurance by the contractor.

This office believes that it would be inappropriate to allow Northrop Grumman to bill for costs potentially recoverable by insurance because payment by the Government may otherwise relieve the carrier from their policy obligation.

If the Government pays the costs, or agrees that the costs are even tentatively or conditionally allowable, there is a risk that insurers will deny coverage on the basis that there has been no loss suffered by Northrop Grumman. It is my recommendation that insurance policy(s) be reviewed. Additionally it would be prudent to reach an agreement with Northrop and the insurer before making payments for any otherwise allowable costs.

This matter is under continuing review and additional information will be forwarded as appropriate.

Please forward this correspondence to subordinate sector ACOs. Questions should be addressed to me.

DONALD P. SPRINGER,
Defense Corporate Executive.

Mr. COBURN. I also note that Northrop Grumman is the fourth largest defense contractor we have in the country. I also note that Northrop is already the recipient of billions of dollars in Government contracts, including some contracts that otherwise could be considered largess. I will not go into that.

I would make a final note that the House Appropriations Committee, when they passed their bill, put this into the Record:

> The Committee believes strongly that funds in this Act and under this heading in prior Acts should not be used to substitute for private insurance benefits. The Committee is aware that some shipyards have business interruption insurance coverage that could potentially overlap with the Navy's budget for increased delay and disruption costs.

I understand the Navy. We have an obligation for delay and disruption costs. There is no question about that.

> On March 1, 2006, the Committee received the Navy's certification that there is no overlap between shipyard insurance claims and the Navy's funding plan, and that costs covered by private insurers were not included in supplemental request estimates. Once again in this bill, the Committee directs the Navy not to obligate funds under this heading until the Secretary of the Navy certifies that no such funds will be used for activities or costs that are subject to reimbursement by any third party, including a private insurer.

The final point I would make is the President's message to Congress on why he would be against us funding this. He made some significant points, and I will summarize them. One is they do not think this is necessary. No. 2, it violates clear contracting guidelines. And, No. 3, it sets a terrible precedent for the future, not just on our coast but for any other defense contractor that might have a loss based on a natural catastrophe, that we would now have a precedent that we would supply that.

The American people want to help solve the problems on the gulf coast. We want to create a vigorous business environment. We want to create a vigorous defense industry. This is a step too far. I believe we need to back up and let the private sector take care of its obligations, as it should, to help us meet our obligations and then move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am sympathetic to the Senator's concerns, that he expressed. As I understand the point he makes, it is that we should not create a situation where a shipbuilder can both get disaster funds from the Federal Government and insurance benefits from hurricane coverage and, thereby, be unjustly enriched by getting money from two different sources for one disaster.

The language of the general provision, which the Senator purports to amend with this amendment, prevents a shipbuilder from getting double payment, in effect. The Senator's amendment strikes the provision and the language in the provision which guarantees that.

I think there is no disagreement between us as to what the outcome ought to be. What we are trying to do is reduce costs to the U.S. Navy and, thereby, to the U.S. taxpayers for future shipbuilding activity by reimbursing the shipbuilder for damages caused by the hurricane, purely and simply. There is no effort to prevent the shipbuilder from recovering what it is entitled to recover from the insurance companies that had coverage in this situation.

But the fact is, you could not get insurance coverage for all of the damages done by the hurricane, only some. The policy defines the obligation. The contract, in effect, between the shipbuilder and the insurance company defines what benefits the shipbuilders are entitled to receive. And these contracts are being honored, some maybe not as generously as the shipbuilder would like. But that is something to be reserved between the shipbuilder and the insurance carrier. And if litigation develops and is resorted to as a way to resolve that, so be it; that happens.

But what we are seeking to do is to acknowledge that the shipbuilder was impeded by the hurricane from proceeding under contracts that it had with the Navy to hire and make available workers on a reliable, predictable schedule that would ensure the ships' future construction on time under the contract.

Some of those costs cannot get reimbursed from the insurance company. There are provisions in the insurance agreements that prohibit the collection of benefits for some of those costs that were caused directly by the hurricane.

So what we have attempted to do is to work with the Navy, consult with the shipbuilder, and try to provide authority in this supplemental bill to help control costs of ships, now and in the future, with a possibility of insurance proceeds offsetting Government costs. Or we can exclude this provision, as the Senator is trying to do, and pay the resulting higher costs through higher taxes, more appropriations to help pay the costs to the Navy to pay for the ships.

To me, I think this amendment reflects a difference in understanding of what the language of the supplemental seeks to accomplish. We do not disagree with the motivation of the Senator from Oklahoma. We applaud his effort to review carefully and make sure we are not ''wasting'' money in this supplemental, that the taxpayer is benefiting, not a shipbuilder being unjustly or inappropriately enriched. I guarantee you that is not the purpose of the assistance that is provided in this section of the bill, this general provision of the bill.

Here is what it seeks to do. And we think it does do this: The general provision adjusts ship contract target costs for the effects of Hurricane Katrina. It provides the U.S. Navy with reimbursement of future shipbuilder insurance receipts. And it makes clear that payments made by the Government to the shipbuilder could not be treated as collateral insurance coverage and could not be used as a reason for insurers not to honor their policy obligations.

That is the purpose of the general provision. I challenge anybody to disagree with that purpose as laudable, as important, and as fair to the taxpayers, to the shipbuilder, and to the insurance companies that have coverage.

This provision was included because it is clear that the impact for delaying the recapitalization of the shipyards will have long-term negative impacts to the Navy's shipbuilding program by making ships more expensive and taking longer to build.

We can provide this authority now to help control the costs of ships, and with the possibility of insurance proceeds offsetting Government costs, or we can exclude this provision and pay for the resulting higher costs of ships.

And note this. The estimated cost of this provision is $140 million, to be paid from within the $2.7 billion the President requested in the shipbuilding account. Hear that? The President requested $2.7 billion in his submission in this request. And a 3- to 6-month shipyard recapitalization delay is estimated to cost $300 to $600 million in increased ship costs.

This is serious business. You can pay me now or pay me later. I guess that is the way to say it. But the whole point is, we can appropriate this money in this supplemental that the President requested. We have identified the part that is going to be used to pay the costs of this amendment.

So in response to Hurricane Katrina and the disaster that resulted to the region, the President requested over $2½ billion—$1 billion in this supplemental and $1.7 billion in the last supplemental—in the Shipbuilding and Conversion Navy account to address these ordinary costs to replace destroyed or damaged equipment, prepare and recover naval vessels under contract, and, most relevant to this debate, provide for cost adjustments for naval vessels for which funds have been previously appropriated.

So what happened is the President's request did not address or take into account all costs associated with Katrina. So a general provision was added to adjust an existing Navy ship contract's target costs for the effects of Hurricane Katrina. It ensures the industry does not receive redundant funding from the Government and insurance companies. But—guess what—the amendment offered by the Senator, my friend, deletes this provision. That should not be done.

The focus of this supplemental is to provide disaster relief and recovery for hurricanes, including Katrina. Katrina caused the costs of ships that were already under contract with the Navy to increase. Increased costs were occurring because of the disaster.

The provision included in the bill does not impose additional costs. Instead, it directs that all costs be paid from within the $2.7 billion shipbuilding account requested by the President to address the hurricane recovery costs.

In my view, the Senate needs to reject the amendment of the Senator. Let's carry forward in this bill this general provision.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me address a question to the distinguished chairman of the committee because I thought his remarks were very well done and answered a number of questions that have been put out in the discussion of this language in the media. But I think it is important to clarify a few of those points.

The first point you are making is that this is not an additional or added expenditure. This will come out of the $2.7 billion that has already been requested to go into this shipbuilding recovery effort; is that correct?

Mr. COCHRAN. Mr. President, if the Senator will yield, he is absolutely correct. There is, in this general provision, a reference to the $2.7 billion that is contained in the President's request

submitted to the Congress, a request that we appropriate that amount. He is right. We are not creating new funding in this provision but trying to spell out what that funding should be used for.

Mr. LOTT. Well, Mr. President, I thank the chairman for that clarification and for making that point. I might also ask this question: The Senator was a very capable young lawyer in our State years ago, president of the young lawyer's section, and I think he understands this sort of issue. Are you satisfied that this language is such that when and if there is an insurance recovery, those funds will come back to the Federal Government?

Mr. COCHRAN. The Senator is correct. It will not result in a double payment, in effect, to the shipbuilder, of course. And any insurance proceeds that offset the Government's costs are excluded specifically from this provision.

Mr. LOTT. One final point that the Senator made that I think is a very important one. If we do not allow this provision to remain in this legislation, the net cost is going to be twice as much or more.

I believe the questions that have been posed have been answered correctly and appropriately by the chairman of the committee. This provision does not require additional funds. Payments will come out of funds that have already been earmarked for shipbuilding recovery. It is not going be a process where the shipbuilder will be relieved of trying to recover from the insurance company and, if they recover, they get to keep it. It is important to emphasize those points.

Let me confess to my colleagues, this is personal with me. I admit it. This is my hometown. I grew up in the shadow of this shipyard where 13,000 men and women make their livelihood, the biggest single employer in the States of Mississippi and Louisiana and at one point of Alabamians, a critical component of our national security. They build some of the most sophisticated ships in the world—destroyers, cruisers, LHAs, LHDs, LHARs. And that shipyard got hammered by hurricane Katrina. My dad was a pipefitter in that shipyard and was in the pipe department when he was killed in an automobile accident. I don't just see statistics and numbers; I see neighbors, classmates, men and women who believe in what they do and build quality product. They have been hit a grievous blow.

I understand the effort of the Senator from Oklahoma. On many similar occasions, if I didn't know all the facts or if I weren't as intimately involved, maybe I would be doing something similar to what he is. I understand. But I don't think he has all the facts. Maybe the clarification that my colleague from Mississippi made will help him.

The magnitude of what we were hit with is the most devastating thing we have ever seen. I won't bring out a lot of charts, but so you will get some idea of the destruction, here is a picture of the shipyard right after the hurricane. This whole shipyard had a direct hit. It is right on the mouth of the river. It got hammered. Five hundred men and women put their lives at risk that night trying to keep ships that were moored there from sinking. This is what we were dealt. Everything in that shipyard was under water. And by the way, just so you will get some idea, there in the background of this picture, those cranes are actually on the water. This photo was actually taken a distance inland, and you see the kind of destruction that was brought on us.

One of the things we did in the aftermath of the hurricane was to say: OK, let's rescue people. Let's get them the basics. Then we sat down and said: What is the order of what we ought to do? No. 1, we need to get our people back to work first. Because if we can get them back in their jobs, even if they don't have a home or a truck, that will begin the return to normalcy. They will have income. Then let's get our schools open. Then let's remove the debris. So we had an order. We have not done this haphazardly.

This provision was not stuck in the bill as an afterthought. It was carefully done. It was done after looking to see what the actual impact was going to be.

Several shipyards in my area—three of them, as a matter of fact—owned by VT Halter had ''only'' 20 or 30 feet of water. But this shipyard was completely shut down. They made a valiant effort to feed people, get people back to work. Now the shipyard is back up to probably 11,000 people working there.

Talk about getting insurance. Let me put the shipyard in my place. My wife and I lost our home. It is totally gone. I had flood insurance. I also had a household policy. My insurance company said: You had no wind damage. We will pay you nothing. After that house sat there for 4 to 6 hours being hammered by winds of 140 miles an hour with gusts at 160 and 170, they came back and said: No, you didn't have any wind damage. It is not credible. So what am I going to do? I guess I could hock everything and rebuild on that site before I get any insurance, but the ''no payment'' or the ''slow payment'' of insurance companies is retarding the entire gulf coast. They are like me; I can't rebuild until I get some insurance proceeds.

They have the problem of how much can they put into this situation without getting the plant back up to operation. They have spent $550 million to clean up this shipyard, repair the facilities, repair the ships, and cover the cost of business interruption not caused by them. They have done their part. In fact, of that $550 million, less than one-third, about $175 million, has been recouped so far from the shipyard's insurance companies. They are going to continue to pursue these insurance claims. I hope they are going to get a good settlement and they will be able to go forward with business.

But this shipyard had a billion dollars of damage. This matter is about national security. It is about the Navy. It is about the world's best ships. It is about men and women who have busted it to get that shipyard back on line.

The same thing has happened in Louisiana, where a lot of work is done on the LPDs and where they went back to work before they had a bed to sleep in. So this provision is the right thing to do for Gulf Coast recovery and to help the Navy maintain the cost and schedules for its ships.

Let me give you a couple of examples of quotes after the hurricane. After the hurricane, Assistant Secretary of the Navy John Young recognized the significant impact of that storm on Navy shipyard building and national defense. In a letter to Navy and Defense Department leadership, Secretary Young wrote that:

> The Navy [should] take an aggressive and proactive approach in helping restore shipyards and returning workers to shipbuilding tasks. Importantly, this approach has the short-term benefit of contributing in a significant way to the restoration of jobs and the economy in the Gulf Coast.
>
> Yard restoration delays, loss of the skilled workforce, and ship delivery delays will translate directly into creation in future years of significant new prior year completion bills on Navy shipbuilding programs.

That was very thoughtful. He was looking at it realistically in the immediate aftermath of this terrible storm. He recommended an action that was appropriate.

Some people say it wasn't in the President's budget. Presidents' budgets don't come down from heaven. They sometimes don't include everything that should be included or maybe it will include something that should not be included. We are a coequal branch of government. We do have a say in these issues. Sometimes we can help. When it came to getting Medicaid for the States affected, we had to take the lead. When it came to getting tax incentives for businesses and industry to create new jobs, we took the lead. When it came to finding a solution for the people who had a home that was not in a flood plain—after the hurricane all they had left was a slab, no insurance, no way to rebuild, and nobody had a solution—Senator COCHRAN came up with a solution and the administration signed it. They didn't do it; we did it in the Congress. We are from there. We are of this situation. We understand the problems.

We are trying to be reasonable. We told our colleagues months ago about what we would need to recover. We have not exceeded that estimate. We are way under that estimate. In some categories we are not even going back and saying we need more, even though we were somewhat shortchanged. We are trying hard to help the people who have been dealt a grievous blow. If we don't do this, the people in that shipyard will be hurt, the Navy will be

hurt, and it will cost us more. I want to make sure we get the insurance recovery.

I am a plaintiff for the first time in my life. I didn't want to do that. When I met with shipyard officials immediately after the hurricane, I went out there, and they were feeding the people on a ship that was moored. There was no electricity. I said: What about insurance? They said: We are fortunate. We had insurance. We even had a clause in there so we feel we are going to get a good recovery.

Well, it hasn't happened. So we can deal with this realistically and in a sensible and thoughtful way, the way Senator COCHRAN has outlined, and I think we will get through it. We will keep the jobs, build the ships, help the Navy, help the workers. And we won't lose money in the end. The disruption cost, if we don't do this, will be much greater than by going ahead and doing this right now.

I beg my colleagues, bear with us. I know you are beginning to say: How much is enough? I don't know in every instance, because we are still dealing with the magnitude of this disaster. But we are going to try to be honest with you. We are going to try to be thoughtful. I believe this language is crafted well. I am proud to be a part of the effort to defend the language that is in this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to raise a few points. First, I have great respect for the Senators from Mississippi and Louisiana. If they will note, my votes have reflected that, when we have sent money for both. The President did request $2.5 billion, $2.7 billion for this. But he also requested that we not do this specific thing, that we not do this. The Senator from Mississippi makes a point they have already collected $125 million—actually they told us $125 million, maybe it is more—from insurance. They did have a big loss.

We had a hurricane down there and everybody will agree, because of the hurricane, the ships are going to cost more, no matter what we do. They are going to cost more because they were delayed. We know that in defense contracting. Is it in Northrop Grumman's interest to recapitalize this shipyard? Yes. There is no question about it. Do they have a positive cashflow of $2.6 billion this year? Yes. The reason we should not do this is because there will be no money coming from the insurance industry. Under the legal loss doctrine, we will obviate all those policies. So by doing this, it is true, any money that comes comes back to the Navy. I agree, that is in here. But the fact is, there will be no money coming back because they will have and utilize in their insurance contracts the legal loss doctrine. That doctrine will obviate any obligation, any liability these insurance companies have to do it. So the question is, should our kids pay for it, our grandkids pay for it, or is it in Northrop Grumman's best interest to put the business interruption insurance, which is in litigation, to borrow that money or take it out of earnings from cashflow from operations right now and then collect the interest on it? Instead, we are going to send it on down the pike 30 years to be paid back, and $125 or $200 million will become $800 million or $1 billion after 30 years.

I would also read into the record part (a), section 2303, ''Amounts appropriated or otherwise made available by this Act.'' Going on down, ''under the heading 'Shipbuilding and Conversion, Navy' may be obligated and expended to pay the costs of any business disruption incurred by a ship construction contractor with respect to facilities or businesses located in the Hurricane Katrina Disaster area by reason of Hurricane Katrina.''

We do get all four of them, all four segments intentionally, because if we don't, then we pay. The insurance industry won't pay. Anything that isn't settled at the time this goes through will not be paid for by the insurance industry. So if you want to go out and make some money today, go buy Factory Mutual insurance. Because if this goes through and is a part of it, they made $150 million today with this thing going through. They are not going to pay, and they are going to be upheld in a court of law.

This is an established doctrine of law. And if it is already paid for by the U.S. taxpayers' grandchildren, then Factory Mutual is not going to have to pay for it.

I understand the intent. I believe the Senators from Mississippi are doing what they think is right. I think this is just a step too far that doesn't have to be done to truly get going. There are 11,062 employees in Mississippi right now working for Northrop Grumman. They have employees in 38 States. They are a great company and a vital contractor. But I would make the case that the cost of ships has gone up because we had the hurricane. And it is noble to try to limit that increase. This won't limit the increase; this will just increase the cost to our grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to support the chairman's mark on this very important issue relative to the rebuilding of the gulf coast. Chairman COCHRAN has taken great responsibility to shape a supplemental bill that asks for what is absolutely crucial to the development of the gulf coast. I know that a few of our colleagues may take issue with one or more things that are in this bill. But overall, it is a genuine attempt to try to give direct and targeted help to the standing up of this very important area of the United States that has been hit, as we said, not by one hurricane but two hurricanes, two of the worst that have ever hit the continental United States since 1837, since hurricanes have been recorded, and by the extraordinary flooding that took place in a large metropolitan area, not just Orleans Parish, but Plaquemines Parish and St. Bernard Parish, the heart of America's energy coast and the heart of the economic region about which we are speaking.

Inside this region that has been devastated there are over 16,000 people employed in shipbuilding. We are proud of those shipyards at Ingalls, Gulfport, and Avondale. Fortunately, the Avondale shipyard, which is in New Orleans, did not sustain tremendous flooding because it was on the west bank of the city and, of course, the east bank is the part that flooded. We are very fortunate in that regard. There was still a tremendous amount of damage at Avondale.

As my friends from Mississippi said, their shipyard was just hammered. We are so grateful that Avondale stood up because we have been able to help keep the ships on schedule and get our people employed.

The Senator who is objecting, Mr. COBURN, has been so helpful in other ways. I know he wants to make sure we are not double-dipping. He keeps referring to the first paragraph of this amendment, but if you read the second paragraph of the chairman's mark, it is clear. It says: This may not be treated as collateral insurance coverage, so they cannot collect twice.

It is not the chairman's intention or my intention or Senator LOTT's intention for the company to collect twice. But advancing these payments to them in the way this has been drafted will help them get these yards back up and running, to get their construction done, and to get people hired again. It is very difficult.

We keep saying—and I know people are tired of hearing this—this was not a regular hurricane. It has destroyed so much that not only do employers, large and small, have to get their businesses back going, they have to go out and literally find their customers. Then they have to provide housing for their workers. Then they have to get electricity turned on for their workers, then they have to get running water turned on for their workers. It is more than our employers can bear, even the big ones such as Northrop Grumman.

We are not asking for a taxpayer bailout. We are not asking for double-dipping. The Navy knows what we are doing, and they are supportive. The Department of Defense is supportive.

I came to the floor to ask my colleagues to please support the chairman's marks on this to help our shipbuilding. We are not asking for double-dipping. When the insurance moneys come in, which I am sure they are entitled to do, this language allows the taxpayers to be repaid. So we get the benefit of getting our shipyards up and running, getting potentially 17,000-plus

people between Avondale and Ingalls back at work as quickly as we can. Even with this, it is going to be very difficult. Without it, it will be almost impossible.

So I ask my colleagues to please reject the Coburn amendment. I know the Senator means well, and he has been extremely helpful and sincere in many ways as he has attempted to help us, and we don't want to waste any money. But this language makes it clear, not just paragraph A that has been read, but by paragraph B, that it is not double-dipping.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). Is there further debate?

Mr. COBURN. 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 division IV of amendment No. 3641. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—48

Alexander	DeMint	Kyl
Bayh	DeWine	Levin
Biden	Dodd	Lieberman
Bingaman	Dorgan	Lugar
Boxer	Durbin	McCain
Bunning	Ensign	McConnell
Burns	Enzi	Nelson (NE)
Burr	Feingold	Obama
Byrd	Frist	Reed
Cantwell	Graham	Santorum
Carper	Grassley	Stabenow
Chafee	Gregg	Sununu
Coburn	Hagel	Thomas
Conrad	Hatch	Thune
Craig	Inhofe	Voinovich
Crapo	Kohl	Wyden

NAYS—51

Akaka	Harkin	Murray
Allard	Hutchison	Nelson (FL)
Allen	Inouye	Pryor
Baucus	Isakson	Reid
Bennett	Jeffords	Roberts
Bond	Johnson	Salazar
Brownback	Kennedy	Sarbanes
Chambliss	Kerry	Schumer
Clinton	Landrieu	Sessions
Cochran	Lautenberg	Shelby
Coleman	Leahy	Smith
Collins	Lincoln	Snowe
Cornyn	Lott	Specter
Dayton	Martinez	Stevens
Dole	Menendez	Talent
Domenici	Mikulski	Vitter
Feinstein	Murkowski	Warner

NOT VOTING—1

Rockefeller

Division IV of amendment No. 3641 was rejected.

Mr. COCHRAN. Mr. President, 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.

CHANGE OF VOTE

Mr. BUNNING. On rollcall vote No. 105, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent I be permitted to change my vote since it will not change the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will take this opportunity to review for a moment that this is an anniversary date of some significance which I believe ought to be recognized. It is 3 years ago this week that President Bush stood on the deck of the USS *Lincoln* in front of a banner that declared that our mission in Iraq had been accomplished. He told our troops and all Americans that major combat operations in Iraq have ended 3 years ago this week. At the time, we had lost 139 people, 139 troops in Iraq. Today, we have lost more than 2,400 American troops there, and 2,258 have died since ''Mission Accomplished'' was pronounced. In other words, 95 percent of the United States fatalities in Iraq occurred after President Bush said major combat was over, and tens of thousands of young Americans have suffered injuries, including severe head injuries and lost limbs, that will change their lives and the lives of their families forever.

One need only visit Walter Reed Hospital and see what the ravages of war have done to so many. The only thing that was accomplished that day was a photo opportunity for the President's reelection campaign. When we look back at that publicity stunt on that aircraft carrier, we realize how wrong the President was. But that was hardly the only major conduct error in the judgment of this war.

Recently, a number of retired generals have come forward to say what many in the military have been thinking for years. These officers know that our men and women in uniform have been let down by the miscalculations and the incompetence of the Bush administration. The troops on the battlefield pay with their lives, but nobody in the administration has been held accountable.

The generals say we can't move forward without accountability. They say that the Secretary of Defense must go. The generals are right. Secretary Rumsfeld has made too many mistakes to stay in that job. As the old expression says, when you are in a hole, stop digging.

Let's recount the miscalculations of the Secretary of Defense. Before the war, he said, ''We know where the weapons of mass destruction are. They are in the area around Tikrit and Bagdhad, and east, west, south and north, somewhat.''

But now we know there was no solid evidence before the war that Iraq had any WMDs. None were found when the United States invaded the country in March, and none have been found since. That was over 3 years ago.

Secretary Rumsfeld also said that the Iraqis would welcome U.S. troops and that the Iraqi resistance would be limited. Obviously way off. Not only did Secretary Rumsfeld fail to build coalitions with our allies, he flippantly, arrogantly dismissed them as ''old Europe,'' alienating these allies when he should have been reaching out to them. The result of a failure to build a real coalition is that our troops are bearing the risks and suffering the casualties.

There were other serious miscalculations. Secretary Rumsfeld said the war would be short. On February 7, 2003, he said:

> The war could last 6 days, 6 weeks, I doubt 6 months.

Secretary Rumsfeld also rejected calls for a larger number of troops. He even pushed out GEN Eric Shinseki, the Army Chief of Staff, when General Shinseki, a distinguished leader, a military leader, suggested that postwar Iraq would require many more forces than the 100,000 troops we had on the ground. As I remember, he said over 300,000.

Secretary Rumsfeld was also way off on the cost of the war. He said it would cost at least $10 billion but no more than $100 billion. We now see the actual costs coming close to $500 billion.

Despite all of the funds devoted to the war, Secretary Rumsfeld has failed to equip our troops properly. After more than 3 years, thousands of Army and Marine Corps personnel still do not have adequate body armor or sufficient armor for their humvees. When I was there over 3 years ago, I heard the plea then from soldiers from New Jersey: Give us the flak vest, Senator, that you are wearing, the latest technology. They will protect us. Please let us have that.

We know what happened with the humvees and the resulting serious injuries because of inadequate armor for the humvees.

In December 2004, in a meeting with U.S. troops in Kuwait, some soldiers raised these concerns with Secretary Rumsfeld. His response was offensive; humiliating for our troops who are serving there. He said, ''As you know, you go to war with the Army you have, not the Army you might want or wish to have at a later time.''

I don't know what was meant by that statement but it certainly is a slur in many ways.

I must say that what I find incredibly offensive is this administration still will not allow photographs of flag-draped coffins when they return to our shore and come into Dover, DE, which is the repository for the remains. It is such an honor to recognize the sacrifice made by having a flag draped over the coffin. Yet that honor of our fallen troops is shielded from the American people by the order of the President of the United States.

It doesn't make sense to me, and I know it doesn't make sense to those families.

It isn't just civilians upset by these events. We have now heard eight retired generals call for Secretary Rumsfeld's resignation, citing gross mismanagement and profound errors in judgment.

Retired Army MG Paul Eaton, in charge of training the Iraqi military from 2003 to 2004, recently wrote in the New York Times that Rumsfeld ''has shown himself incompetent strategically, operationally and tactically . . . Mr. Rumsfeld must step down.''

Retired Marine GEN Anthony Zinni, an outstanding leader, former head of the U.S. Central Command, which includes the Middle East, last month called for Mr. Rumsfeld to resign.

Other military leaders who have called for Secretary Rumsfeld to go include retired Marine LTG Gregory Newbold; retired Army MG John Riggs; retired Marine GEN Paul Van Riper; retired Army MG John Batiste; retired Army MG Charles Swannack, former Commander of the 82nd Airborne in Iraq; and retired U.S. Army GEN Wesley Clark.

In addition, we are now seeing people of lower ranks who are upset with the way that campaign has gone and are expressing their dissatisfaction.

We see also a phenomenon we haven't seen before; that is, people filling out their obligatory term at the Academy and a third of whom do not stay on. They finish their obligatory terms of 5 years and they are gone. It is a serious problem in many ways. Morally, I think it is a serious problem, but also functionally we don't have the personnel supporting the war in the way we had hoped. Whole branches of services over there are as courageous as can be. It is very dangerous territory, and they serve bravely. We owe them a debt of gratitude.

The fact is the Bush administration has made serious mistakes in prosecuting the war in Iraq, and our soldiers have paid the price. Our troops deserve better.

On the third anniversary of President Bush's ''Mission Accomplished'' fiasco, I hope that the President finds the strength to make real changes. And those changes need to start at the top.

I urge the President to be more specific about what our assignment is. He has already said it will be up to another President to take care of what continues there. Unfortunately, we have to believe that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak as if in morning business for 5 to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR IN IRAQ

Mr. MARTINEZ. Mr. President, war is difficult. War is not pretty. Sometimes war, unfortunately, leads to death and injury.

Our country has been blessed over our history. There have been men and women who believe enough in our system, who believe enough in the system of democracy that we are so fortunate and blessed to have, who are willing to give their lives so this system may endure, so this system may continue, so that our country can continue to be free.

I believe, as we look at a difficult situation in Iraq, the last thing we need is a policy of defeatism, is a policy that looks to ways in which we can criticize and critique without offering an alternative path and without offering an alternative solution.

The fact is there was a worldwide failure of intelligence in the days leading up to the war in Iraq, but the fact also is that we are there today and that thousands of Americans—the best and the brightest, those we are the proudest of—are there serving this Nation with distinction, with valor, and I daresay with great success. Our hope for them must be that they complete their mission and come home; that they can come home with their heads held high for a job well done.

I also believe that the civilian concept of leadership of our military is well ingrained in our system. I had the high and distinct honor and privilege of serving in the Cabinet of this President with Secretary Rumsfeld. Secretary Rumsfeld is a man of great distinction. He is also someone who has tackled the very difficult job of transforming our Armed Forces. He has taken on the very difficult job of moving forward into a post-cold war sort of world with an Armed Forces that is very different than the one we have had. Any time a large bureaucracy undergoes change, there is difficulty with that change. And sometimes there are different opinions about how that change takes place. And there is no doubt that there are people who have had different ideas about how to approach, whether it is a war effort, whether it is a reorganization of our Armed Forces from those of Secretary Rumsfeld, but to those who have had those kind of difficult ideas I would say that we elect only one President at a time, and that President has only one Secretary of Defense at a time. That is why we have a chain of command because someone has to lead and someone has to make decisions.

I believe our country, at a time when we were unfairly and unwantonly attacked by terrorists, has been fortunate to have a President at hand who has had the good fortune to have dedicated people such as Secretary Rumsfeld at the helm to serve at his side.

This is a President who did not seek a war with terrorists but who had a war brought to us in the streets of New York, with over 3,000 American casualties on a given day. And the fact is that this President was also confronted with the need to act on this global war on terror.

I can remember when in the mountains of Afghanistan there seemed to be a stalemate after about a month or 2 of our initial conflict there, and the naysayers were saying we had not sent enough troops. All of a sudden, a tremendous breakthrough in modern warfare took place as we saw our special forces operating on the backs of horses with laptop computers directing fire, and a whole new era of warfare evolved. But we liberated the people of Afghanistan, who since then have had elections, where women and children of all sexes can now go to school, where women can now walk the streets without fear, where children can go to school, whether they be little boys or little girls. They have had that unique opportunity in the world which we take for granted in our country.

But for those of us who were born in other places, we understand the uniqueness of voting and have had the right and opportunity to elect leaders.

More recently, 11 million Iraqis voted in the third election in 1 year, followed by the formation after some politicking and some good, old-fashioned Democratic horse trading, have formed a government.

The moment today ought to be to highlight the hope of a new Iraq, the hope of a democracy in the Middle East, which is so unique to that region of the world, the fact that a new government has been formed—not to try to recount all of the potential for different moves at any given point.

All warfare is riddled with difficulties and second-guessing. But here we have a moment of hope and opportunity. Defeatism is not a policy. It is only a prescription for failure.

I am hopeful that as we go forward, we recognize the successes of the Iraqi people and the difficult task of forming a democracy; that we relish in the accomplishments; that we understand it is an incomplete project in democracy but one moving in the right direction.

I, for one, thank all of those who are serving in these difficult circumstances over there and their families for the sacrifices they are making so that we might be successful, so that we might find a way forward that is better than defeat and is better than negativism and that is better than second-guessing.

AMENDMENT NO. 3727

Mr. LOTT. Mr. President, I call up amendment No. 3727.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. DODD, proposes an amendment numbered 3727.

Mr. LOTT. 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 provide funding for the Election Assistance Commission to make discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season)

On page 203, strike line 8 and insert the following:

INDEPENDENT AGENCIES

ELECTION ASSISTANCE COMMISSION

ELECTION ASSISTANCE

For purposes of making discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season to restore and replace supplies, materials, records, equipment, and technology used in the administration of Federal elections and to ensure the full participation of individuals displaced by such hurricanes, $30,000,000: *Provided*, That any such funds shall be used in a manner that is consistent with title III of the Help America Vote Act of 2002: *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.

Mr. LOTT. Mr. President, I understand that this amendment has been cleared on both sides. I am pleased to join Senator DODD, who is a cosponsor of this amendment.

Speaking of elections in Iraq, we also hope to have effective and fair and open elections in America.

In the Katrina area, we had significant damage to polling places and to voting machines. We lost all of them in many areas—in New Orleans, South Louisiana, and Mississippi.

This amendment would provide $30 million, through the Federal Elections Commission, for replacement of those losses.

I have checked on both sides of the aisle. I find no objection. I know that our managers have cleared it.

I, therefore, urge my colleagues to accept it. The amendment is certainly very worthwhile. It is needed, and it is needed right away in order to prepare for elections this fall.

I yield the floor so my colleague, Senator DODD, can further elucidate.

Mr. DODD. Mr. President, I thank my colleague, and I thank the chairman and ranking member for their acceptance of this amendment.

I point out to my colleagues that I was looking over some of the data involving the need for this appropriation.

In Louisiana, four of the most heavily impacted parishes, not counting New Orleans, a total of 60 polling places the hurricane simply swept away. These parishes lack basic services, such as electricity, generators, rest rooms, lights, and the like, creating some serious problems. We were told that FEMA would not allow for an allocation of funds in this kind of a situation—even Federal elections. It does not meet the test of assistance under the Stafford Act.

We point out to our colleagues that New York City officials were in the process of holding a primary election on September 11 when they were interrupted by the terrorist attack. FEMA in that case allowed $8 million for the city of New York to allow for the election process to go forward.

There are other precedents, indeed, which fall under the emergency category.

Elections are a number of weeks away, and certainly providing assistance for the most basic of all of our functioning as citizens, to make sure that every person in these Gulf State areas is able to cast a vote and have their vote count is something we all embrace.

We appreciate the managers of this amendment allowing this kind of additional appropriation on this bill.

Over 8 months ago, the lives of many Americans living in the Gulf Coast region of the United States were subject to the devastating natural disasters of Hurricanes Katrina and Rita.

Today, those impacted by the hurricanes face many of the same problems faced immediately after the storms—no homes, no jobs, no community infrastructure, and no guarantee that their lives will return to normal any time soon.

And in this election year, many of these same individuals now also face the potential that their communities will be unable to guarantee that they will be able to cast a vote and have that vote counted in the mid-term federal elections. This is simply unacceptable in America.

There are still areas of the Gulf Coast that are without basic services, such as electricity, and many areas that are still mucking out homes and demolishing buildings.

The hope and desire to rebuild their communities and restore some sense of normalcy is alive and well in the Gulf Coast. But these communities need help. And that is clearly the case when it comes to federal elections.

In Louisiana, four of the most heavily impacted parishes—not counting New Orleans—must recreate a total of 60 polling places. The hurricanes simply swept them away or destroyed them beyond use.

These parishes lack basic services such as electricity, generators, restrooms, or lights which are necessary to hold an election.

But FEMA is taking the position that the conduct of elections—even federal elections—does not meet the test for assistance under the Stafford Act.

That is a curious position for FEMA to take since that agency did provide election assistance to both New York City, following 9–11, and to Miami-Dade County, Florida, following Hurricane Andrew in 1992.

In the case of Miami-Dade—which faced a very similar situation to what the Gulf Coast faces today—FEMA provided temporary polling places, water, generators, lights, fans and portable restroom facilities on election day. FEMA also provided trailers for absentee voting in the September primary.

More importantly, FEMA even reimbursed Miami-Dade for the costs of holding the election that were over and above the normal costs of the election.

In New York City, officials were in the process of holding primary elections on September 11 when they were interrupted by the terrorist attack. Elections were rescheduled two weeks later, and FEMA reimbursed the state roughly $8 million for the costs involved in cancelling and rescheduling the primary election.

The Katrina impacted States are not asking for anything that has not been provided by FEMA before for the conduct of elections following a natural disaster.

And yet, when these States have requested assistance to conduct elections—including federal elections—following what has been described as the most devastating hurricane season to ever hit the region, FEMA has balked.

The federal Election Assistance Commission, established in 2002 under the Help America Vote Act, has attempted to work with impacted states in order to help identify both the requirements for ensuring accurate and accessible federal elections and potential sources of assistance for these communities.

To date, FEMA has come up largely emptyhanded. So far, FEMA has been willing to only reimburse states for the uninsured loss of certain polling equipment, machines, supplies and storage facilities. In the case of Louisiana, that has amounted to just over $1 million.

But Louisiana officials estimate that the state will face costs of up to $18 million this year to hold elections—well in excess of what FEMA has been willing to certify to date. Similarly, Mississippi officials anticipate un-reimbursed expenses for holding elections to total $7.8 million while Alabama faces nearly $3 million in un-reimbursed costs.

And there is little reason to expect FEMA to offer more assistance. In a letter addressed to Paul DeGregorio, Chairman of the Election Assistance Commission, dated March 9 of this year, FEMA advises the EAC that—and I quote from the letter:

FEMA does not have the authority to pay for operating costs related to the conduct of elections.

Well if FEMA does not, then who does?

I would suggest to my colleagues that the Election Assistance Commission not only has the expertise to accurately access the requirements and costs of holding federal elections, but they are in a better position to do so.

Consequently, the amendment my distinguished colleague, Senator LOTT, the Chairman of the Rules Committee, and I are offering today.

It is a very modest and targeted amendment. It provides $30 million to the Election Assistance Commission to provide grants to eligible states impacted by these natural disasters to restore and replace supplies, materials, records, equipment and technology used in the administration of federal elections and to ensure the full participation of individuals displaced by the 2005 hurricanes.

This amendment is supported by a broad bipartisan coalition of voting rights activists and election officials, headed by the Leadership Conference on Civil Rights and the National Association of Secretaries of States. Joining in support of the amendment is the National Association of Counties, the National Association of Election Officials, the National Association of State Election Directors, and the National Conference of State Legislatures.

I ask unanimous consent that this letter be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit I.)

Mr. DODD. Mr. President, these funds will enable the states to establish temporary polling places, secure generators for running the electronic voting machines, provide basic sanitation services for poll workers and voters, such as water and portable restroom facilities.

Congress has taken great efforts to address the immediate needs of those affected by the hurricanes. Now Congress must take additional steps to assist the long-term needs of these communities as they rebuild and move forward.

Ensuring the integrity of federal elections in these states by guaranteeing that the people of the Gulf Coast have access to a polling place is the very least this Congress can do.

Senator LOTT and I first brought these anticipated needs to the attention of the Senate last October. At that time we noted the loss of polling places, election equipment, and election records in the impacted states. While we did not have reliable cost estimates at that time, we served notice that as the committee of jurisdiction over federal elections, we would come back to the Senate as the full extent of the damage and its potential impact on the 2006 federal elections became clear.

Well, by last December it had become clear that the states could not reconstruct the infrastructure to conduct federal elections without assistance.

And so in December Chairman LOTT and I introduced the ''Hurricane Election Relief Act of 2005.'' This bill authorizes the necessary funding to aid impacted states in the conduct of federal elections this year, consistent with the Help America Vote Act—HAVA.

Specifically, it provides federal funding to impacted states to restore and replace supplies, materials, records, equipment and technology that were damaged, destroyed, or dislocated as result of the storms. The bill directs the Election Assistance Commission to determine need and disburse grants to eligible states.

The Senate passed this measure by unanimous consent on February 9. A House companion bill, H.R. 4140, ''Ensuring Ballot Access for Hurricanes Katrina and Rita Victims Act of 2005,'' was introduced by Representative MILLENDER-MCDONALD.

It is imperative that Congress ensure that affected states have the resources necessary to conduct federal elections this year in a fair and accurate manner. It is equally imperative that all eligible voters affected by these natural disasters have an opportunity to participate in their democracy.

Being displaced by a hurricane should not result in being disenfranchised from a federal election.

Each affected state will have its own challenges. For example, according to the Secretary of State in Louisiana, over 400,000 registered voters are dispersed in 49 states.

While fewer voters were displaced in Mississippi, the election infrastructure was completely destroyed or severely damaged by winds and surges, according to the Secretary of State of Mississippi.

In Alabama, the Secretary of State has indicated that their allocated election costs were spent not on conducting elections, but removing debris and repairing election infrastructure following the hurricanes.

Other states have been impacted, to a lesser extent, by the influx of temporary residents displaced by the hurricanes. In many of those states, displaced citizens may have decided not to return home but to become residents of the host state, thereby adding to the election administration responsibilities of those jurisdictions.

The amendment we are offering today will ensure that these unforseen needs are met and that the federal elections required this year are accessible, accurate, and transparent.

Regardless of the funding needs of the impacted states, one thing is clear. They are similarly situated with all other states conducting 2006 federal elections. They have a solemn duty to protect and preserve the constitutionally guaranteed right of each eligible voter to cast a vote and have that vote counted.

The impacted states are prepared to work hard to secure the rights of our nation's voters and they will conduct these elections with whatever resources are available to them. But the access to the ballot box should not depend upon whether or not a state has recovered from an unprecedented series of natural disasters.

And voters are ready to work hard and participate in the governance and rebuilding of their communities, no matter what the damage inflicted on them by nature. But their ability to participate in our democracy through the ballot box should not depend upon whether their community has been successfully rebuilt.

It is essential that we join together to ensure that all states impacted by these natural disasters have the resources to conduct timely federal elections that fully enfranchise all eligible voters.

This is literally our last opportunity to provide these funds in time to make a difference. It would be irresponsible not to ensure that these states have sufficient resources to conduct federal elections this year. The health of our democracy depends upon it.

I urge my colleagues to support this amendment.

EXHIBIT I

MAKE ELECTION REFORM A REALITY

SUPPORT GULF COAST STATES IN THEIR EXTRAORDINARY EFFORTS TO ADMINISTER ELECTIONS AFTER KATRINA

APRIL 24, 2006.

DEAR SENATORS: We, the undersigned organizations, urge you assist Louisiana, Mississippi and Alabama in their efforts to hold meaningful elections in the aftermath of Hurricane Katrina. We are asking for $50 million in the upcoming Emergency Supplemental Appropriations legislation for those states in their efforts to administer transparent and accountable elections.

It is imperative that the citizens of the Gulf Coast region are provided with the opportunity to participate in the critical and difficult decision making that each of these states face in the foreseeable future. Every election presents states with challenges, but never before has there been such great potential for disenfranchisement than in the elections the Gulf Coast states are facing this year.

Voters have been displaced, voting equipment has been destroyed or severely damaged and polling places have been leveled. The outcome of the devastation is that county budgets which were strained before the hurricane have now been depleted dealing with issues like debris removal and infrastructure rebuilding. Many of the businesses have shut down, thereby reducing or eliminating a tax base for those counties. The funding is just not available at the state and local level to rebuild the elections infrastructure.

Time is of the essence. Starting this month and running through the summer, all of these states have primary elections for local and federal offices.

The officials and residents of the Gulf Coast states are extremely grateful for the support from all levels of government and from the many Americans who have been devoted to helping them rebuild and move forward. We look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State at (202) 624–3525 or Val Frias of the Leadership Conference on Civil Rights at (202) 263–2852, or any of the individual organizations listed below.

Sincerely,

Leadership Conference on Civil Rights,
National Association of Counties,
National Association of Election Officials,
National Association of Secretaries of State,
National Association of State Election Directors,
National Conference of State Legislatures.

Mr. DODD. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3727) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LOTT. 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 Oklahoma.

AMENDMENT NO. 3641, DIVISION V, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up Coburn amendment No. 3641, Division V, and I ask unanimous consent for its withdrawal.

The PRESIDING OFFICER. Is there objection? Without objection, Division V is withdrawn.

AMENDMENT NO. 3641, DIVISION VI, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that Division VI of amendment No. 3641 be called up.

The PRESIDING OFFICER. The amendment is now pending.

Mr. COBURN. Mr. President, I have every intention of withdrawing this amendment. But I wish to mention for a moment that this is an amendment that would have removed $20 million from the National Marine Fisheries Service to study catch, bycatch, shrimp and relief and fishery profitability in the Gulf—the study of profitability. We are going to spend $20 million to study profitability.

The Louisiana Seafood and Marketing Board considers this to be unnecessary spending and a low priority.

That is what the people who market the seafood from Louisiana said about this amendment.

I am not going to put us through a vote on it, but I think we ought to pay attention to the people down there who are now saying they don't need $20 million for marketing and studying. They believe it is a waste of money. When the people of Louisiana are telling us it is wasted money, it is certainly wasted money.

I ask unanimous consent it be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION VII, WITHDRAWN

Mr. COBURN. Mr. President, I call up amendment No. 3641, Division VII.

The PRESIDING OFFICER. The division is pending.

Mr. COBURN. Mr. President, I don't intend to ask for a vote on this amendment and may, in fact, withdraw it, but I think it is something that the American people should know. This is about AmericaCorps, the National Civilian Community Corps.

There are three things we ought to know. The idea behind this is fine. They have done a great deal of work on the gulf coast. However, there are some real problems with this program. The House also has significant problems with this program.

Here is the key point: It has never had a comprehensive evaluation in 13 years to see if it accomplishes anything of importance. Compared to all the other AmeriCorps service programs, this one is about 50 percent more costly per person. This one costs $28,000 per volunteer for 10 months. That annualized out to $34,000 per person per year.

No. 3, no one is measuring any performance. There are no set goals. No one is saying what they are intended to accomplish? How do we measure that? Could we do it cheaper? Can we do it a better way? None of that has been evaluated on this program.

People will oppose this. I have no lack of reality in knowing we do not have an opportunity to eliminate this money. However, contrast what actually happened on the gulf coast with this AmeriCorps. We had people from all over this country go down and help. We didn't pay them a penny. We did not pay them a $35,000 annualized salary. We had college students from all across this country spend their spring breaks, their Christmas breaks, their Thanksgiving breaks on the gulf coast volunteering. We had churches, civic organizations, local charities, we did not pay them a penny. They all came because there was a need.

There is something very wrong behind the idea that we have to pay people to be volunteers. As a matter of fact, it is an oxymoron. You cannot have a paid volunteer because they are not volunteering if they are getting paid. The motivation and commitment shown by true volunteers is unmatched by any congressional appropriation. The Nation is answering the call to be Good Samaritans and treat others the way they want to be treated.

This program was started in 1993 with good goals, and the purpose was to create leadership. We may have done that, but the fact that we do not know if we have done that, the fact that we keep throwing this money—which does not go to the individual volunteers; $4,000 does, but it costs too much to operate.

I will ask unanimous consent for withdrawing of this division, but we certainly ought to have some oversight. I intend to have an oversight hearing in the Committee on Federal Financial Oversight.

I ask unanimous consent to withdraw the division.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 3627, AS MODIFIED

Mr. VITTER. Mr. President, I rise to ask unanimous consent amendment No. 3627 be called up. Also, I request unanimous consent it be modified according to the modification I am sending to the desk.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 3627), as modified, is as follows:

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking ''or'';

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane 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. 644 note) is amended—

(1) by striking ''The Program'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Program''; and

(2) by adding at the end the following:

''(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.''.

(c) The amendments made by subsections (a) and (b) shall be effective for the period beginning on the date of enactment of the Act and ending on October 1, 2008.

Mr. VITTER. Mr. President, this amendment is a very important hub zone small business amendment. It has been cleared on both sides of the aisle and with all the relevant committee chairs and ranking members. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3627), as modified, was agreed to.

Mr. VITTER. I yield the floor.

AMENDMENT NO. 3704

Mr. THUNE. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are pending amendments.

Mr. THUNE. Mr. President, I call up my amendment numbered 3704.

Mrs. MURRAY. Reserving the right to object, I don't believe we have seen this amendment. If the Senator would share the amendment with us quickly, we can take a quick look at it.

Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3704.

Mr. THUNE. Mr. President, 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, with an offset, $20,000,000 for the Department of Veterans Affairs for Medical Facilities)

On page 253, between lines 19 and 20, insert the following:

MEDICAL FACILITIES, DEPARTMENT OF VETERANS AFFAIRS

SEC. 7032. (a) AVAILABILITY OF AMOUNT.—There is appropriated for the Department of Veterans Affairs for the Veterans Health Administration for Medical Facilities, $20,000,000, with the entire amount 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.

(b) OFFSET.—The amount appropriated by chapter 7 of title II of this Act under the

heading ''NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES'' is hereby reduced by $20,000,000.

Mr. THUNE. Mr. President, I ask unanimous consent to yield myself 5 minutes to speak to the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THUNE. I rise to offer an amendment on behalf of America's veterans. My amendment provides an additional $20 million for veterans health care, offset by striking $20 million appropriated under this supplemental for the AmeriCorps Program.

Among other things, my amendment provides more funding for the implementation of the provisions of the 2004 CARES Act, or capital asset realignment for enhanced services decision, submitted by the Secretary of Veterans Affairs for enhanced VA service, as well as other actions designed to help the VA provide better and more accessible care to our Nation's veterans.

As we seek to restrain spending, we must carefully scrutinize our priorities. Our veterans must take priority over programs and some of the other priorities we are trying to address in the budget. My amendment does this with AmeriCorps. We must do everything we can in a fiscally responsible way to ensure our veterans receive the health care they require.

While we provide a generous funding of over $30 billion for VA health care for the current fiscal year, there is still room for improvement, if we can do so in a way that does not force us to spend beyond our means.

This is particularly true as we take care of those veterans who have returned from Iraq and Afghanistan. Finally, this amendment is particularly important for veterans living in rural and geographically isolated areas. For example, the VA's Midwest health care network, which serves South Dakota, is the most rural and covers the largest geographic region of any veterans integrated service network in the Nation. It is therefore one of my highest priorities to ensure that veterans living in rural areas continue to see growth in the VA's ability to reach out to our rural veterans and provide adequate care for them.

For these reasons, I strongly urge my colleagues to support this amendment.

I simply say, as a member of the Committee on Veterans' Affairs, one of the debates we often have at the committee level is how, on a consistent basis, we have to borrow from the medical facilities account to fund ongoing operations, to fund veterans health care.

What this amendment simply does is, in an offset way, in a paid-for way, force us to make choices. Obviously, the budget process is always about choices, about where we are going to invest, where we are going to put our limited resources. In this era of budgetary constraint, it is important we make choices that are consistent with the priorities I believe we ought to be addressing in this country, one of which is the importance of our veterans, in making sure we are putting the appropriate funding levels in place not only to provide health care for our veterans but to make sure those facilities out there that are in need of improvement, that are in need of additional dollars for construction or rehabilitation or whatever the case may be, that there are dollars in place that would enable us to meet that very important need.

Again, I ask my colleagues to support this amendment. I believe it does reflect a priority that is important to Members of the Senate, certainly a priority that is important to members of the Committee on Veterans' Affairs, and done in a way that is offset, that is paid for, and more accurately reflects on what we ought to be spending tax dollars.

With that, I ask unanimous consent my amendment be laid aside, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish I would have thought of that amendment. It is a great amendment.

The Senator from South Dakota makes the point, we have to make decisions about priorities. When we have an unproven volunteer program that is more expensive than any other volunteer program, and we are putting an extra $20 million on the basis of emergency versus fulfilling the obligations to those people who have made the ultimate sacrifice and paid the price and served this country and put their lives in danger doing so, it is a no-brainer that we ought to be spending the money on the veterans rather than a program that has not proven to be effective, not proven to match a performance goal, and not proven even to be measuring itself in the 13 years of its existence.

I support the Senator's amendment.

AMENDMENT NO. 3641, DIVISION VIII, WITHDRAWN

With that, I ask the pending amendment be laid aside and amendment No. 3641, division VIII, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I do not intend on asking for a vote on this amendment, but I highlight this amendment because of the problems implicit in this request.

In this supplemental is a request for $230 million, an earmark, for three additional Osprey V–22 airplanes. The Pentagon, in 2005, formally approved full rate production of the V–22: 360 for the Marine Corps, 48 for the Navy, and 50 for the Air Force. The Pentagon has ordered 90 as of today.

This plane is not yet proven, one, and I will not go into the debate on that. It cannot even have full testing and cannot be used in the battlefield.

The point is, there is no emergency need to order these planes. This plane is manufactured in Texas and Pennsylvania. The Pentagon did not request this. The President did not request it. What we have is people requesting it.

We have a plane that has not met performance tests yet, has not been battle proven, and we are adding three airplanes for which some would raise a good question as to whether it ought to be done in this way. It ought to be done through an authorization and through the regular process.

I know this is in the mark. I am not sure the chairman is supportive of it, and I will not ask for the vote, but I don't think this is the way we ought to buy airplanes, especially when it is not an emergency.

There are numerous problems. Most of them have been corrected, but there still have been numerous problems. This is the problem with earmarks. We are adding something that is not authorized, a plane that has had tremendous developmental difficulties, that the Pentagon does not want, the President does not want, yet we want. Why do we want it? Because, for some reason, we end up either employing more people on something that may not eventually work to the military's satisfaction or we get benefits from it in terms of political expediency.

I believe it is the wrong way to go. I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION IX, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we proceed to the consideration of amendment No. 3641, division IX.

The PRESIDING OFFICER. Without objection, the division is pending.

Mr. COBURN. Mr. President, I ask unanimous consent that this division be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION X, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that division X be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XI

Mr. COBURN. Mr. President, I ask unanimous consent to call up division XI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I find myself bringing an amendment again against two of my friends who have a significant stake. They are both from Mississippi. They have looked at this issue a great deal.

What I want to do is raise the issues with a debate on the amendment, and then possibly talk about solutions.

During Katrina, the Armed Forces Retirement Home in Gulfport, MS, was damaged. The first floor was damaged significantly. It required and necessitated us moving those veterans to other retirement homes.

We need to remedy that. There are lots of options on the table. I talked

with the chairman of the Appropriations Committee, and there are a lot of good ideas coming out on how to solve that problem.

The problem I have is, we allocated $45 million for this in the last year, and $44 million of it remains in the bank and has not been spent. This bill has $176 million, but it does not tell us what we are going to do with it. It just has $176 million.

So that brings us to a quarter of a billion dollars on this retirement home that houses 600 of our best, who have proven they have been our best through their service to our country.

Now, if you divide this out, you come to almost $400,000 per room, if we created a new style. And the plans, the proposals are all in the $480 million and $490 million range that have been offered up on the different options.

Congressman GENE TAYLOR from Mississippi, in the debate on this issue, says we can fully restore this facility to what it was beforehand for $80 to $90 million. That is what the estimates are. Private industry estimates for a brand-new naval home facility are that it could be built to the desired standards—that means up to date for Americans with disabilities; up to date on size, doors; up to date on the ability to handle people with advanced aging and disease and long-term consequences—for $125 million to $150 million.

So the question I raise with this amendment is not whether we should do it. It is: We have $221 million, after this bill goes through, that is going to be for that, and we are not through, and there is nothing in the report language that would direct us on how we are going to make a decision on spending this money and what it is going to go for.

I will agree with the goal of the chairman that we ought to replace this facility, and those people involved in that area ought to have a lot to say about it. My concern is the cost. If you really take the $589.54 million, which is option No. 1 that is coming out for this, and the estimate that it will take 13 years to get us back to where we were, that is $1 million a room.

I want to contrast that with what we can do for $1 million. If you look at the average price of a new home in Mississippi for a single person to live in, it is less than $80,000 a year. We could buy every veteran who lives in that home a brand-new home and provide nursing care for 10 years—for 10 years—for what is being proposed in replacing this.

So my real question is, what is the plan? Where is the commonsense oversight? How much are we going to spend? And before we send more money in an emergency appropriations, we ought to know what that is, and that ought to be decided before we spend more money, especially since $44 million that has been appropriated has not been spent.

All I am saying is that we should consider that. I would hope we would wait to send additional supplemental money for this until we know exactly where it is going to go or specify exactly where it is going to go.

We do know that to be considered an emergency we need to meet the requirements. I believe we need to meet the requirements for our veterans, especially in this home because we have some of them in Washington, DC, and we have them living all across the country. But the fact is, we don't know where the money is going to go. We don't know how much money we are going to spend. We don't have a plan. Nothing is agreed to. Why not go through the regular process with this? Why not go through the authorization and appropriation process on this since we have not spent the money already and we don't know how this money is going to be spent?

So it is a simple, straightforward question: Wouldn't it make more sense to do it under the regular order since this is definitely not an emergency now? Under their five different plans they have offered up, this would not be an emergency.

I would ask the consideration of the chairman if we could do it in a better, more efficient way that is better for the taxpayer; if, in fact, we could withdraw this money at this time and bring it back through the regular order to accomplish that?

With that, I yield the floor.

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. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3713

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment aside and call up amendment No. 3713.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is pending.

Mr. BURR. Mr. President, I will be brief because I know we are in debate on another amendment.

Avian flu is the concern of not just this Congress but of this country and the rest of the world. As it has spread by migratory birds—and in some instances around the world—it has infected humans. It is the responsible thing on the part of this country to prepare for that.

Part of preparation is not only being prepared for the human side, it is being prepared to track its entry and possible migration through the United States. Today we have devoted, with the leadership of the chairman of the Appropriations Committee, moneys to the Fish and Wildlife Service to successfully do that, and we do it between Russia and Alaska. Unfortunately, there is a lot of geography in North America that goes uncovered and has routes for migratory birds.

My amendment is simple. We would like to reprogram $5 million of surveillance money that is in this emergency spending bill to the Smithsonian, directed to work with all of their nonprofit affiliates to set up a migratory bird surveillance program. This Congress has committed a tremendous amount of dollars to be prepared and to respond if bird flu becomes a human-to-human transmission. If we look around the world at successes, one would look at Taiwan and Japan specifically, where their migratory birds surveillance program detected, contained, and eliminated on their islands the infection. That is not to say that they are home free, but they certainly have a track record of eliminating the threat, even before it hit in total their domestic population of poultry.

We are concerned about the human-to-human transmission. With that concern has come a tremendous amount of resources from the Federal Government. It deserves us spending as much time focused on the economic impact before human-to-human transmission. I think it is safe to say that a majority of this country can be affected with our poultry flocks, and we have an opportunity, with a successful surveillance program, to make sure that we do what Japan and Taiwan did, and that is detect its entry, try to contain it, try to eliminate it when it first enters.

I am not sure that we have an entity that has a track record of doing what we are asking the Smithsonian. In the past, the Appropriations Committee has devoted some funds to some entities that suggested they could do it. The reality is they are not doing it today. This effort is to take an agency, a Federal arm, and to try to extend to them the resources to do what they say they can do and that is a successful migratory bird surveillance program.

I ask my colleagues to support the amendment. Without it, we have no hope of a surveillance program for migratory birds, with the exception of what we currently do in Alaska with Fish and Wildlife. We have a commitment to make sure that the efforts of the Smithsonian and their successes are integrated into the database of Fish and Wildlife. This is not to duplicate. It is not to create something that might be a threat to the existing program we have under way. It is to complement it. It is to say that we understand this is a large continent and that we have to tap the pool of people who are in nonprofits across the country and across the continent, if we want to be successful with a surveillance program.

I ask my colleagues to support reprogramming $5 million for this year. It is not new money. It is reprogrammed money. It is money that we had devoted to surveillance. It is shifted from human surveillance to migratory bird surveillance.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I was going to ask the Senator if he knows of any objection. I was advised that there is one Senator who has indicated opposition to the amendment. I am a member of the Board of Regents of the Smithsonian. I have a high regard for the work that is done there. Listening to the description of the Senator from North Carolina, I am inclined to support the amendment. But in view of the fact that there is at least one Senator with a contrary view, I think we ought not go forward without giving him an opportunity to come and express his concerns, if he would like to have an opportunity to do so. My hope would be that we could put in a quorum and see if there is a need to discuss it further; otherwise, I suggest that we accept it on a voice vote.

Mr. BURR. I thank the chairman and recognize there might be an individual who wants to speak in opposition.

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. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XI, WITHDRAWN

Mr. LOTT. Mr. President, is the amendment pending now and open for debate by Senator COBURN with regard to the Armed Forces Retirement Home?

The PRESIDING OFFICER. That division is available for debate.

Mr. LOTT. If I may speak on this subject, I would plead with my colleague from Oklahoma to bear with me and work with us on this. I have a feeling this is something he would like to see done. I think he wants to make sure it is done in the right way. That is my goal, too. I would ask him to hear me out a minute. Let's see if we can work this out and perhaps not force this to a vote, take up the Senate's time, see if we can accommodate everybody's concerns.

Again, this is a place that I have direct personal familiarity with. I was there when it was a high ground on the Mississippi gulf coast beach area with 200-year-old oaks, a beautiful site. In the 1970s, through the good offices and efforts, probably of Senator Stennis, an 11-story retirement home for old sailors was built on that magnificent site in 1976. I was there when the ribbon was cut, and I was so proud of that facility. It was such an exciting thing to see the look in the eyes of those at that time sailors, but it has since become, of course, the Armed Forces Retirement Home. So it is a place of last resort for retirees from all the military branches. That is how far back my history goes with this facility.

In preparation for the storm, to the credit of the leaders there, 300 of the residents were temporarily evacuated to the Armed Forces home in Washington. The rest moved in with friends and family. The facility is capable of holding as many as 500, and there was always a waiting list. When Katrina came in, the entire first floor was flooded. The exterior of the building was blasted with 150-mile-an-hour winds. The entire electrical room located below ground level was flooded from floor to ceiling.

But from that time to this, I continue to hear from the residents saying: We want to come back; we want to come home. Nothing against the Washington, DC, area, but their family, quite often, what little family they have, lives in that area and they feel so comfortable there, they want to go back.

By the way, the Gulfport facility, unlike the one in Washington, didn't lose money. It was always a moneymaker. But the rooms they had were 90-square-foot rooms, and sometimes it was a retiree and his or her spouse in this very small room. I realized several years ago that whoever designed the building had made some mistakes in terms of the size and the options of those retirees.

I don't know if my colleagues are familiar with black mold, but it is bad stuff, and it comes quickly after a hurricane. You begin to see it on the walls, and it will make you sick. If you don't get it out of there, your building will be sick. You have to go in and basically take everything out but the two by fours. You have to take out the walls in the building—just everything—and replace it with new material, or you are going to have this black mold.

I have really been embarrassed by the way the Defense Department has handled the Gulfport facility in the aftermath of the hurricane. I understand we have had a lot of things on our minds, but basically they haven't done anything to mitigate further decay. They haven't gone in there and repaired that first floor. They have not gotten the ventilation system going to dehumidify the rest of the building. They have not done anything to repair the exterior facing. They have not removed the black mold. And to make matters worse, other then some volunteer work initially done by the Navy Seabees, they basically will not let anybody else come in to try to mitigate the decay that is occurring.

Remember, this hurricane was August of last year and that 11-story building stands there today basically like it was the day after the hurricane. They are letting it just sit there. They even initially refused to let the electric company come through the gate to help restore power. This has not been one of our better moments.

Then we started asking: What can we do? I want to do the right thing for our retired veterans at this site. There have been proposals: Let's just go in and put a Band-Aid on it, clean it minimally, move things off the basement and the first floor up to the second floor. There are questions about how feasible that is. Let's just patch it up. But the projection of the costs for even that is not good.

The second alternative is to go in and do a major overhaul and make these 90-square-foot rooms bigger—knock a hole in the wall and have two-room suites, really a major overhaul. The amount of money they are talking about, again, is very high.

Then, of course, the last one is to raze the building and build something more modern, safer in hurricanes, more pleasing to the retirees and everybody involved.

My attitude has been, OK, somebody who is an expert tell me what is the right solution. I can go with any of these alternatives, but let's make sure we do it responsibly and let's not have to do it again in 3 or 4 years. And, by the way, is there some way we can control the costs? A novel idea. So that is where we are.

I met with the Pentagon officials, and I think they are trying to come up with an alternative solution. $64.7 million in appropriated funds was previously provided to study options to rehouse evacuated veterans. Mr. President, $64 million to study options? Do we need that?

What I am saying and what Senator COCHRAN is saying is let's take the balance of that prior money that can be reprogrammed, and let's couple that with another, I believe, $176 million and go forward.

My colleague from Oklahoma has said he wants a facility put back in Gulfport. He wants to know what it is, and he wants to know what it is going to cost. Some of the numbers I have been hearing—I don't know if I can put my finger on it right here—are proposals of $589 million for renovating it or $389 million to rebuild it. Good gravy. That is real money. I don't like either one of those.

I believe we can repair it or we can come up with this modified proposal Senator COCHRAN has, about which we had some input, that would be a better, more aesthetically pleasing, more livable, cheaper facility to build.

Look at the report. The report makes it clear what the committee is talking about doing: combined with prior unobligated balances, taking the $176 million the committee has recommended, which shall be used to construct a new, multi-building, campus-style facility on the site occupied by the former Armed Forces Retirement Home.

I think Senator COCHRAN envisions more of a three-story, military-style retirement facility, perhaps with some surrounding dormitories.

I don't want to say how this is going to be done, but the hurricane was 8½ months ago, and we are still waiting. The costs are going up, by the way. Try to get a contractor down there now and see what it costs.

So we are trying to get this done. We are making recommendations because

we haven't gotten one from anybody else. But keep in mind, this modified plan makes more sense. I think it would please everybody, and it is a heck of a lot cheaper.

If my colleague from Oklahoma has something he would like to suggest we include—I am not chairman of the committee, I am not on the committee, but I am saying, this was not designed in perfection, but I think it is a positive move that deals with the realities of a pitiful situation.

I talked with the mayor of Gulfport, MS, recently, Mayor Brent Warr, and he told me a story that breaks your heart. He picked up on the streets of Gulfport, MS, one of the former residents who was walking along the side of the road after he had made his way from Washington, DC, to Gulfport. He got tired of waiting. He went home—this is his home—to a mold-infested, mildewed, improperly air-conditioned facility.

I don't think we should do this to these retirees and these veterans. I think we need to move ahead and do the right thing to get our veterans home to Gulfport. I will be glad to yield to my colleague from Oklahoma if he has some additional suggestions. I know this is an area about which he cares.

Mr. COBURN. Mr. President, I want to see this facility replaced, too, but I have some serious questions. The Senator was not here for the debate. I want him to hear those questions because what he is proposing is cheaper than several of what the retirement board suggested. I agree. Call me cheap. What he is proposing is $370,000 per resident. That is twice what I can build a brand-new hospital for with the latest everything.

I guess my point is, for $221 million, what are our grandchildren going to get because we are doing this under an emergency, and we know we can build a brand-new facility up to code, nice as can be, with the rooms the size the Senator wants, for $150 million total. We know that is possible. So why should we spend $221 million doing it? If it is not a fixed plan now; if we send $221 million out of here, they are going to spend it.

My problem is, I would love for the Senator and maybe the chairman to work with me to get this to a more realistic idea of what the real costs should be so that we accomplish the goal they want, and we do it in a more timely manner. I agree, having a campus style is probably a little bit more expensive, but it isn't 50 percent more expensive than what it should cost.

I made the point earlier that for a new home, for a single or couple living in 1,200 to 1,500 square feet in the State of Mississippi, you can buy one of the nicest places in the world for $81,000 right now, or $72,000. We got a quote yesterday from Mississippi. So that leaves $300,000. If we bought them all a brand-new home and then hired them a caretaker at $30,000 a year for the next 10 years, we would spend less money.

Again, you bet, I am a tightwad when it comes to our grandchildren's money, and I want value for what we spend. That is the purpose of this amendment. I am willing to withdraw this amendment if I can have the assurance that we can moderate this back into a range that would look like something comparable to what we really need to spend.

I wish to make a final point, if the Senator will bear with me. We don't have this money. We don't have it. Anything we don't get good value for today because our kids are paying for it means they are going to get an exaggerated cost when they come to pay it back. That is my purpose.

I want them to have a great home. I want them to be able to come home. I know they have a tremendous camaraderie living there. I want to see that restored for them. They deserve it. Can we not do it in a much cheaper way and still give them what they want? Remember, they fought hard so we would have the money to be able to do it.

Mr. LOTT. If the Senator will yield, Mr. President, taking my time back, look, I on occasion have thought of myself as a cheap hawk, too. When you see what I have seen—and the President of the United States and Senator after Senator and Congressman after Congressman looked these people in the eye and said: We are going to make you whole; we are not going to give you everything you want, but we are going to help you get back on your feet. And we said that to these old veterans, too.

I don't want to build a Taj Mahal. Unfortunately, quite often that is what we get when the Government does it. I would like to do it for less. I would like to have more for less. I would prefer the Pentagon had developed a plan 4 months ago and said let's do this. But here we sit on the sideline.

I can't speak for the chairman of the committee, but the Senator can see this is something I have paid attention to. It is something I care about. But I would be open to suggestions and working with the Senator to see if we can come up with a plan that the Pentagon, hopefully, would help us with that would do more and maybe do less. I am amenable to that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator, my colleague from Mississippi, for his contribution to this discussion. I think he made a very compelling argument for the fact that we need to provide funds in this bill with direction to proceed to work on a new facility for these veterans. That is the point. That is why included in this bill is a committee recommendation of $176 million.

The language specifically suggests that this be used to construct a new, multibuilding, campus-style facility on the site occupied by the former Armed Forces Retirement Home in Gulfport, MS. I think that is the key, and that was brought out by my good friend and colleague from Mississippi. That is the point.

It is the sense of our committee and those familiar with this facility that it should remain in the Gulfport, MS, area. The mayor of Gulfport came up to see me to talk about his concerns, his interests, and his ideas. I know he talked with Senator LOTT and probably other members of our delegation. I want to help him achieve his goal for having the facility rebuilt, using the best measures that we can to be sure we get a good result for the dollars that we invest, and we don't waste money. We don't want to do that. We don't want to just throw a lot of money out there and let the home spend it without any guidance or restraint.

I am very committed, though, to the notion that we ought to have a provision with some money and these directions in the bill. I don't think the House has included anything like this. We are going to have to negotiate with the House when we get to conference. I don't know what their ideas would be, but I want to be able to have at least the commitment of the Senate behind our effort to do what is said in this report.

It could be $176 million. If the Senator wants to change it to $166 million or $120 million—I don't know what the right number is. But it shows a commitment to proceed with funds available to hire some people to get the work done. This is what Senator LOTT's point is. Nothing has been done. We have to get somebody moving, get an architect selected, come together with a plan, and then we will see whether we can fund it. But at least we have enough money in here to show we are serious about rebuilding it, that we are making this investment, and we will monitor the use of the money and try our best to be sure that every dollar is well spent. That is my goal.

The Armed Services Committee has oversight responsibility. That is the legislative committee. So they can help monitor and follow the progress as well. But I hope we won't strike the money and just say this is a bad idea and we are not going to do anything else. That is unacceptable. That is totally unacceptable.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I concur with the Senator's desire to reestablish the site there. That is not what this is about. I am told the Senate Armed Services Committee is not for this because it only gets us halfway there, which bothers me greatly because instead of $221 million, we are going to spend $442 million, which ends up being about $800,000 per bed.

The point I make is this: If you throw money out there, they are going to build where they expend the money. How about us having a plan within a certain amount of money and living with it, rather than saying we are

going over or we are not going over? How about taking the average of the last couple that have been built where there have been any facilities similar to it and using that as a guideline? My problem is it is not $176 million; it is $176 million plus $44 million, and other people are going to authorize another $200 million, so we are going to be talking about a half a billion dollars, and that is my problem with it.

I ask unanimous consent at this time to withdraw this amendment. I appreciate the courtesies extended to me during the debate. I know the desire is right. I think the money that is out there is extraordinarily too much, especially when we have documented estimates to repair the present facilities between $50 million and $60 million and to build new ones between $120 million and $150 million. So anything above that is fluff at this time, which we can't afford. We can meet our obligations, but we can't go much beyond that and meet our other obligations. So I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SALAZAR. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER (Mr. ALEXANDER). The amendment of the Senator from North Carolina.

Mr. BURR. Mr. President, would the Senator from Colorado yield for a question? If the Senator would allow me, it is my understanding we would be able to voice vote my amendment that is pending right now. If the Senator would allow me to do that, we could dispose of this amendment in 30—I have been told I am incorrect.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, through the Chair, I think it would be appropriate for my friend from North Carolina to have a conversation about how to move forward with his amendment. At this point I ask unanimous consent that the pending business be set aside so I may offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3736

Mr. SALAZAR. Mr. President, I call up amendment No. 3736.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 3736.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for critical National Forest System projects to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, reduce the risk of catastrophic fires, and mitigate the effects of widespread insect infestations throughout the National Forest System)

On page 172, strike lines 15 through 21 and insert the following: ''System'' for necessary expenses, $50,000,000, 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.''

Mr. SALAZAR. Mr. President, a few days ago I came to the floor of the Senate to talk about a very important issue that is facing the entire Nation with respect to the fire emergency we are seeing across many of our States, including many of our western States. At that point I proposed an amendment that would provide an additional $30 million in disaster emergency aid so the Forest Service can take on the work it needs to take on to assure that we don't have the destruction from fires we have seen in prior years.

In my own State alone, we have seen what happens when you have the fire situation getting out of control. In 1994, the Storm King fire near Glenwood Springs ended up with the deaths of over 14 firefighters. Back in 2002, we had another fire, the Hayman fire, which caused 138,000 acres of national Forest Service lands to be burned across 4 different counties. These kinds of fires are the kinds we are seeing across our entire country, and we need to make sure we have the resources in order to be able to fight the fires we are going to be seeing in the weeks and months ahead throughout our great Nation.

What I am doing with this amendment is simply providing the amount of money that would be needed to get us up to the levels for firefighting that we had during the prior year. It is something that is essential to our country, it fits within the framework of addressing disaster emergencies, and I am hopeful my colleagues in the Senate will agree with me and support this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

Mr. COCHRAN. Mr. President, if the Senator will yield, I hope that the Senate could accept this on a voice vote. I don't know that we need to have a rollcall vote. It seems to me to be an amendment that should be accepted by the Senate. It calls for the use of—my piece of paper says $50 million, and I heard the Senator say $30 million, or did I hear him wrong?

Mr. SALAZAR. Mr. President, if I may respond to my friend from Mississippi, the amendment asks for $50 million because we attempted to make sure we were protecting the amount of money that had been requested in the bill in the Forest Service items for Katrina recovery. So this is $30 million in addition to that, which brings up the amount in the amendment to $50 million.

Mr. COCHRAN. So the bill as reported from our committee was $20 million, and this adds $30 million?

Mr. SALAZAR. That is indeed correct. I am willing to withdraw my request for a vote at this point in time if, indeed, we can resolve this by a voice vote.

Mr. COCHRAN. Mr. President, I am willing to urge the Senate to accept the amendment. There is clearly a need for funding, and we will have an opportunity to monitor this carefully to be sure that money is not wasted. But clearly, the devastation to timberland and forestry resources is immense. It is indescribable. You have to see it. You can drive along hundreds of miles of forestlands in the region, and it is staggering, the amount of destruction that has occurred.

I compliment the Senator and thank him for offering the amendment and assure him of my support and recommendation that we accept it.

Mr. SALAZAR. Mr. President, regarding Senate amendment No. 3637 to H.R. 4939, I believe it is important to clarify the intent of this amendment. The intent of Senate amendment No. 3637 is similar to Senate amendment No. 3645; however, due to technical considerations I had to redraft the amendment. The intent of Senate amendment No. 3637 is to provide $20 million to the Forest Service to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, as the Senate Appropriations originally reported. My amendment retains that $20 million for the gulf coast and adds another $30 million to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations throughout the entire National Forest System.

The need for this additional funding is highlighted in the State of Colorado. In Colorado, the Forest Service expects to conduct 35,000 acres of hazardous fuel reduction work as well as process timber sales in insect infested areas. However there is a capacity for more critical work to be done. Colorado has approximately 35,000 additional acres that are approved for hazardous fuel treatments; however the Forest Service lacks the funds to carry out those treatments. Colorado also has 12,000 acres ready for timber sales that would benefit the fire and insect situation but for lack of funding are not being carried out in fiscal year 2006. I use Colorado as an example, but this problem exists throughout the Western United States where extended drought and insect infestations have created dangerous conditions ripe for catastrophic fires in 2006. It represents a true emergency. Waiting to address this issue in the fiscal year 2007 appropriations

process is not a viable option; the 2006 fire season is already upon us in the West, and these funds are needed immediately.

Mr. President, I thank the Senate for recognizing this emergency on the national forests throughout the country.

The PRESIDING OFFICER. Is there further debate?

Mr. SALAZAR. Mr. President, I thank the chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3736) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the Senator from Mississippi as well as the floor manager from Washington, my distinguished friends, for their assistance on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Coburn amendment is the pending amendment.

AMENDMENT NO. 3810

Mr. OBAMA. Mr. President, I ask unanimous consent to set aside the pending business so I may call up my amendment No. 3810.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 3810.

Mr. OBAMA. Mr. President, 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 as follows:

(Purpose: To provide that none of the funds appropriated by this Act may be made available for hurricane relief and recovery contracts exceeding $500,000 that are awarded using procedures other than competitive procedures)

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding $500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

Mr. OBAMA. Mr. President, to begin with, I thank the floor managers on this bill for their help in finding the time to call up this amendment. I would love to get advice from the Senator from Colorado in terms of how to unanimously get an amendment accepted.

After the devastation of Hurricane Katrina, millions of Americans opened their hearts, their homes, and their wallets to help the victims in the gulf coast. Even before Katrina's winds and rains died down, Americans across the country called national hotlines and pledged their hard-earned dollars, their time, and their prayers to the relief effort.

But they didn't just pledge—they also delivered. They delivered to the tune of $3.5 billion. Many of these donations came from working-class families who didn't have much to give, but they gave what they could.

Like the American people, President Bush made a pledge after the disaster. He pledged he would provide the gulf coast with the Federal assistance it needed to get back on its feet. With the bill now before us, the total amount of Federal funding for hurricane recovery will exceed $100 billion, and it is safe to say more money will be needed in the months and years to come.

But in order to make good on the President's pledge, we need to do more. We need to pledge to be responsible stewards of taxpayer dollars. We owe this to the Americans who donated their own funds to hurricane relief efforts and to those who trust us each day with the tax money they send to Washington. Unfortunately, we haven't done a very good job so far of delivering on this pledge.

Yesterday, Senator COBURN and I came to the floor to detail the numerous instances of waste, fraud, and abuse in the use of Katrina funds. We know that FEMA spent nearly $880 million in taxpayer money on 25,000 temporary housing trailers stored around the country, including 11,000 that are currently rusting away in a field in Arkansas.

There are reports of prime contractors charging upward of $30 per cubic yard for debris removal—work that actually costs subcontractors as little as $6 per cubic yard.

As the Washington Post reported, four large companies are charging 1,500-percent markups—1,500-percent markups—to cover damaged roofs with plastic tarps.

Senator COBURN and I have tried to address these problems by offering a sensible package of amendments to ensure fiscal accountability and transparency. We have proposed the appointment of a chief financial officer to oversee the spending of Federal funding. We have proposed limits on the amount of overhead expenses a contractor can charge the Federal Government, and we have proposed that the details of all large Katrina contracts be posted on the Internet.

Unfortunately, these amendments are not germane now that cloture has been invoked. I think that is unfortunate. It is unfortunate because the interests of the American taxpayer are not being well served by this body. Even though we will have appropriated well over $100 billion by the end of this week for Katrina relief and recovery, we haven't put in any accountability systems to ensure that the money is well spent.

I am aware that I am new to this body, but I am troubled that Senate rules are getting in the way of sound policy. I understand that is how the Senate works, so Senator COBURN and I are here to offer one modest amendment to protect taxpayer dollars. Our amendment addresses no-bid contracting and is germane to the underlying bill.

Immediately after the hurricane, FEMA awarded four $100 million no-bid contracts to four large companies—400 million taxpayer dollars—without full and open competition. Acting FEMA director David Paulison was asked about these contracts when he testified before the Senate Homeland Security and Governmental Affairs Committee on October 6, 2005, and he said the following:

I have been a public servant for a long time and I have never been a fan of no-bid contracts. Sometimes you have to do them because of the expediency of getting things done. And I can assure you that we are going to look at all of those contracts very carefully. All of those no-bid contracts, we are going to go back and rebid.

Senator COBURN and I expected Director Paulison to stick to his word and rebid these contracts. But a month and a half passed, and the contracts still had not been rebid. So last November, we introduced an amendment to the tax reconciliation bill expressing the sense of the Senate that FEMA should immediately rebid these contracts. Our colleagues agreed and the amendment passed by unanimous consent.

After our amendment passed, both Senator COBURN and I met again with Director Paulison and again he assured us these contracts would be rebid. Yet, surprisingly enough, these contracts still have not been rebid. And to add insult to injury, FEMA said in March that the contracts would not be rebid after all. In fact, the contracts have actually been extended, despite the fact that GAO found three of these four firms had wasted millions of dollars in taxpayer funds.

The abuse doesn't stop with these four contracts. We learned 2 weeks ago that the Army Corps of Engineers missed an opportunity to negotiate a lower price on a $40 million contract for portable classrooms in Mississippi. Instead, a no-bid and overpriced contract was awarded to an out-of-State firm. I have often heard it said that the definition of insanity is doing the same thing over and over again and expecting a different result. Frankly, what we are doing with Katrina funding borders on insanity. We in Congress keep

on trusting FEMA to enter into competitive contracts even though there is no evidence that it has any intention of doing so.

The amendment we are offering today is only our effort to say enough is enough. Our amendment requires all Federal agencies to follow competitive bidding procedures for any Katrina-related contracts exceeding $500,000. It is a commonsense amendment. It is a good-government amendment. Eight months after Katrina, there is no longer any emergency that justifies a no-bid contract that might have been entered into in the days after Katrina. If there is an emergency, it is getting control of how the money is being spent by FEMA.

The American people deserve the benefits of competition on Government contracts. Competition is good for American business. It is also good for government. It helps ensure high quality and low cost. That is what the American people have the right to expect. That is what our amendment seeks to deliver.

Before we spend another dollar in the gulf coast, let's make sure we have some transparency and accountability in place to ensure that Federal money is helping those people who need it the most, instead of lining the pockets of contractors. In our rush to give money to the gulf coast 8 months ago, we didn't do that. It was understandable. We were all shell-shocked by what had happened. But the American people, and more importantly the victims of Katrina, have paid a heavy price. I urge we not repeat that mistake. I urge my colleagues to support Senator COBURN and me in this effort.

Mr. President, I understand the Senator from Oklahoma does not wish to speak on the amendment, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Is there further debate? If not, the question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—98

Akaka	Brownback	Cochran
Alexander	Bunning	Coleman
Allard	Burns	Collins
Allen	Burr	Conrad
Baucus	Byrd	Cornyn
Bayh	Cantwell	Craig
Bennett	Carper	Crapo
Biden	Chafee	Dayton
Bingaman	Chambliss	DeMint
Bond	Clinton	DeWine
Boxer	Coburn	Dodd
Dole	Kohl	Reid
Domenici	Kyl	Roberts
Dorgan	Landrieu	Salazar
Durbin	Lautenberg	Santorum
Ensign	Leahy	Sarbanes
Feingold	Levin	Schumer
Feinstein	Lieberman	Sessions
Frist	Lincoln	Shelby
Graham	Lott	Smith
Grassley	Lugar	Snowe
Gregg	Martinez	Specter
Hagel	McCain	Stabenow
Harkin	McConnell	Stevens
Hatch	Menendez	Sununu
Hutchison	Mikulski	Talent
Inhofe	Murkowski	Thomas
Inouye	Murray	Thune
Isakson	Nelson (FL)	Vitter
Jeffords	Nelson (NE)	Voinovich
Johnson	Obama	Warner
Kennedy	Pryor	Wyden
Kerry	Reed	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 3810) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3641, DIVISION XII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3641, division XII, and I ask unanimous consent for its withdrawal.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XIII, WITHDRAWN

Mr. COBURN. And I ask unanimous consent to withdraw division XIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XIV, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent division XIV be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XV, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent division XV be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3541, DIVISION XVI, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw division XVI.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XVII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw division XVII.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XVIII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent for the withdrawal of division XVIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I withdrew amendments for things I still do not agree with that are in this bill. I am not going to spend the time in the Senate now, but I will spend the time before we have the final vote on this bill to discuss what is in this bill that is not emergency, that is not an obligation by the Federal Government, that is not prudent or fiscally wise. I will not spend the time on that at this time.

AMENDMENT NO. 3641, DIVISION XIX

Mr. COBURN. I ask unanimous consent division XIX be brought up.

The PRESIDING OFFICER (Mr. CHAMBLISS). The measure is pending.

Mr. COBURN. Mr. President, this is an amendment that removes $11.3 million from our Corps of Engineers, Sacramento River Bank Protection Project in California.

I have no lack of understanding of the potential flooding problems occurring in San Francisco and south of there in California and the way the rain patterns have changed. I am not wishing to defeat anything that will make a real difference on that.

This amendment is about a program that is 46 years old that, according to the Corps' own statement, is 95 percent complete, that we have already spent $131 million on, that $10.6 million is being spent this year, as we speak, on this program.

In this supplemental, they are asking for another $11 million for this program. I don't doubt that the $11 million will be needed. But it won't even get there under this emergency supplemental, through the Corps' own admission, until after September when the new year starts.

First of all, it does not meet the definition of ''emergency,'' that it should meet in coming through this bill.

What does this program do? This program solves and prevents levee erosion problems while providing fish and wildlife mitigation. That is what the program does. It has been going since 1960.

We had $6.3 million included in the energy and water appropriations bill last year and an additional $10.96 million. The Corps also stated that $57 million more is needed for the final completion of this project.

This says a lot about the Corps of Engineers and their ability to get things done. Although I might agree we need to eventually spend the money for this project, it certainly ought to be paid for and come out of the energy and water appropriations because the money will not get there to be utilized. They have not even spent the money appropriated on the spend-out this year.

I am not, in substance, against completing this project. It comes back to the same things we have been talking about. Is it an emergency that we do it now? And if, in fact, it is an emergency, will the money get there and make a difference? It won't.

I am asking this go through the regular process, through the energy and water appropriations, that it be authorized to the extent that the Senators from California would like to have it, and that we do it in regular order.

It would be different if we thought this money was really going to make a difference with the problems in California, but it is not. It will not change one thing in terms of how the Corps operates this program this year. By the time the money would get there, it would have to be reprogrammed anyhow.

I have some other problems with this program. Ask yourself: If we have spent $131 million plus $6.3 million, $137 million already, and the Corps says it is 95 percent complete, and then they say they need another $51 million to complete it, how can it be 95 percent complete?

This is not about the need. This is about the inefficiencies within the Corps. This is about whether we can get the money to solve a problem that is deemed an emergency at this time, but I seriously doubt whether that has been the fact.

The Corps has been cited on numerous occasions by the GAO for its inability to predict costs, stay within the forecasted budget. In fact, some of GAO's strong criticisms have come in regard to this very work in the Sacramento area.

I made the point in an earlier amendment with Senator OBAMA that the Corps made $5 a cubic yard on everything we removed in Katrina. That is over 30 million cubic yards. That is $150 million the Corps took out of the Homeland Security and the emergency appropriations. Why don't we spend that money on this? Why do we borrow more money against our children and grandchildren to accomplish this worthy goal?

When I ask those questions, we do not get any answers. No one answers the question, can we efficiently be good stewards of our children and our grandchildren's money? When is enough enough? If this project is, indeed, an emergency, as we are being told, we need to be asking the tough questions. How long does it take to shore up levees near Sacramento—46 years for the Corps to do this job? I have a real sneaking suspicion 10 years from now the Corps will continue to ask us for money to shore up levees in Sacramento. And if that is the case and they have not completed it, it means they will not have done a good job on the very job we ask them to do, which is something I contend anyway.

These funds may, in fact, be needed. If that is the case, the Corps of Engineers has failed miserably.

I intend, in my oversight committee, to ask for an explanation of every penny the Corps has spent on the river bank protection near Sacramento. Representatives of this city and taxpayers all across the country should be outraged regarding the irresponsibility of the Corps in carrying out this project. Forty years and over $130 million later, we are asked to give the Corps an additional $11 million in emergency appropriations, money we will have to borrow, all because the Corps cannot do its job correctly the first, third, fourth, fifth, up to the 46th time.

Enough is enough. No venture would ever continue to receive such high funding with this track record.

Two other questions I think should be asked. Does the Corps lack the resources to fund the emergency needs? According to the Office of Management and Budget, the Corps of Engineers had $4.5 billion in unobligated balances last year and has an estimate of $5.8 billion in unobligated balances this year. According to the Corps itself, as of March 30, their unobligated scheduled carryover was $1.49 billion. They have the money to do this right now.

The Sacramento Corps office will have unobligated balances by the end of 2006 in excess of $13.5 million.

I ask again: Why are we going to borrow money when we have the money? If, in fact, it is an emergency, the Corps has the money in unobligated balances to accomplish it. All we need is an authorization to do that.

How do we prioritize Federal funds in California? In fiscal year 2006, California has 549 earmarks costing $733 million. In addition, it received $10 million in earmarks for museums alone. That expenditure alone would have been enough to pay for nearly all of this requested work.

Are the following museum earmarks more important than protecting the city of Sacramento: $200,000 for the California State Mining and Mineral Museum; $550,000 for development and construction of Noah's Park at the Skirball Cultural Center; $4.35 million for repairs of Sala Burton Maritime Museum, in San Francisco; $300,000 to the city of San Jacinto for improvements to the museum/Extudillo property; $175,000 for the M.H. de Young Memorial Museum; $500,000 for the construction of a museum also at the San Francisco Fine Arts Museum.

Just the museum earmarks alone would take care of this. So instead, what we are going to do, we are going to borrow money because we do not have the money to pay for this.

Attempting to attach more funds for the project, the project in its 46th year, outside of the regular budget process, is an abuse of taxpayer resources, takes advantage of the emergency appropriations process intended to deal only with the most urgent and immediate needs of the devastated gulf region, and to provide for our soldiers in battle.

Senator BOXER said on May 1, 2005, the war should be paid for in the budget, not in an emergency supplemental. The war is known. The cost of the war was anticipated by some people that this administration fired. The cost of this war is spinning out of control.

The same can be said for this project. This project was authorized in 1960. It has received over $100 million and its future costs are known. This should be addressed in the regular appropriations process, not in an emergency supplemental.

With that, I yield the floor, and I offer time to the opponents of my amendment.

Mrs. FEINSTEIN. Mr. President, I am joined in the Senate by my friend and colleague, Senator BOXER. We are joined at the hip in opposition to this. If there ever was a disaster waiting to happen, it is the levee situation in the State of California. I will take a few minutes to explain why.

Let me begin with this fact. We have a comparison of flood protection levels for major river cities. Sacramento is the only city in the Nation with 85-year protection. All comparable cities—New Orleans, 250-year flood protection; Omaha, 250 years; Dallas, 500 years; Kansas City, St. Louis, Tacoma, 500 years.

The problem is, much of this area is 20 feet or more below the river, below the flood basins.

I stood in a home in Sacramento on Saturday. It was 20 feet below the level of the river. That is the problem. The sedimentary base of soils there is peat, and it is easily crumbled.

What you have are 2,600 miles of levees—some owned by the Federal Government, some by the State, some by private owners. These levees become eroded. And because of the heavy rain—the heaviest rainfall, I believe, that I can remember in California—there is deep concern about these levees.

Let me show you the specific area we are talking about. Shown in this picture is the Sacramento Pocket Area. The Governor, Mr. POMBO of the House, and a number of other public officials were right in this area—standing right here—a short time ago. We flew over the area. These are homes, all 20 feet below the river area. There are several places in this area that are priority needs for restoration immediately.

The Governor has declared a state of emergency. The Governor has advanced State moneys. The Governor has said this is of urgent priority. The fact of the matter is, at any time, places along this levee could go. You would flood 100,000 people in 20 feet of water. Many would be unable to evacuate. You would have real catastrophe.

The Army Corps of Engineers, through Colonel Light, the commander of the Sacramento District, came back. We sat down with Senator COCHRAN, the chairman of the committee, Senator BYRD, Senator DOMENICI, and Senator REID. It was all explained that there is an emergency. Earthquake probabilities, for a major earthquake equal to 1906 in San Francisco or higher, are 62 percent by 2030. If there is an earthquake equal to what took place in California, the likelihood is that this entire area would be flooded and hundreds of thousands of people could be involved.

Now, this bill provides $23 million in contingent emergency funding. This particular division is $11.3 million. Funding would become available only if the President requests the money and certifies that it is an emergency.

As I say, on February 24, the Governor proclaimed this state of emergency. He cited 24 critical erosion sites. That has been changed to 29 because of ongoing erosions due to the current high water level.

Today, there are 400 people from Sacramento who were worried enough about it that they have come to the Capitol to lobby for these funds. The money can become available as soon as the President signs the bill and certifies the contingent emergency.

The Sacramento River Bank Protection Project is the Federal project that repairs these critical erosion sites. This additional funding will ensure that these sites are repaired in this construction season. Both the State, Senator BOXER, and I have looked very carefully: Is this money that could be used this fiscal year, before the end of September, on these sites? The answer is clearly, yes.

Today, President Bush announced he is expediting environmental review to allow construction work on the sites to proceed as quickly as possible.

So President Bush, Governor Schwarzenegger, and the Senate Appropriations Committee all recognize how important it is to repair the weakened levees along the Sacramento River.

Mr. President, 174 actively eroding sites on levee banks have been identified. The highest priority is 29 of these sites. That is what we are trying to repair as soon as possible to prevent subdivisions, such as this one shown in this picture, from being inundated with 20 feet of water.

I stood there. I saw it. I saw the difference in height. And that is a phenomenon on the levee. Some might say housing should have never been built there, but the fact is it was.

The critical sites we are asking money for stretch along 137 miles of the Sacramento River. They include areas of the river in the city of Sacramento, and that is this pocket area.

Now, these homes sit virtually in the shadow of the levee system, and modeling by Sacramento show that a breached levee would result in the area flooding to depths of 17 to 20 feet.

This area is called the ''Pocket'' because the homes sit in a pocket by a broad curve in the river.

Mr. President, 33,000 homes are here; 100,000 people live right here. Colonel Light, the commander of the Sacramento District of the Corps, has indicated to me, to Senator COCHRAN, to Senator BYRD, to Senator DOMENICI, to Senator REID, that this money can be utilized by the Corps now. The reason they cannot transfer funds is because prior legislation of this body and the other body prohibits the transfer of funds above a certain amount in a timely and effective manner.

The repairs consist largely of armoring the levees with rock. Of the 29 sites, repairs for 5 have been designed already, and the remainder will be designed in the next few months.

I do not need to tell you what a major flood would do. I do not need to tell you that these rivers are at historic highs right now. And it is as the river begins to decline that they worry most because the fear is the water subsiding will take with it portions of this levee.

The work has to be done.

It is kind of interesting. I often tell a story of when I was mayor, and the director of Public Works came to me and said: Madam Mayor, I think if there was an earthquake, the rim of Candlestick Park would come down. And I thought: What is the likelihood of that? I said: How much does it cost? He told me. And then I thought: I now know this. I have an obligation to do something about it. We found the money. We repaired the rim. And who would have thought that the Giants would have been in the second game of the World Series, at 5 o'clock, when the Loma Prieta earthquake hit, and the rim of Candlestick Park—had it come down—would have killed 20,000 people sitting directly below it.

I am telling you that these levee banks could breach. I am telling you that 100,000 people and 33,000 homes—as shown right here—could lose their lives and their homes. And the evacuation difficulty is enormous.

It seems to me that once we know this as public officials, we have an absolute obligation to do something about it.

The Appropriations Committee has agreed. The money can be used this fiscal year. And both my colleague and I believe very strongly we should vote ''no'' on this amendment.

I would like to yield the floor to my colleague. I know she is here somewhere.

Mr. COBURN. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. COBURN. When you were changing Candlestick Park, you did not borrow money from future generations of Americans to do that? You found it within the budget? I believe that is correct; is it not?

Mrs. FEINSTEIN. Well, it is interesting. City and county budgets have to be balanced. The only budgets that do not have to be balanced are the State budget, at least in California, and the Federal budget. But we had to balance our budget, so, yes, I did have to find the money by taking it from other places. That is true.

Mr. COBURN. Will the Senator yield for an additional question?

Mrs. FEINSTEIN. I will.

Mr. COBURN. I have said I do not deny this work needs to be done. Can you foresee that the environmental impact assessments for all this will be completed in time for this money to be used this fiscal year?

Mrs. FEINSTEIN. Yes. Because I am told the declaration of emergency by the State and the contingent emergency by the President, which he said he would declare this morning, effectively clears that for this particular work on these particular high-priority sites.

Mr. COBURN. Will the Senator yield for one additional question?

Mrs. FEINSTEIN. Yes, I will.

Mr. COBURN. Does it concern you at all that over the 46 years of this project the engineering by the Corps of Engineers for these levees is requiring them to go back now, in 29 places, and fix what they should have done right the first time? Does that concern you at all?

Mrs. FEINSTEIN. Well, of course it does. Of course it concerns me. But we learn in this business. And I think Katrina was a big learning lesson for all of us. And we have not done right by our infrastructure.

One of the problems is, as we have to cut discretionary spending that is nondefense, not entitlements, the only thing we are cutting—we are cutting 18 percent of what we spend every year. These are Federal levees. They are owned by the Federal Government. There is a responsibility to protect the people behind them.

Mr. COBURN. Will the Senator yield for one additional question?

Mrs. FEINSTEIN. Of course.

Mr. COBURN. Would it make sense to you that we could, in a supplemental, change the authorization under the emergency process so that the Sacramento Corps could use their $13.5 million they are going to have in unobligated balances at the end of this year? We could do that just as well as borrow an additional $10.9 million against our children; could we not?

Mrs. FEINSTEIN. Well, I have not looked at this. I was at the Napa River, where we have a big flood project, and there is a problem there. The corps there told me they could not transfer funds above a certain amount. And I believe there was some provision in a prior supplemental to prevent the transferring of that money.

Let me say this to the Senator. Do I believe this is a life emergency? Yes. Do I believe that any day these 100,000 people and 33,000 homes could be flooded? Yes. Why? Because I know they are 20 feet below the water level. I know the water level is the highest it has ever been. I know the levees are eroded. I know what they call ''boils'' are popping up all over.

I know it could happen. And when it happens, it happens so fast because there is so much water. So because I know it, and now you know it, we have an obligation to do something about it. And that is what the Government is here for: to save lives in the event of an emergency.

We also know that earthquake probabilities are way up, and this could be devastating. So this work has to be done. We are asking for money in the Energy and Water bill. We will have additional money there. We are going through the regular channels. But this high priority work should be done now. And we should get the money there as fast as we possibly can.

It could happen tomorrow, it could happen the next day, the next week. I

could not live with myself if it happened, and, respectfully, you could not live with yourself if it happened because you now know it can happen.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I wish to say to Senator FEINSTEIN how much I appreciate her leadership on this in the Appropriations Committee. I wish to say to the chairman of the committee how much I appreciate his understanding of what we are going through in our State with historic rains, historic flooding. I thank the Appropriations Committee for listening to Senator FEINSTEIN when she transmitted a request from the two of us and also from our Governor. This is a bipartisan request.

I ask unanimous consent to have printed in the RECORD a letter written to Senator COBURN from Governor Schwarzenegger. I also ask unanimous consent to have printed in the RECORD information regarding the Sacramento region.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
OFFICE OF THE GOVERNOR,
Sacramento, CA, May 2, 2006.

Hon. TOM COBURN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COBURN: I am writing regarding your proposed amendment to the supplemental appropriations bill that seeks to block additional funds needed to repair California's Central Valley levee system.

As you may know, I am working very closely with Senator Feinstein and members of the California Congressional Delegation to secure additional federal funds to share in the costs of repairing California's Central Valley levee system. The need for funding and quick action could not be more urgent and that is why I have made it my top priority to work with our State Legislature to enact a major infrastructure bond initiative that would dedicate $2.5 billion in state funds for urgently needed levee repairs along this federally authorized flood control system.

Our work to restore structural integrity to our levee system began over a year ago. We cannot wait for a disaster to strike and must use the lessons of Katrina and act now. Prior to Katrina, New Orleans had a 250-year level of flood protection. Sacramento has a 100-year level of flood protection. This is the lowest of any major city in the United States. It is only a matter of time before there is a significant levee breach or system failure. Such an event would flood valuable farmland that produces food for the entire nation. All of Sacramento and other Central Valley towns would be flooded. According to modeling done by the City and County of Sacramento, a single levee breach would cause flooding in many areas of the City with depths over 15 feet. A flood event of this magnitude would cut off Southern California's water supply. Such an event would also cause a major economic disruption in California and across the nation. Most troubling is without action, the lives of thousands of Californians are at risk.

As you know, Senators Feinstein and Boxer have worked very closely with Chairmen Cochran and Domenici to include funds in the pending supplemental appropriations bill for certain levee and flood control improvements in the Sacramento region. These funds are for identified improvements that can be completed this fiscal year in federally authorized flood control projects.

I support these funds and want to assure you that this is a necessary and urgent time for Congress to act. Moreover, any investment at this time decreases the chances that Congress will have to respond in the future with another far more expensive emergency funding bill to address a widespread flood disaster in California.

I ask that you recognize this as necessary emergency funding and support this as part of the supplemental appropriations bill.

Sincerely,

ARNOLD SCHWARZENEGGER.

THE SACRAMENTO REGION IS AT GREATER RISK OF FLOODING THAN ANY OTHER MAJOR U.S. METROPOLITAN AREA—FULL FEDERAL PARTNERSHIP IS CRITICAL TO PROTECTING THIS VITAL REGION

SACRAMENTO: A REGION AT RISK

The city of Sacramento is at the confluence of two great rivers, the Sacramento and the American. And while these rivers help shape the Sacramento region's identity, they also pose a very real, very serious risk—flooding.

A catastrophic flood will devastate lives, property and the economy. Nearly a half-million residents who make the city of Sacramento their home will be impacted. That number grows to over 2.2 million people within the six-county region surrounding the city. Regionally, one million jobs will be affected by a catastrophic flood and the direct and indirect economic loss of property and economic activity could total nearly $30 billion. The Sacramento region represents over $73.3 billion annually in gross regional product.

A major flood in the Sacramento region will send economic shockwaves rippling throughout the region and state. These include serious impacts to principal transportation arteries such as interstates 5 and 80, railway thoroughfares, and Sacramento International Airport. This jeopardizes over $2.6 billion in Central Valley agriculture and livestock production—a vital national resource.

The Sacramento region is a civic, commercial, healthcare and economic hub for greater California and must be protected. The Sacramento region serves as the capital of California—the world's sixth largest economy. Sacramento area levees protect nearly one million acres of farmland in the Sacramento Valley. At least 10 major hospital facilities are found within the region. In addition, the Sacramento metropolitan region serves as a ''nucleus'' for state and federal civic activity, providing a home to 1,300 government facilities supplying over 200,000 public sector jobs.

Given all that the city, region, state and even the nation stand to lose, it is astonishing that the Sacramento region has the lowest level of flood protection of any major U.S. metropolitan area. The 1986 high-water event demonstrated the region's population centers are extremely vulnerable. It is estimated that six hours of additional rain during that time would have led to catastrophic failure of the region's flood protection system.

Since 1986, federal, state and local interests have invested over $400 million in levee improvements, reservoir re-operations and floodplain restoration, but critical flood protection deficits, including erosion, stability, levee heights and underseepage, still exist. These deficits prevent the Sacramento region from achieving even 100-year flood protection in many places and have made flood protection the Sacramento regional Congressional delegation's number one public safety issue.

Sacramento must achieve a minimum of 200-year flood protection immediately.

FULL FEDERAL PARTNERSHIP: A CRITICAL ELEMENT

While local and state leadership are unified in making flood protection a priority, it is essential that FY 2007 appropriations fully fund the $89,240,000 federal share of Sacramento's authorized flood protection program. Appropriations are critical to continuing levee improvements on the Sacramento and American rivers and Folsom Dam—a necessary part of protecting the region's livelihood and achieving a minimum of 200-year flood protection.

Similarly, it is essential that federal partners support and reward state and local efforts to enhance flood protection. These efforts, which are sustained by state and local funding initiatives, should be incorporated into the traditional federal/local flood protection partnership using appropriate crediting and reimbursement arrangements. This is necessary in order to expedite project permitting, contracting, and construction activities.

Mrs. BOXER. I am going to read part of this letter. He says:

Our work to restore structural integrity to our levee system began over a year ago. We cannot wait for a disaster to strike and must use the lessons of Katrina and act now. Prior to Katrina, New Orleans had a 250-year level of flood protection.

And then the Governor says:

Sacramento has 100-year level of flood protection.

That is optimistic. Most experts tell us that it is an 85-year level. And whether it is 85 years or 100 years, it is the lowest of any major city in the U.S.

The Governor writes:

It is only a matter of time before there is a significant levee breach or system failure.

This is important for the Senator from Oklahoma to hear. I know he has been very gracious in filling me in on this and saying: I didn't go after your other items but just this one. But the fact is, this one is as important as all the rest. The Corps has told us they need these funds to move forward.

Here is what the Governor says:

Such [a flooding] event would flood valuable farmland that produces food for [our] entire nation.

I say to my friend from Oklahoma, please, listen to us, because the food supply for the entire Nation is at stake, according to Governor Schwarzenegger, Senator FEINSTEIN, myself, and a bipartisan delegation in the Congress.

The Governor says:

All of Sacramento and other Sacramento Valley towns would be flooded. According to modeling [that has been done], a single levee breach would cause flooding in many areas of the City with depths over 15 feet. A flood event of this magnitude would cut off Southern California's water supply.

I say to my friend from Oklahoma, in this body we are all equal, two Senators from every State. We have 37 million people in my State. Sacramento is a huge growth area. I will get into the

numbers in a minute. We are not talking about a few people being hurt. We are talking about a catastrophe. We are talking about farmland. We are talking about the State's water supply. About two-thirds of the water supply in the State comes from that northern area.

When my friend started, he was very nice and said he doesn't doubt the fact that the Sacramento levees are a problem, and that San Francisco has been having problems. I wrote down what he said. He said: San Francisco and the area south of there. This is the area north of San Francisco. This is Sacramento. I don't think my friend really, with all due respect, gets the intricacies of what we are dealing with here. There is a difference between north of San Francisco and south because north of San Francisco is where we have delta—again, two-thirds of the water supply of our State—the farmland and all the rest. South of San Francisco, we have Silicon Valley. That has other issues. But right now, we are talking about the Sacramento area, which is north.

The Governor goes on to talk about the economic disruption. Because we are such a large State, people say when California sneezes, the country gets a cold. It is an expression that speaks to the power of our State in terms of economic productivity. And in terms of the goods coming across into the ports of California and going all across into your State and everybody else's—this region is the bread basket. So we ask you to back off this amendment.

This is so not a partisan issue. The Governor writes:

> As you know, Senators Feinstein and Boxer have worked closely with Chairmen Cochran and Domenici to include funds in the pending supplemental . . . for certain levee and flood control improvements . . .
>
> I support these funds and want to assure you that this is a necessary and urgent time for Congress to act.

The Governor came here. He met with Senator DOMENICI and many Senators. He said:

> . . . any investment at this time decreases the chances that Congress will have to respond in the future with another far more expensive emergency funding bill to address a widespread flood disaster in California.

I ask that you recognize this as a necessary emergency funding bill. Support this.

I want to show a picture. Senator FEINSTEIN showed us a version of this. They all tell a story better than I could. Here you have the Sacramento River. Here you have thousands and thousands of people. Here you have the levees, and here you have the riverbed. And what has happened, if my friend would like to take a look at this—I know he doesn't question that we need a project; he questions whether it belongs in this bill. I understand.

Mr. COBURN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. COBURN. I question how we are paying for it. We are borrowing the money from future generations to do it rather than make the hard decisions of trimming something else. That is important.

Mrs. BOXER. That is what I just said. I said the Senator doesn't oppose us doing this. He doesn't want it in this bill. That is my understanding of his position. I couldn't disagree with you more. When my friend quoted me and I said Iraq should have been in the budget, that is exactly how I feel, because we knew about it. Frankly, we didn't know about this, that we were going to have the kind of events we have had, the rain and the rain and the rain. I will go into the details of how much rain we have had compared to other years and the fact that anything can happen now.

The weather patterns are changing. When I lived in the bay area in California so many years ago, it is too long to remember, when I first came here in the 1960s, you never had rain in March, let alone April. It was dry. It was dry really from mid-February on. It has been moving forward, and we have March as one of the rainiest months and then April. We had a month this year—April—where we had rain almost every day. It is unheard of. You can see how muddy this is. You can see the breaks here in the riverbank.

I will show you another picture on the other side where there is not as much development but the same thing has occurred. These trees were on the other side of the riverbank. Look at these trees. They are now buried in the water. So if we don't go ahead with the Corps now, when the Corps tells us we need to do this now, we are going to lose this riverbank. We are going to lose the levees. And then it is too late.

My friend says he wants to save money. It reminds me of the old adage of penny wise and pound foolish. It is a colloquialism, but the fact is, you have to prevent things. This is an emergency circumstance, as the Governor said. These levees could break. Now we have a snowmelt. That snowmelt occurs, that water gets deeper, the pressure in that river increases, and the riverbank begins to disappear, leaving those levees exposed.

I wish to refer to a document put together by the Chamber of Commerce in Sacramento. It reads, ''Sacramento: A Region at Risk.'' Cities and counties don't like to say, especially chambers of commerce, we are at risk. They don't like to say that because they want to have investment. They want people to come in. They don't go about saying: We are in danger. And when a chamber of commerce goes out and says: We are in danger—and these are Republicans mostly, and these are as conservative as my friend from Oklahoma; they know that an investment is not wasteful spending if, in fact, we are going to save money at the end of the day. How much would we have saved if we had built stronger, better levees in Louisiana? Untold, probably billions. I don't think my friend is at all a fiscal conservative by taking away $11 million. It is reckless. I hope and pray that my colleagues are listening to this debate and are looking at these pictures and understanding what we are talking about.

The Sacramento area faces a triple flood threat, and it faces it now. We have a confluence of two major rivers, the threat of a deteriorating flood control system, and the threat of near record precipitation this year. We are talking about 165,000 homes, nearly 500,000 residents, the State capital, and many businesses providing 200,000 jobs. It is also the hub of the six-county regional economy, providing hundreds of thousands of jobs. A major flood along the lower Sacramento or American Rivers would cripple the region's economy. I will go into that tomorrow because Senator FEINSTEIN and I each have 15 minutes in the morning. I will save some of my talk for then.

California has the world's fifth largest economy, and we are quibbling over $11 million that the Corps says it needs to fix up these riverbanks. How outrageous, how shortsighted, how foolish. I don't understand why my friend is doing this. We talked. He feels deeply about it. I respect that. I voted with him a couple of times. I have been very careful, picking and choosing, sticking with the committee when I felt the committee was right, joining my friend. But I don't understand this one. This one is inexplicable.

The average family understands that if they have a problem with their roof, they fix it. They don't put it off. They fix it so that their home is not destroyed. It is straightforward.

Let's look at the pocket again. They call this the pocket of Sacramento; 112,000 people are at risk, and you can see clearly where this riverbank has deteriorated. On New Year's Day, Californians in the northern and central parts of our State awoke to flooding that cost the State $200 million. We are talking about $11 million so we can mitigate what comes next. But precipitation after January 1 has kept river levels very high, further stressing and eroding our critical flood control infrastructure.

Precipitation, including snow pack, as the snows melt, is nearly twice the normal amount, 174 percent of normal, and that is just as of last week. And the snows are just now starting to melt.

We have another threat to this area. My colleague, Senator FEINSTEIN, said it beautifully: How would we feel if we did something on this Senate floor today that turned our backs on this issue and then we had a tragedy?

We would not feel very good about it. So I am going to save the rest of my talk until tomorrow. But I am going to say to you, Mr. President, again thank you. It is very rare that we have such bipartisan cooperation in our State. This is not a Republican issue or a Democratic issue. We will have Republicans suffer if we have a problem and

we will have Democrats suffer. We are Californians united. Our Governor has recognized the crisis. He declared a state of emergency earlier this year to expedite improvement of this system.

Everything we did in this bill we cleared with the Army Corps and they say they can use this money. They need this money. They are going to move forward with these repairs. So my friend from Oklahoma can make the case every which way he wants. He can use rhetoric and say anything he wants. The bottom line is this, and I will quote Representative Dan Lungren, a Republican, who is very well respected among our Republican friends in this body. He said:

> Today the Sacramento region has half the flood protection and twice the risk as did the city of New Orleans prior to Katrina. The cost of recovering from a flood-related disaster far exceeds the price of guarding against it.

Unlike other issues where we have come to the floor and it has been Republican versus Democrat, I can honestly say to you that I stand here representing a bipartisan, strong majority in my State and, hopefully, in the Senate, that says this: The 2005 hurricane season taught us some hard lessons—that we neglect shoring up eroded and damaged flood control infrastructure for major metropolitan areas at our peril.

We always say we must learn from history. We must surely learn from recent history. Sometimes we forget history that occurred way back, but we certainly should remember history from a year ago.

I urge my colleagues to vote a resounding no on this Coburn amendment and to take a stand for innocent people in this valley, in this area, these farmlands, these farmers, and the economy, and don't take out $11 million that could do so much good to restore these banks.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the arguments that have been made by the Senators from California, in terms of needing to fix things, are probably accurate. But I am sitting here thinking to myself, if it would take only $11 million to take care of this, and to know that the earliest this money is going to be there is 8 weeks, if I were Governor of California, I would find $11 million. I would get that tomorrow. If it is not going to get done tomorrow, we ought to be asking why not, if the threat is that great and it imperils that much of the economy and that many people.

I still raise the same questions. I am not denying this needs to get done. I am denying how we pay for it. We are not making the hard choices to cut something else out of the bill to pay for this because it is a higher priority. No, what we are doing is taking the money from future generations because we refuse to make those hard choices.

That is what it is all about. We could have reprogrammed money within the Corps to get this done. The Governor could ask the legislature for $11 million to get this done starting tomorrow. If there are 29 sites, what we do know about the Corps is it doesn't do anything fast. In this project, we know what they have done over the last 46 years has not been sufficient because they are having these problems. We will finish the debate tomorrow morning. The point is, I don't deny that this needs to get done. If it is the case that has been made by the Senators from California, then why hasn't it already been done? If there is this impending emergency, why hasn't California ponied up to put up the $11 million that is so desperately needed right now to pay for it, rather than asking the rest of the country's children and grandchildren? If this bill had come to the floor paid for, I would not be out here. But it is not paid for. We are going to go write the bills and bonds to pay for this $11 million. Maybe that is what we should do. Maybe that is the priority we should have. But I would think that the rest of the American people ought to say, where are you getting the money?

We are not making hard choices. We are passing it down the line. I agree if something were to happen, the cost would be much greater. I am a physician and I believe in prevention. That is what this debate is all about, preventing America from becoming a second-rate economy because we refuse to make hard decisions here on how we spend money. That is what this is about. I don't deny the desire to address this issue. That doesn't have anything to do with it. But if it is an emergency as described at the present time, why doesn't California fix it? Why hasn't California ponied up the $11 million, which is a small amount there. It is the fifth largest economy in the world. They can come up with $11 million.

Mrs. BOXER. Will the Senator yield?

Mr. COBURN. Yes.

Mrs. BOXER. Does the Senator not know that this is a federally authorized project? Is the Senator unaware of that?

Mr. COBURN. I understand that.

Mrs. BOXER. Cost sharing goes along with this project just as with every other project. So for the Senator to stand up and suggest that we don't pay into this project is simply false.

Mr. COBURN. Reclaiming my time, since it is a question, this isn't about whether you pay your share. It is about whether it is an emergency. If it is an emergency, then why wasn't it done last time? Why are we going back—why isn't a Corps that spent 46 years doing this project going back to repair what they didn't do right in the first place?

I am going back to the main point and then I am through. I will talk again in the morning. Where is the money coming from? Had the money been paid for, I would not be out here. But the money isn't paid for. It is borrowed. So when you take $10.9 million, take your calculator out and put it at 30 years and amortize it at 6 percent, you will come up to about $55 million. That is what we are actually going to pay to do this $10.9 million because we are borrowing the money. That is my point. I am not against doing it, not against getting it done, against prevention. What I am against is borrowing the money against the future of this country because we refuse to make the hard choices.

With that, I yield the floor.

Mrs. BOXER. Mr. President, I cannot allow certain things that were said to go unchallenged. My friend says this is not about paying your share, after he said it was about that. He made a big point, why doesn't California do something? Of course, we are doing something. We abide by the law. I have to say to my friend, if something happens in California, a bread basket of this country in many ways, there is going to be suffering throughout this country. If something happens to this economy, let alone the 112,000 people who live in this pocket, this particular amendment will put them at greater risk.

My friend says he believes in prevention. He is a doctor. I am sure he does and I am sure he does a wonderful job at that. But he doesn't believe in prevention right now, I will tell you that. Because that is what Senator FEINSTEIN, Governor Schwarzenegger, and both Democratic candidates for Governor—everybody agrees this has to be done. This is a Federal project. This is not a State project. This is a Federal project with a State share. The Army Corps has a responsibility which they have stepped up to the plate to do, and they told us they need these funds. As far as not paying for this, we know that emergencies get special treatment around here because they are emergencies. My friend says, why is this an emergency? Take a look at this. This isn't the way a river is supposed to look, the way a riverbank is supposed to look. This isn't the way a tree that was on the land is supposed to look, when it was on the other side of the riverbank. When you get the second highest predicted snow pack melt known to the history since they started taking down the record, in the history of California, yes, you have an emergency.

I know my friend from Oklahoma left the floor. I hope he joins me in a pay-as-you-go budget because I have voted for that every year. Frankly, right before the Bush administration, we had surpluses. Now we have deficits. I will admit that. I support pay-as-you-go budgeting. I have voted for it. We can talk about that another day. But this is a true emergency, just as I believe funding the veterans home in Mississippi was, which I was sorry I didn't get a chance to vote on. I listened to the debate. I could hardly believe my ears that the Senator from Oklahoma

was objecting to making sure that our veterans, elderly veterans, could go home. What is wrong? Something is wrong here with these debates. I don't know where the heart is, where the soul is. I don't know where the common sense is.

I pray and hope that tomorrow, come morning, we are able to get the votes to keep this funding in the supplemental. Again, I thank Senator COCHRAN. I thank the Chair for his patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I want to reiterate my motion simply to have an opportunity to offer an amendment. I think it is an emergency, and it is a moral imperative to deal with the issue in Darfur, Sudan. So I hope the mere opportunity to have a debate on the floor of the Senate would be allowed.

I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada

Mr. ENSIGN. Reserving the right to object, I support the Senator from New Jersey. I support the intent of his amendment and realize there is a severe emergency in Darfur about which many of us feel strongly, and we need to do something there. During consideration of this bill, we have been trying to hold the line on spending, to reprioritize. If there is something else the Senator can offer as an offset for this increase in spending, I would be more than happy to let the amendment be debated and voted on. But without an offset, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I say to my distinguished colleague, if I may, that we have talked with both the chairman's staff and with others who express the view that this is a moral imperative and have suggested offsets, none of which have been accepted. So it is very difficult to have a position in which we all agree there is a moral imperative to act and then we reject every offset that is proposed.

Understanding the Senator's concern, but also understanding that genocide does not have an offset to it, I once again ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. 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. COCHRAN. 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. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard. The Senator from New Jersey.

Mr. MENENDEZ. If I may ask the Presiding Officer a parliamentary question: If we were to proceed to the Senator's unanimous consent request, would that obviate the ability to offer an amendment during that time period?

The PRESIDING OFFICER. It would.

Mr. MENENDEZ. Then I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, what I understand is that the Senator from New Jersey is going to send an amendment to the desk that has an offset for the funding for Darfur, and with that as a modification to the unanimous consent request, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3777, AS MODIFIED

Mr. MENENDEZ. Mr. President, I call up my amendment that is at the desk with a modification and ask unanimous consent that it be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA, proposes an amendment numbered 3777, as modified.

The amendment is as follows:

On page 89, line 9, strike ''$69,800,000, 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 1006.''.

and insert in lieu thereof ''$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.''.

SEC.—Notwithstanding any other provision of this Act, the amount provided for ''Diplomatic and Consular Programs'' shall be $1,392,600,000.

Mr. MENENDEZ. Mr. President, last Sunday, thousands of Americans gathered here in Washington, DC, and in other cities across the country to focus our attention on the horrific acts being committed a world away in Darfur, Sudan. But it wasn't a gathering of the powerful, although politicians and celebrities were there. It was a gathering of the American community—of high school students, of members of synagogues and colleges, of churches, of people of all races, ethnicities, and religions. In fact, the movement to stop genocide in Darfur has been led by some of the youngest in our society.

In New Jersey, students in middle schools have raised funds for refugees. Young people at colleges have led the movement to divest from Sudan. They are not the leaders of the future; they are the leaders of today.

I know that as I stand here calling for action, I am not alone. In my home State of New Jersey, high school students started a nonprofit organization called Help Darfur Now which raises awareness and funds for the refugees in the Sudan.

Newark, NJ, is the headquarters of the Darfur Rehabilitation Project, a national group started by the Sudanese people living in the United States who lobby for humanitarian aid, intervention, and conflict resolution in the Sudan. And across the country, Americans are signing petitions, participating in marches, holding townhall events and contacting their elected officials to demand that the dire needs of the Darfurian people be addressed. It seems to me as representatives of the people, it is our job to act.

Here in Congress, many of our fellow colleagues in the Senate and in the House of Representatives have led the fight for real action to address the genocide in Darfur, and I certainly salute them for their hard work.

When we talk about genocide, it seems to me it is almost impossible for any of us to take the intellectual understanding of what that means: the number of people killed, over what period of time, and for what reason, and to comprehend the dimensions of such atrocities.

The truth is that each of the estimated 200,000 to 400,000 people murdered in Darfur was a father, a mother, a sister, a daughter, or son slaughtered by their own countrymen whose ethnic makeup and religion was similar to their own. Each of these people has a family who mourns them and a community that lost them.

Many of us here cannot imagine what life is like for the at least 2 million

who have been displaced in this conflict. Those who have survived have the scars of watching their relatives and neighbors murdered, raped, and subjected to other horrors we cannot imagine.

For the hundreds of thousands of people who fled to Chad, the terror continues as they face new attacks in this expanding conflict. Samantha Power, who is a Pulitzer Prize winning expert on genocide, has pointed out that many women face the essence of a Sophie's choice: They can either leave their villages and camps to gather firewood, facing the likelihood of rape or attack by the jingaweit, or starve inside the camp.

It is in this dire context that the World Food Program announced that it would be forced to cut the rations to feed those who are affected by the conflict in Darfur. This means people already facing a humanitarian crisis will now only receive half of the recommended level of calories per day. Even worse are reports that at least 200,000 people have been displaced since January, and that many of those cannot be reached or helped by aid agencies.

A recent article in the New York Times quoted one senior humanitarian aid official as saying:

> The situation for humanitarian workers and the United Nations has never been as bad as it is now. The space for us to work is just getting smaller and smaller.

Not surprisingly, the Sudanese Government, which is supporting the groups that conduct this campaign of death and destruction, continues to hinder any attempts by the international community to assess the situation and provide aid to the millions of refugees. Just this month, the Sudanese Government denied entry into the country to Mr. Jan Egeland, a top U.N. official on humanitarian issues. Last week, Sudan refused to grant visas to officials who intended to conduct a U.N. military assessment on planning a peacekeeping operation in Darfur.

So in a region the size of Texas, 7,000 African Union troops have been put in place to protect the people of Darfur. While I believe the African Union force is better than nothing, their troop numbers are clearly too small. They are underfunded, underequipped, and lack a mandate to protect civilians. I agree with many of the experts who have said that we need to at least triple the size of the African Union force as a bridge until we can get a U.N. force operational in Darfur. I also think the President and others have the right idea of using NATO forces to provide logistical support while letting countries with Muslim populations take the lead on the ground.

Of course, we face some obstacles to getting a U.N. force into the Sudan and controlling the situation. First, the Chinese continuously stand in the way of the United Nations. Let's make it simple: The Chinese buy oil from the Sudanese, and they don't want to stop. In fact, China, because of its rule that it doesn't involve itself in any way in the domestic affairs of other countries, has no problem buying oil from a government committing genocide in the Sudan. Then there is the issue of Osama bin Laden, who has denounced the idea of U.N. troops and in his most recent audiotape broadcast called on Muslims to fight such a force.

In the past, some steps have been taken on the part of the United States and the international community to address the crisis in Darfur, but the violence continues. Congress has appropriated funds for African Union peacekeeping, food aid, and support for refugees. The United Nations Security Council has passed various resolutions raising concerns about war crimes committed in Darfur. The Government of Sudan and the two rebel groups involved are now in negotiations, and I know that Deputy Secretary of State Zoellick is there now trying to reach a final agreement with the rebels. Yet, despite all of these measures, the sad truth remains that the people of Darfur face a bleak future of uncertainty, suffering, and death. It is time that we take additional action to stop the genocide in the Sudan.

That is why this amendment that I have had other colleagues join me in would provide $60 million to support U.N. peacekeeping in Darfur. I certainly wish to thank the cosponsors of this amendment—Senators LEAHY, DURBIN, SARBANES, DODD, OBAMA, LAUTENBERG, WYDEN, and STABENOW—for their support and for their efforts.

The African Union troops in Darfur are clearly overwhelmed by the challenge at hand. This amendment would provide critical funding to equip international troops and restore law and order to the region of Darfur. Although the intervention of U.N. troops has not been authorized, this amendment would assure that when it is accomplished, the money is there, and it will increase pressure on the African Union, the Khartoum Government, and the international community to make sure that a U.N. force is put in place in Darfur.

For those who would question the amount—even though it is now offset—proposed in this amendment, I would like to point out that my amendment adds the same level of funding to the Contributions for International Peacekeeping account that has already been approved in the House supplemental appropriations bill. There is no other way to get these funds to protect the people of Darfur. They are not in the current funds appropriated for fiscal year 2006. I think we can all agree that genocide in Darfur constitutes an emergency—an emergency to which this body has a moral obligation to respond.

Genocide is not a new phenomenon. We have witnessed this hatred and inhumanity many times over the past century. After the world learned the horrors of the Holocaust, America and the international community vowed: Never again. Never again. After we saw the gruesome slaughter of approximately 800,000 Tutsis in less than 100 days in Rwanda, we swore: Never again. Never again, however, is an empty promise—it is an empty promise—if we do not take action to stop the murder of innocent people when we know it is happening.

Once again we find ourselves in a position to make that choice, and history is going to judge what we do—not what we say about never again but what we do when we have the power to do it. For even as I stand here today, I know the number of dead and displaced persons in Darfur continues to grow. Genocide is not Sudan's problem, it is not Africa's problem, it is the world's problem. It is our problem. And by failing to take part in the solution, we have become part of the problem. As Americans and as human beings, we have a moral obligation to help those who are suffering the consequences of genocide and who cannot help themselves. Now is not the time to forget that obligation, and history will judge us by the actions we take or fail to take in the next days as we move forward on this amendment.

Jan Egeland, one of the top U.N. humanitarian officials, has said, ''Africa is the biggest drama of our time; nowhere else in the world are so many lives at stake as in Africa.'' Now is the time to act.

Some people might say that the fiscal 2007 budget proposal allocates sufficient funds to help the people of the Sudan. I would say you cannot put a price on human lives. Genocide is not a horror of the past; it is the reality, unfortunately, of the present. It is an emergency we must face today. The $60 million this amendment offers will help put an end to the senseless murder and displacement of the people of Darfur. If American lives were at stake, I am certain we would find the money to act. I hope we have both the humanity and the commitment to say ''never again,'' to make sure that we do so in this case. Simon Wiesenthal said, ''For evil to flourish, it only requires good men to do nothing.'' Let us act now to put an end to this evil.

I hope my colleagues will see that in the face of genocide, this is money well spent. I certainly hope we are permitted to respond to a moral imperative because history will judge each and every one of us for how we act in the face of the genocide going on in Darfur and in the Sudan. I hope that when it comes time for a vote on this amendment, the chairman will actually be able to accept the amendment as offset as it is now. I find it sometimes difficult to hear that we have a moral imperative, that we say ''never again,'' and yet we put up roadblocks for fulfilling and responding to that moral imperative, and when we offer solutions to it, there are those who do not like the solution of offsets.

The bottom line is, if it were one of us—if it were one of us—thank God we

live in the greatest country in the world, and it is not, but if it were one of us, if it were our family suffering the slaughter, would we be content with the councils of patience and delay? I daresay the answer is no. That is why I feel so passionately that we have an opportunity to fulfill the commitment to say ''never again.''

Mr. President, I yield the floor.

Ms. STABENOW. Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague, Senator MENENDEZ, for his eloquent statement and for sponsoring this incredibly important amendment. I am proud to be a cosponsor with him and a number of my colleagues. It is incredibly important that we act and that we act now.

As Senator MENENDEZ described his amendment, it would add $60 million to address the shortfall in the U.S. contribution to the United Nations for international peacekeeping and to fund a U.N. peacekeeping force in Darfur.

The situation in Darfur is alarming, and it is a true emergency. In fact, words can't describe how much of an emergency this is. Approximately 3.5 million men, women, and children in the western Darfur region of the Sudan are in a fight for their lives against the Sudanese Government-sponsored campaign of violence and forced starvation. Since the conflict began in February of 2003, recent estimates are that there are as many as 400,000—400,000—Sudanese people who have died, and more than 2 million who have been displaced. By some estimates, 500 people perish every day in Darfur. Five hundred people perished today, if those estimates are correct, 500 more will die tomorrow, and 500 more will die the next day. If this is not genocide, I don't know what is, and we must act to stop it as soon as possible.

The United States has taken the lead in the international community to provide humanitarian aid and to support the African Union peacekeeping mission in Darfur. However, we must do more. Clearly we have not done what we should and we have not done it fast enough if 500 people are dying every day.

We must ensure that our contribution to the United Nations Contributions for International Peacekeeping Activities account is paid in full so that we are credible when we support a U.N. peacekeeping mission in Darfur. This amendment helps make that possible. We must also apply pressure to the Sudanese Government so that they take action to stop the killing or face the consequences of their actions. We must not sit idly by any longer as people die from a coordinated government-sponsored campaign of violence and forced starvation.

I am also proud to be a cosponsor of the Darfur Peace and Accountability Act which calls for assistance to the African Union peacekeepers and urges the President to press for NATO support of the peacekeeping mission. I am hopeful that the House and Senate will soon—very soon—resolve the differences between the versions of the bill and send it to the President for his signature as soon as possible. Millions of men, women, and children are waiting and praying for us to act and to act now.

I am proud to join with Senator MENENDEZ and with colleagues on both sides of the aisle in this critical funding amendment regarding the U.N. peacekeeping mission to put an end to the genocide and bring peace to the people of Darfur. This is an opportunity for all of us together to do something that will address literally the lives of people who have no one else to turn to but those of us who understand what is going on and have the ability to act.

So on behalf of the human race, I urge this amendment and other actions be taken as soon as possible. We must act, and we must act now.

Mr. President, I yield the floor.

BIOMETRICS

Mr. BYRD. Mr. President, the committee report accompanying the fiscal year 2006 Iraq/Katrina supplemental appropriations bill includes the following provision: ''The Committee is aware that the Defense Science Board is studying the management of the Department of Defense's biometrics program and will make recommendations on whether or not the current structure is meeting the needs of the warfighters dependent on the system in Iraq and in the Global War on Terror. The Committee directs no management changes be made until the Defense Science Board completes its study and informs the Congress of its recommendation.''

Would it be the understanding of the Senator from Hawaii that any new or ongoing organization, personnel, or management changes within the Army, to include the Biometrics Fusion Center, be ceased until the Defense Science Board report is complete and briefed to Congress?

Mr. INOUYE. Mr. President, that would be my understanding.

Mr. BYRD. Does the Senator also agree that until the Defense Science Board, DSB, study is complete and briefed to Congress, the Biometrics Fusion Center should continue to execute its mission to acquire, test, evaluate, and integrate biometrics, as well as to develop and implement storage methods for biometrics templates?

Mr. INOUYE. I do agree with the distinguished ranking member of the full committee. He has accurately clarified this matter.

Mr. BYRD. I thank my distinguished colleague for his comments.

EMERGENCY CONSERVATION PROGRAM

Mr. DOMENICI. As the Senate is aware, the Southwestern United States has been devastated by a severe drought which has resulted in numerous deleterious effects to that part of the country.

New Mexico's neighbor to the east, Texas, has lost 5,000 head of cattle, 5,500 miles of fence, and 4.9 million acres have burned due to recent wildfires. Severe drought also exists in New Mexico, which is currently facing one of its worst droughts in the past 125 years. It is anticipated that great hardship will result in New Mexico as a result of this drought. These conditions require emergency measures be undertaken in both States.

Although the Appropriations Committee is silent on the intent of the appropriation to the Emergency Conservation Program, ECP, within the Department of Agriculture, it is my understanding that of the $17 million made available to the ECP in this legislation, $12 million is to be provided to the State of Texas and $5 million is to be provided to the State of New Mexico. The amendment did not originally include ECP funding, so I want to especially thank Senator HUTCHISON for her leadership in requesting that these funds be included for ECP.

Mr. BENNETT. I appreciate the concerns of the distinguished senior Senator from New Mexico regarding the ECP provision ontained in title III of this legislation. The Senator's understanding of the intent of the ECP appropriation is correct.

Mrs. HUTCHISON. I, too, concur with this assumption with Mr. BENNETT and Mr. DOMENICI. I appreciate their support and work on this important provision.

Mr. DOMENICI. I thank the distinguished Senator from Utah, Mr. BENNETT, and the distinguished Senator from Texas, Mrs. HUTCHISON for their consideration and explanation of this important matter.

Mr. LIEBERMAN. Mr. President, Senator BROWNBACK and I wanted to tell you about our amendment 3741 and the progress we are making on one key aspect of the avian flu preparedness front. As we speak, the HHS and USAID are collaborating to administer the global avian influenza network for surveillance—GAINS program. GAINS is a smart and targeted investment in the USG's fight against avian flu since wild birds can carry the deadly disease and thus have the potential to spread it. HHS and USAID have invested $6 million from fiscal year 2006 arvian flu supplemental appropriations to establish GAINS. GAINS will require another $4 million to complete and $10 million for fiscal year 2007. Senator BROWNBACK and I are pleased to see that the health appropriations committee, led by Senators SPECTER and HARKIN, is helping to allocate $200 million in part to carry out global and domestic surveilliance to undertake activities of this sort. Our amendment doesn't add more money to the avian flu supplemental, but it makes clear HHS's commitment to GAINS, which we applaud.

GAINS will systematically test and monitor wild birds, captive wild birds, and birds in the wildlife/pet trade to

identify which viral strains they carry, to share the virus samples in order to continually update vaccine production options, and to disseminate lab results on a public electronic database utilizing a user-friendly mapping system. Major flyways will be monitored including those running north-south through the Americas.

GAINS is a global surveillance program supported by an international network including conservation organizations, bird groups, the poultry industry, vaccine developers, and academic institutions representing more than 5 million members.

With HHS and USAID's leadership, the Wildlife Conservation Society's, WCS presence in 56 countries around the world, and the presence of its global partners, GAINS has a presence in virtually every key country related to avian influenza. Data shared among these partners in the GAINS network will deliver real-time data on viral strains carried by wild birds.

Additional funds for international Western Hemisphere work are welcome but must be integrated with the existing GAINS system. Parallel efforts waste limited resources. Like intelligence data, disease surveillance data must be shared to be effective in preventing the enemy—avian influenza in this case—from progressing. The USG should not fund the creation of separate international wild bird surveillance programs. Instead, these programs must work together.

GAINS is a sensible approach to gather scientific data for the public domain in as close to real time as possible to combat a looming public health emergency.

AMENDMENT 3775

Mr. HARKIN. Mr. President, more than 3 years into the Iraq war, we have had report after report documenting rampant corruption and profiteering on the part of defense contractors, as well as lax oversight by government officials. A major reason why this is continuing largely unchecked is that the Department of Justice has been systematically delaying whistleblower law suits brought under the False Claims Act. Earlier today, I filed an amendment designed to break this logjam by requiring the Department of Justice to allow these cases to go forward after a maximum 1-year review period. I am pleased that Senator JOHNSON is cosponsoring this amendment.

The cost of the wars in Iraq and Afghanistan has risen dramatically in each of the last 3 years. The Congressional Research Service reports that we are now spending $10 billion a month in Iraq, alone. One reason for these runaway costs is the widespread corruption in the contracting process: shoddy work, nonwork, stealing, fraud, kick-backs, bribes, insider dealings, inflated billings, and on and on.

The waste of billions of dollars in taxpayer money is bad enough. But this widespread corruption is also impeding our war effort, slowing reconstruction efforts, and denying our troops in the field the quality support and equipment that they deserve.

The single most important tool that American taxpayers can use to recover funds stolen through fraud by U.S. contractors is the False Claims Act. Indeed, thanks to this law, more than $17 billion has been recovered on behalf of the American taxpayer. Under the False Claims Act, whistleblowers are given a powerful incentive to come forward and expose instances of fraud. The statute allows them to sue contractors suspected of defrauding the government, and then to keep a portion of the recovered funds as a reward.

But there is a problem—a big problem. Scores of lawsuits have been brought against contractors suspected of fraud in Iraq and Afghanistan, including Halliburton subsidiary Kellogg Brown and Root. But the Department of Justice has allowed only one of those suits to go forward in the courts; that lawsuit resulted in a major recovery of fraudulently collected payments. For reasons that I cannot fathom, the Department of Justice is systematically delaying these law suits and preventing the recovery of perhaps billions of dollars in taxpayer money.

Cases filed under the False Claims Act are automatically sealed. They cannot go to trial—in fact, they cannot even be publicly disclosed—until the Department of Justice makes a decision about whether to join them. Under the statute, these decisions are supposed to be made within 60 days. But, with just one exception, the Department of Justice has refused to take a position on any of the suits related to Iraq and Afghanistan, some of which were filed more than 3 years ago. Instead, the Department has repeatedly filed for and received indefinite extensions of seal.

As a result, with one exception, every single whistleblower lawsuit has been effectively blocked by the Department of Justice. Fraud has gone unpunished. Billions of taxpayer dollars continue to be squandered in Iraq, Afghanistan, and elsewhere. And courageous whistleblowers, who have come forward often at great personal risk, have been left in a legal limbo. As one attorney put it: ''The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible. And the more bad news that comes out of Iraq, the more motivation they have to do so.''

This situation is unacceptable. My amendment would prevent the Department of Justice from imposing undue secrecy on false claim civil actions related to government spending on Iraq and Afghanistan by simply requiring the Department of Justice to make a decision about joining such cases within 1 year, or 4 months in the case of cases that have already been filed. There will be protections against the release of information that could be detrimental to national security. But, after the 1-year period, the allegations will become public and the case will proceed.

A 1-year time period will provide the Department of Justice ample opportunity to conduct a full investigation into the underlying allegations of fraud, and to decide whether to join the suit. In addition, my amendment allows the administration to seek additional extensions to keep a case sealed upon a showing of extraordinary circumstances. And nothing prevents the Department of Justice from joining a case at a later date.

As a matter of good faith to our troops and to the American taxpayer, we need to move aggressively against corruption and war profiteering in Iraq, Afghanistan, and elsewhere.

Stuart Bowen, the Special Inspector General for Iraq Reconstruction, has issued a number of reports on waste and fraud in Iraq. He reported that the Coalition Provisional Authority failed to account for the expenditure of nearly $9 billion in taxpayer funds. The money simply disappeared into a black hole. More recently, he reported on a case of fraud uncovered in the Iraqi city of Hillah. Here's how the Special Inspector General described it to the Wall Street Journal: ''There was no oversight anywhere near the [perpetrators] at any time, and they did not believe they would be caught. They considered it a free-fraud zone.''

The Hillah fraud, alone, cost taxpayers nearly $100 million. And this is just the tip of the iceberg, as reports of fraud continue to pour in. The inspector general's own Hotline, which has been in operation a little more than 2 years, had received 449 cases of fraud, waste, abuse, mismanagement, and reprisal in Iraq as of January 30. Instead of delaying the prosecution of fraud under the False Claims Act, the Department of Justice should be leading the charge to criminals and war profiteers to justice.

I commend our colleague, the junior Senator from North Dakota, Mr. DORGAN, for chairing a Democratic Policy Committee hearing in February 2005 on the issue of waste, fraud, and abuse in Iraq. He heard testimony from Alan Grayson, an attorney who represented whistleblowers in the one and only case allowed by the Department of Justice to go forward under the False Claims Act. Mr. Grayson described what happened to one of those whistleblowers, a former FBI agent, who refused to go along with the fraud. Said Mr. Grayson: ''He was held at gunpoint, stripped of his weapons and security identification, and then he was released defenseless on the streets of Baghdad.''

Waste, fraud, and abuse are a fact of life in any war. But in past wars, we have had aggressive oversight by congressional investigative committees. During World War II, the Truman Commission worked relentlessly to root out corruption and war profiteering—a Democratic Senator investigating a Democratic administration. Senator Truman denounced war profiteering as

''treason''—and he was exactly right; it is treason and a betrayal of the troops in the field.

Unfortunately, in the current wars in Iraq and Afghanistan, there has been only negligible congressional oversight and investigation of war profiteering. That leaves the False Claims Act as the last best hope for taxpayers to recover, yet the Department of Justice has systematically delayed lawsuits brought under the act.

My amendment will directly address this latter problem. By all means, the Department of Justice should have ample time to review cases brought under the False Claims Act. But after a maximum of 1 year, those cases should be allowed to go forward in the courts so that justice is served.

This is a strictly nonpartisan amendment. It is all about protecting taxpayer dollars and ensuring that our troops in the field are not put at risk because of corrupt contractors. I urge my colleagues to support this amendment.

MORNING BUSINESS

Mr. ENSIGN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

RECOGNITION OF MERVIN IVERSON ELEMENTARY SPACE DAY DESIGN CHALLENGE TEAM

Mr. REID. Mr. President, I rise today to congratulate Shane Buckley, Brett Hyde, and Luis Rangel of Mervin Iverson Elementary School on their selection as a Stellar Design Challenges team for Space Day 2006. I also want to recognize their teacher, Katheryn Grimes, for her outstanding leadership and guidance of the team.

Space Day is an international celebration of the achievements and opportunities in space exploration aimed at inspiring students to pursue careers in science, technology, engineering, and mathematics. It reaches hundreds of thousands of teachers and millions of students around the world. Past events in support of Space Day have taken place in over 25 countries on 6 continents.

Created by the Challenger Center for Space Science Education, Space Day Design Challenges is a national competition that encourages students to create innovative solutions to the challenges of space exploration. The 21 Stellar Design Challenges teams were selected from more than 259 teams who participated in the competition, making these students' work even more impressive.

The Mervin Iverson Elementary School team designed a tool to help researchers on Mars. The remotely operated tool would collect samples of rock, minerals, and soil, analyze their chemical compositions, measure temperatures of the Martian surface, and relay this data back to Earth.

In honor of their achievements, the Iverson students will attend the national Space Day 2006 ceremony at NASA's Goddard Space Flight Center and meet former Senator John Glenn. They will also have the opportunity to share their knowledge by displaying their project to more than 2,000 sixth graders from the Washington, DC area.

Their success is reflective of their hard work, dedication, and creativity as well as Mervin Iverson Elementary School's strong commitment to academic excellence. Please join me in honoring Mervin Iverson Elementary School and its Stellar Design Challenges team on this extraordinary accomplishment.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS GEORGE RONALD ROEHL, JR.

Mr. GREGG. Mr. President, I rise today with a heavy heart and a deep sense of gratitude to pay tribute to a brave young man, PFC George Ronald Roehl, Jr., of Manchester, NH, for his service and his supreme sacrifice for his country.

George was born on January 24, 1985, in Manchester, NH. He graduated from Franklin High School, Franklin, NH, in 2003 and entered the United States Army on November 2, 2004. He subsequently graduated from basic combat training and advanced individual training at Ft. Knox, KY, and was assigned to Bravo Troop, 7th Squadron, 10th Cavalry, 1st Brigade, 4th Infantry Division at Ft. Hood, TX, where he served as a Scout dismount.

George, the oldest of five children, risked everything to fight for the values we Americans hold dear, in a country halfway around the world. Tragically, on April 11, 2006, this courageous young soldier and two of his comrades died as a result of injuries sustained in Taji, Iraq when an improvised explosive device detonated near their Bradley Fighting Vehicle and they subsequently came under small arms fire during combat operations. His awards and decorations include the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, and the Combat Action Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and George served in that fine tradition. Daniel Webster said, ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' George was one of those proud and dedicated volunteers who believed in fighting for our country and guarding our precious liberty, and for that we will always owe our sincere gratitude.

My condolences and prayers go out to George's family, and I offer them my deepest sympathies. Family, friends, and fellow soldiers will no longer be able to enjoy the company of PFC George R. Roehl, Jr. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. He realized a calling and chose to employ his youthful energy and considerable talents for his country. He understood that the freedoms and opportunities provided by this Nation need continuous defense and that they are among the most precious gifts he can give to his family and loved ones. Because of him, the safety and liberty of each and every American is more secure. May God bless George Ronald Roehl, Jr.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In April 2006 the beatings of two gay men in separate attacks took place in northeast Fort Lauderdale, FL. The first attack involved a gay man who was riding his bicycle. When he passed a man on the sidewalk, the man yelled a gay slur and then beat him. Minutes after the first attack a group of men forced a gay man into their car, took him to a local park, then beat and robbed him. According to reports, both attacks appear to have been motivated by the victim's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

RECOGNITION OF A DUAL CELEBRATION FOR THE CITY OF KERMAN

• Mrs. BOXER. Mr. President, I rise to recognize a dual celebration for the city of Kerman, CA. This year marks the 100th anniversary of Kerman as a city in Fresno County and also the 60th anniversary of its incorporation as an official city.

In 1891, the Southern Pacific Railroad Company constructed a new line between Tracy and Fresno. A nondescript watering tank and pump along

that line was given the name Collis as a tribute to Collis P. Huntington, a member of the famed ''Big Four'' of western railroading. The first inhabitant, the caretaker of the pump and tank, resigned his job after just a few months, not because of the demands of the job but, rather, because the area was too desolate and barren.

As a speculative venture, the Bank of California purchased a large tract of land in every county in California. The arid land around what became Kerman was chosen as the allotment for Fresno County. After the death of its promoter, the once prominent bank became insolvent and its holdings were liquidated. In 1910, the property in Fresno County caught the attention of two Los Angeles capitalists, William G. Kerckoff and Jacob Mansar, who saw the tract as an opportunity to purchase a rich water supply from the newly constructed Enterprise Canal. Mr. Kerckoff and Mr. Mansar combined the first three letters of their names and renamed the area ''Kerman.''

Since its incorporation in 1946, Kerman has experienced steady growth while retaining its identity and character as a predominately agrarian community. Today, Kerman has joined with other thriving cities on the west side of Fresno County along the Interstate 5 corridor by reaching out to industry through the development of an industrial park.

From a remote outpost that was once deemed too isolated for a watering tank operator to one of the fastest growing cities in Fresno County, the city of Kerman has served as a shining example to the importance of agriculture in California and also to the virtues of community spirit and diversity.

As the residents of Kerman continue to work together to make their city a better place to call home, I congratulate them on their auspicious dual landmark anniversaries and wish them continued success and good fortune.●

HONORING MANUEL PORTILLO

● Mrs. BOXER. Mr. President, I rise today to honor a remarkable citizen of my home State of California, Mr. Manuel Portillo, as National City dedicates the Casa de Salud Manuel Portillo Youth Center in his honor.

Throughout his lifetime, Mr. Portillo has played an exemplary role in empowering and improving the lives of children and young adults throughout the San Diego community. His tireless efforts to improve his beloved community and his selfless service to our Nation has made a tangible difference for countless people. The will and vision of Mr. Portillo serves as an inspiration to us all.

Born in 1920, Mr. Portillo rose from humble beginnings to become a leader in the San Diego community. As a youth, he developed a passion for the sport of boxing that he still enjoys today. At age 12, he was earning 25 cents an hour picking celery, yet the strength of character for which he has come to be known was only just beginning to emerge. By 17, Portillo was working for the Civilian Conservation Corps, helping develop bridges and campgrounds, many of which are still in use today throughout the State, including in Yosemite National Park.

In 1942, only 30 days after being married, Portillo was drafted by the U.S. Army and sent to join the Allied struggle in Europe during the height of World War II. While serving in the Army, Portillo honed his boxing skills to a fine art and often challenged his fellow soldiers. Portillo returned to National City after being honorably discharged and after receiving four bronze service stars as a Sergeant in Company A 378th Infantry.

After returning home, Portillo dedicated himself to improving his community by establishing positive programs for otherwise troubled neighborhood youth. He was able to keep many of these kids off the streets and out of trouble by teaching them the sport of boxing. With an emphasis on sportsmanship and discipline, Portillo has made a positive impact in the lives of countless children and young adults. His success inspired the creation of the Casa Knight, the Casa Men's Club, Santos and Peewees for boys, and the Knightetts. These recreational groups have become fundamental vehicles for social mobility, encouraging positive self-image and motivation in both an extracurricular and academic capacity.

It is with great pleasure that I commend Manuel Portillo for his passionate commitment to helping others and tireless efforts to improve the broader San Diego community. I wish him great success in the future.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2700. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 27, 2006, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. Joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

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–6598. A communication from the Director, Office of Human Resources Management, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's report on Category Rating; to the Committee on Commerce, Science, and Transportation.

EC–6599. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Nonmilitary Helicopter Urban Noise Study''; to the Committee on Commerce, Science, and Transportation.

EC–6600. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, Maritime Administration, received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6601. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Transit Administration, received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6602. 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 ''Temporary Rule, Removal of Georges Bank Yellowtail Flounder Trip Limit'' (I.D. No. 032406B) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6603. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery Annual Specifications and Management Measures; Inseason Adjustments'' (I.D. No. 112305B) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6604. 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 ''Atlantic Highly Migratory Species; Atlantic Shark Quotas and Season Lengths'' ((RIN0648–AU17) (I.D. No. 012006B)) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6605. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Deutschland Models Tay 650–15 and

651–54 Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2001–NE–02)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6606. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Artouste III Series Turboshaft Engines'' ((RIN2120–AA64) (Docket No. 99–NE–33)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6607. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8D Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. 98–ANE–48)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6608. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, Model A340–200 and –300 Series Airplanes, and Model A340–541 and A340–642 Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–250)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6609. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Arrius Models 2B, 2B1, and 2F Turboshaft Engines'' ((RIN2120–AA64) (Docket No. 2000–NE–12)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6610. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Model DH.125, HS.125, and BH.125 Series Airplanes; Model BAe.125 Series 800A, 800B, 1000A, and 1000B Airplanes; and Model Hawker 800 and 1000 Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–017)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aviointeriors S.p.A., Series 312 Box Mounted Seats; Correction'' ((RIN2120–AA64) (Docket No. FAA–2005–20848)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–1A11, CL–600–2A12, and CL–600–2B16 Airplanes'' ((RIN2120–AA64) (Docket No . 2005–NM–156)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–144)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320–111, –211, –212, –214, –231, –232, and –233 Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–217)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–45A, CF6–50A, CF6–50C, and CF6–50E Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2005–NE–21)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6616. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the proposed acquisition of Ross Catherall US Holdings Inc., by Dubai International Capital LLC, a subsidiary of Dubai Holding LLC; to the Committee on Banking, Housing, and Urban Affairs.

EC–6617. A communication from the Acting Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Florida as a result of the emergency conditions resulting from the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6618. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Mortgage Time Limits for Supplemental Claims for Additional Insurance Benefits'' ((RIN2502–AI31) (FR–4957–F–02)) received on May 1, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6619. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, received on May 1, 2006; to the Committee on Foreign Relations.

EC–6620. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's ''Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 2004''; to the Committee on Foreign Relations.

EC–6621. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report entitled ''The President's Emergency Plan for AIDS Relief: Report on Education''; to the Committee on Foreign Relations.

EC–6622. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Fiscal Year 2005 Annual Report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act and the Fiscal Year 2005 Report on U.S. Government Assistance to and Cooperative Activities with Eurasia; to the Committee on Foreign Relations.

EC–6623. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's Buy American Act Report for Fiscal Year 2004; to the Committee on Foreign Relations.

EC–6624. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Participation of Taiwan in the World Health Organization Act, 2004; to the Committee on Foreign Relations.

EC–6625. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Millennium Challenge Corporation (MCC)'s Fiscal Year 2005 Annual Report; to the Committee on Foreign Relations.

EC–6626. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of an acting officer and a nomination for the position of Administrator, Wage and Hour Division, Employment Standards Administration, received on May 1, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6627. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Interim Final Regulation for Mental Health Parity'' (RIN0938–AN80) received on May 1, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6628. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2006'' (RIN0938–AO31) received on May 1, 2006; to the Committee on Finance.

EC–6629. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2006 (RY 2007)'' (RIN0938–AN82) received on May 1, 2006; to the Committee on Finance.

EC–6630. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties, Assessments and Recommended Exclusions'' (RIN0960–AG08) received May 1, 2006; to the Committee on Finance.

EC–6631. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exempt Facility Bonds for Qualified Highway or Surface Freight Transfer Facilities Notice'' (Notice 2006–45) received on May 1, 2006; to the Committee on Finance.

EC–6632. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Life/Non-Life Tracking Rule'' ((RIN1545–BE86)(TD 9258)) received on May 1, 2006; to the Committee on Finance.

EC–6633. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Department's annual report entitled ''Assessment of the Cattle, Hog, and Poultry Industries''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6634. A communication from the Secretary, Department of Agriculture, transmitting, a report of draft legislation entitled ''Agriculture Conservation Experienced Services Act of 2006''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6635. A communication from the Legislative Affairs Branch Chief, Natural Resources Conservation Service, Department of

Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grassland Reserve Program Final Rule'' (RIN0578–AA38) received on April 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6636. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas; Ohio, West Virginia, and Wisconsin'' (APHIS–2006–0029) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6637. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Captive Cervids; Extend Interval for Conducting Reaccreditation Test'' (Docket No. 04–094–2) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6638. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''States Approved To Receive Stallions and Mares From CEM-Affected Regions; Indiana'' (APHIS–2006–0020) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6639. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations to Limit Shipments of Small Sizes of Red Seedless Grapefruit'' (FV05–905–2 FIR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6640. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Change in Certain Provisions/Procedures Under the Handling Regulations for Tart Cherries'' (FV06–930–1 FR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6641. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2006–2007 Marketing Year'' (FV06–985–1 FR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6642. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Temporary Suspension of Container Regulations'' (FV06–922–1 IFR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6643. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glufosinate Ammonium; Pesticide Tolerance'' (FRL No. 8060–3) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6644. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fomesafen; Pesticide Tolerance'' (FRL No. 8062–6) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6645. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flumioxazin; Pesticide Tolerance'' (FRL No. 8057–5) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6646. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerance'' (FRL No. 8063–2) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6647. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Boscalid; Pesticide Tolerance'' (FRL No. 8064–4) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6648. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethenamid-p; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 7770–8) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6649. A communication from the Chairman, United States Sentencing Commission, transmitting, pursuant to law, the report on amendments to federal sentencing guidelines, policy statements and official commentary; to the Committee on the Judiciary.

EC–6650. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the Department's 2005 annual report on certain activities pertaining to the Freedom of Information Act (FOIA); to the Committee on the Judiciary.

EC–6651. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Director's annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2005; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

Mark D. Acton,* of Kentucky, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010.

Uttam Dhillon,* of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2690. A bill to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the ''Harry J. Parrish Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself, Mr. ALLEN, Mr. ENZI, Mr. LOTT, Mr. ALLARD, and Mr. BENNETT):

S. 2691. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2692. A bill to suspend temporarily the duty on certain microphones used in automotive interiors; to the Committee on Finance.

By Mr. BURNS:

S. 2693. A bill to prevent congressional reapportionment distortions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAIG (for himself and Mr. GRAHAM):

S. 2694. A bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself and Mr. LIEBERMAN):

S. 2695. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mrs. LINCOLN, Mr. COLEMAN, Ms. LANDRIEU, Mr. PRYOR, Mr. BOND, Mr. DORGAN, and Mr. VITTER):

S. 2696. A bill to extend all of the authorizations of appropriations and direct spending programs under the Farm Security and Rural Investment Act of 2002 until after implementing legislation for the Doha Development Round of World Trade Organization negotiations is enacted into law, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry .

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. OBAMA):

S. 2697. A bill to establish the position of the United States Ambassador for ASEAN; to the Committee on Foreign Relations .

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2698. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. LIEBERMAN):

S. 2699. A bill to promote the research and development of drugs related to neglected and tropical diseases, and for other purposes; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mr. ALLEN):

S. 2700. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH:

S. Res. 459. A resolution expressing the sense of the Senate regarding United States participation and agreement in the Doha Development Round of the World Trade Organization; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. FEINGOLD, and Mr. DAYTON):

S. Res. 460. A resolution expressing the sense of the Senate that the United States should increase its support to the people of Somalia in their efforts to end decades of violence, establish lasting peace, form a democratically elected and stable central government, and become an effective partner in eradicating radicalism and terrorism from their country and the region; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DURBIN, Mr. LUGAR, and Mr. BIDEN):

S. Res. 461. A resolution supporting and commending the supporters of the Jefferson Awards for Public Service for encouraging all citizens of the United States to embark on a life of public service and recognizing those citizens who have already performed extraordinary deeds for their community and country; considered and agreed to.

By Mr. DEMINT:

S. Con. Res. 92. A concurrent resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school attendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 511

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 511, a bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU–486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1799

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1799, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1, 200, adjusted for inflation.

S. 1840

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2140

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Arizona (Mr. KYL) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors 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. 2178

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2322

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2401

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) 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. 2503

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2503, 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. 2510

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2510, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2557

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2614

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2614, a bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. CON. RES. 91

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. Con. Res. 91, a concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige.

S. RES. 420

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Res. 420, a resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved.

S. RES. 458

At the request of Mr. ALEXANDER, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 458, a resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from Louisiana

(Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 3599 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. 3628

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3628 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. 3657

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3657 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. 3667

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3667 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. 3668

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3668 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. 3681

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3681 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. 3695

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3695 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. 3696

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3696 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. 3697

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3697 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. 3708

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3708 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. 3717

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 3717 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. 3718

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. WYDEN), the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3718 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. 3719

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 3719 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. 3721

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3721 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. 3727

At the request of Mr. DODD, his name and the name of the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3727 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. 3734

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3734 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. 3747

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3747 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.

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 3747 intended to be proposed to H.R. 4939, supra.

AMENDMENT NO. 3748

At the request of Mr. SALAZAR, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 3748 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. 3756

At the request of Mr. BAYH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3756 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. 3759

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3759 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. 3777

At the request of Mr. MENENDEZ, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 3777 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. 3801

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3801 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. 3803

At the request of Mr. FEINGOLD, the names of the Senator from Maine (Ms. COLLINS), the Senator from Vermont (Mr. LEAHY), the Senator from Colorado (Mr. SALAZAR), the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3803 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. 3809

At the request of Mr. OBAMA, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 3809 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. 3810

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3810 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3810 proposed to H.R. 4939, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. ALLEN, Mr. ENZI, Mr. LOTT, Mr. ALLARD, and Mr. BENNETT):

S. 2691. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, today I am introducing a bill that will reform our immigration policies to make the United States more competitive, called the Securing Knowledge, Innovation, and Leadership, or ''SKIL'' bill. Other original cosponsors of this legislation include Senators ALLARD, ALLEN, BENNETT, ENZI, and LOTT.

Our ability to innovate is crucial to the success of our economy. By investing in science and technology, we revolutionize our economy and improve the world. The President has responded to this need by proposing the American Competitiveness Initiative. And I am a proud co-sponsor of legislation that has been introduced in the Senate: the Protecting America's Competitive Edge (PACE bills) and National Innovation Act.

But there is still more that can be done. Immigration policy must be part of any discussion of competitiveness. The United States does not produce enough engineers—China graduates four times as many engineers as the U.S., and within a few years, approximately 90 percent of all scientists and engineers in the world will be in Asia. Foreign students fill that gap right now in the U.S., but then our immigration policy—not our economy—forces them to return home because there are not enough highly skilled work visas.

In the long run, we must improve our schools and encourage more U.S. students to study engineering and mathematics. But we also must adapt immigration policy so that when U.S. students are educated in engineering fields, there will be U.S. jobs for them to fill. With the SKIL bill, foreign students who graduate from U.S. institutions will be able to stay and work in the United States. The bill will allow companies to retain highly skilled and educated workers.

The SKIL bill requires the government to change its processes so that companies do not waste valuable resources. If a worker has been in the U.S. and has complied with all immigration laws, he should be allowed to renew his visa here in the U.S. Why make that worker go to a consulate when all of the processing can be done here in the U.S.?

The SKIL bill exempts from annual visa limit any foreign student graduating from a U.S. university with a Master's or PhD in essential fields. Foreign workers with extraordinary skills, such as a Nobel Prize winner or an international scholar—should not have to wait for a visa. The President has also called for an increase in H–1B visas.

As Chair of the Immigration subcommittee, I have seen how immigration—both legal and illegal—affects all aspects of our lives. I am pleased that there is so much discussion about immigration and about improving avenues for workers to enter our country. But immigration today will shape the country that our children grow up in. And so there needs to be more discussion about the kinds of immigration that will most benefit our economy and our country.

I am introducing the SKIL bill because I don't believe enough attention has been focused on legal immigrants, especially the highly skilled workers who contribute to our economy and comply with our laws. It is my hope that this legislation will allow U.S. companies to retain a highly educated workforce until we can channel more American students into the math, science, and engineer pipeline. The SKIL bill is yet another important piece of the U.S. competitiveness agenda, and I urge my colleagues to cosponsor this important legislation.

By Mr. BURNS:

S. 2693. A bill to prevent congressional reapportionment distortions; to the Committee on Homeland Security and Governmental Affairs.

Mr. BURNS. Mr. President, over the last few months, we have discussed at length the problem of illegal immigration. What many may not realize is that illegal immigration affects our system of representation as well.

After the 1990 Census, my State of Montana lost one of its two seats in the House of Representatives. Ten years later, our great State had grown to more than 900,000 residents, but still did not gain a seat.

Meanwhile, we have an estimated 12 million illegal aliens in this country today, and all of them will be a factor to determine which States gain or lose a seat in the House of Representatives after the Census in 2010. This is because current policy tells us to count everyone in this country, illegal or not, when determining Congressional apportionment.

If these trends continue, we will have millions more illegal aliens counted in the 2010 Census. The result will be more seats lost in States that have actually increased in population of law-abiding U.S. residents.

Thankfully, my State of Montana cannot lose any more seats in the House of Representatives. We are down to our last one. Other States, however, will not be so fortunate.

Law-abiding citizens should not have to lose representation because millions of illegal immigrants ignore our laws. That is why today, I am introducing the Fair and Accurate Representation Act. This bill will exclude the masses of illegal aliens in this country from being part of the Congressional apportionment process.

If we act now, we can get started on reforming this process in time for the 2010 Census. The voting rights of law-abiding citizens should not be diluted by those who choose to enter this country illegally. I call upon my colleagues in the Senate to join me in correcting this process, so that those who lawfully reside in this country receive fair and accurate representation.

By Mr. CRAIG (for himself and Mr. GRAHAM):

S. 2694. A bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on legislation that the distinguished Senator from South Carolina, Senator GRAHAM, and I are introducing. This bill will provide veterans with the right to hire counsel to represent them in proceedings before the Department of Veterans Affairs (VA) and will help ensure that all who represent veterans are held to the highest standards of professional and ethical conduct.

As President Abraham Lincoln eloquently expressed nearly 150 years ago, this Nation has an obligation ''to care for him who shall have borne the battle, and for his widow, and his orphan.'' In keeping with that charge, the Federal Government provides a wide array of benefits to veterans and their dependents, through an administrative system that is intended to be informal, claimant-friendly, and non-adversarial.

During recent years, however, veterans' organizations, VA, and others have observed that this system has become increasingly complex. Enhanced legal requirements and layers of procedural steps intended to protect the rights of veterans have increased both the complexity of the system and how long it takes to process a claim. At the same time, with the Nation at war and servicemembers deployed around the world, the disability claims filed by returning veterans have become more

complex. Many of these claims are based on disabilities caused by environmental exposures, traumatic brain injuries, psychological trauma, severe combat wounds, and other highly complex medical conditions, which by their nature may entail complex questions of causality or intricate factual or legal analyses.

Despite the increasing complexity of many cases, all 24 million living veterans are prohibited from hiring a lawyer to help them navigate the VA system. It is only after a veteran has spent months and even years exhausting the extensive VA administrative process that the veteran then may retain counsel—a process that often takes 3 or more years to complete. As the National Organization of Veterans' Advocates (NOVA) testified before the Veterans' Affairs Committee last year, ''[t]his is too late in the process for counsel to be truly effective'' because by that time the evidentiary record ''is effectively closed.'' On the other hand, NOVA testified that, if attorneys were retained at an earlier stage of the process, they could be helpful in obtaining and presenting necessary evidence and in ensuring that VA timely and accurately processes claims.

So, with the potential for lawyers to help veterans successfully navigate this increasingly complex system, why does the government prohibit veterans from retaining counsel? This restriction, which dates back to the Civil War, was born out of concern that unscrupulous attorneys would improperly take large portions of veterans' disability benefits as compensation for their services. And some will argue that this concern is equally warranted today.

Although I understand this longstanding desire to protect veterans' disability compensation, I would ask my colleagues to consider a simple question posited in a recent editorial: ''If American soldiers are mature and responsible enough to choose to risk their lives for their country, shouldn't they be considered competent to hire a lawyer?'' I believe the obvious answer to that question is ''yes.''

Particularly for veterans of to day's All-Volunteer Force—which has been described as the ''best-trained, best-equipped, best-led fighting force in the history of the world''—this paternalistic restriction is simply outdated. These highly trained, highly skilled veterans have the ability—and should have the right—to decide whether or not to hire a lawyer.

This is a right that is not denied to individuals seeking other earned benefits from the government. In fact, if a veteran were to seek Social Security benefits for disabilities suffered during military service, the veteran would be permitted to hire an attorney—while the same veteran seeking benefits from VA for the same disabilities would be prohibited from hiring an attorney based on this remnant of an ancient policy.

The paternalistic restriction that prevents veterans from hiring counsel may have been advisable 150 years ago, but—as one veterans' organization recently testified before the Veterans' Affairs Committee—there is now no logic to it ''except history.'' It has endured for far too long and it is now time to embrace Justice Oliver Wendell Holmes' admonition that it is ''revolting'' for a law to persist ''in blind imitation of the past.'' It is time to repeal this archaic law and to allow our Nation's veterans the option of hiring counsel.

Having said all that, I want to be clear that I am not suggesting that attorneys should be considered necessary in order to obtain VA benefits. Above all, we must ensure that the system continues to serve veterans in a claimant-friendly, non-adversarial manner—regardless of the presence of an attorney or any other representative—and we must strive to reduce the complexities of this vast system. I hope that veterans' organizations across the country will join me in pursuing those goals.

I also want to be clear that, although I believe veterans should have the option to hire attorneys, they should not be discouraged in any way from utilizing the free services now provided by many dedicated representatives of veterans' service organizations. Those representatives are an important and valuable resource that veterans and their families will undoubtedly continue to rely on for many generations to come. The availability of this resource, however, is no reason to restrict veterans' access to other options. If a veteran would rather hire an attorney, we should not stand in the way.

At the same time, however, we should ensure that anyone who represents a veteran is held to the highest standards of professional and ethical conduct and that any fee charged to a veteran is patently reasonable. To that end, this legislation will allow veterans the right to hire an attorney at any time and it will heighten the expectations on all individuals who represent veterans.

Specifically, this legislation will allow VA to ensure that all attorneys who practice before VA have adequate training or experience in this specialized area of law to competently represent veterans and that they conform to specified standards of ethical and professional conduct. It would also allow VA to ensure that all veterans' representatives are honest, professional, and law abiding; that they avoid further delaying or complicating the system by presenting frivolous claims or arguments; and that they conduct themselves with due regard for the non-adversarial nature of the system.

For veterans who opt to hire an attorney, this legislation would provide the Secretary of Veterans Affairs with authority to reduce any attorney fee if it is excessive or unreasonable and with authority to set restrictions on the amount of fees that could be charged in any case before VA. Finally, in order to avoid any drain on existing VA resources, VA would have authority to impose on attorneys a registration fee to defray any costs associated with allowing them to practice before VA.

In sum, this legislation will take measures to ensure that the interests of veterans will be protected, while allowing them to decide for themselves whether they want to hire a lawyer. I ask my colleagues to support this groundbreaking legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2694

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 ''Veterans' Choice of Representation Act of 2006''.

SEC. 2. ATTORNEY REPRESENTATION IN VETERANS BENEFITS CLAIMS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS.

(a) QUALIFICATIONS AND STANDARDS OF CONDUCT FOR INDIVIDUALS RECOGNIZED AS AGENTS OR ATTORNEYS.—

(1) ADDITIONAL QUALIFICATIONS AND STANDARDS FOR AGENTS AND ATTORNEYS GENERALLY.—Subsection (a) of section 5904 of title 38, United States Code, is amended—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking the second sentence; and

(C) by adding at the end the following new paragraphs:

''(2) The Secretary may prescribe in regulations qualifications and standards of conduct for individuals recognized under this section, including the following:

''(A) A requirement that, before being recognized, an individual—

''(i) show that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims; and

''(ii) has such level of experience and specialized training as the Secretary shall specify.

''(B) A requirement that the individual follow such standards of conduct as the Secretary shall specify.

''(3) The Secretary may prescribe in regulations restrictions on the amount of fees that an agent or attorney may charge a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department.

''(4)(A) The Secretary may, on a periodic basis, collect from individuals recognized as agents or attorneys under this section a registration fee.

''(B) The Secretary shall prescribe the amount and frequency of collection of such fees. The amount of such fees may include an amount, as specified by the Secretary, necessary to defray the costs of the Department in recognizing individuals under this section, in administering the collection of such fees, in administering the payment of fees under subsection (d), and in conducting oversight of agents or attorneys.

''(C) Amounts so collected shall be deposited in the account from which amounts for such costs were derived, merged with amounts in such account, and available for

the same purpose, and subject to the same conditions and limitations, as amounts in such account.''.

(2) APPLICABILITY TO REPRESENTATIVES OF VETERANS SERVICE ORGANIZATIONS.—Section 5902(b) of such title is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) An individual recognized under this section shall be subject to suspension under section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.''.

(3) APPLICABILITY TO INDIVIDUALS RECOGNIZED FOR PARTICULAR CLAIMS.—Section 5903 of such title is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

(B) by adding at the end the following new subsection:

''(b) SUSPENSION.—An individual recognized under this section shall be subject to suspension under section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.''.

(b) ADDITIONAL BASES FOR SUSPENSION OF INDIVIDUALS.—Subsection (b) of section 5904 of such title is amended—

(1) by inserting ''and sections 5902 and 5903 of this title'' after ''under this section'';

(2) in paragraph (4), by striking ''or'' at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(6) has failed to conduct himself or herself with due regard for the non-adversarial nature of any proceeding before the Department;

''(7) has presented frivolous claims, issues, or arguments to the Department; or

''(8) has failed to comply with any other condition specified by the Secretary in regulations prescribed by the Secretary for purposes of this subsection.''.

(c) REPEAL OF LIMITATION ON HIRING AGENTS OR ATTORNEYS.—Subsection (c) of section 5904 of such title is amended by striking paragraph (1).

(d) MODIFICATION OF REQUIREMENTS TO FILE ATTORNEY FEE AGREEMENTS.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (1); and

(2) in that paragraph, as so redesignated—

(A) by striking ''in a case referred to in paragraph (1) of this subsection'';

(B) by striking ''after the Board first makes a final decision in the case'';

(C) by striking ''with the Board at such time as may be specified by the Board'' and inserting ''with the Secretary pursuant to regulations prescribed by the Secretary''; and

(D) by striking the second and third sentences.

(e) ATTORNEY FEES.—Such subsection is further amended by inserting after paragraph (1), as redesignated by subsection (d)(1) of this section, the following new paragraph (2):

''(2)(A) The Secretary, upon the Secretary's own motion or at the request of the claimant, may review a fee agreement filed pursuant to paragraph (1) and may order a reduction in the fee called for in the agreement if the Secretary finds that the fee is excessive or unreasonable.

''(B) A finding or order of the Secretary under subparagraph (A) may be reviewed by the Board of Veterans' Appeals under section 7104 of this title.''.

(f) REPEAL OF PENALTY FOR CERTAIN ACTS.—Section 5905 of such title is amended by striking ''(1)'' and all that follows through ''(2)''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect six months after the date of the enactment of this Act.

(2) REGULATIONS.—The Secretary shall prescribe the regulations, if any, to be prescribed under the amendments made by subsection (a) not later than the date specified in paragraph (1).

(3) CLAIMS.—The amendments made by subsections (b), (c), (d), and (e) shall apply to claims submitted on or after the date specified in paragraph (1).

Mr. CORNYN (for himself and Mr. LIEBERMAN):

S. 2695. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise today to join my friend Senator LIEBERMAN in introducing legislation that will ensure U.S. taxpayer dollars are spent wisely, and will help enhance America's ability to compete in the global economy.

Each year, our Federal Government invests more than $55 billion on basic and applied research. That s roughly 40 percent of the current two-year budget for my home State of Texas.

The bulk of this money is spent by approximately 10 agencies, including: the National Institutes of Health, National Science Foundation, NASA, the Department of Energy, and the Department of Agriculture. These agencies use the money to fund research which is usually conducted by outside researchers working for universities, healthcare systems, and other groups.

Most of the time, researchers will publish the results of their work in an academic journal. The NIH, for example, estimates that roughly 65,000 articles are published each year that report on research either partially or entirely funded by NIH.

Unfortunately, as it stands now, most Americans have little—to no—timely access to this wealth of information, despite the fact that their tax dollars paid for the research. Some Federal agencies, with the NIH chief amongst them, have taken some very positive steps in the right direction to require that these articles reporting on government-funded research be freely available to the public in a timely manner.

In fact, today marks the one-year anniversary of the implementation of a ground breaking public access policy at NIH developed by Director Elias Zerhouni. I thank Dr. Zerhouni and his colleagues for their leadership on this important issue and for energizing this debate.

While Dr. Zerhouni and NIH have made strong progress, Sen. LIEBERMAN and I believe more must be done, not only at NIH and in medical research, but throughout the Federal Government and the sciences in general.

That is why today we are introducing the Federal Research Public Access Act of 2006, legislation that will refine the work done by NIH and require that the Federal Government's leading underwriters of research adopt meaningful public access policies.

Our legislation is a simple, common sense approach that will advance the public's access to the research it funds. We hope this access will help accelerate science, innovation, and discovery.

Under our bill, all Federal departments and agencies that invest $100 million or more annually in research will be asked to develop a public access policy. Each policy will require that all articles that result from federal funding be deposited in a publicly accessible archive no later than six months after publication.

Our bill simply says to all researchers who seek government funding that we want the results of your work to be seen by the largest possible audience. It will ensure that U.S. taxpayers do not have to pay twice for the same research—once to conduct it, and a second time to read it.

This legislation is an opportunity for our government to better leverage our investment in research, and to ensure a greater return on that investment, which is all the more important given the current budget situation. By sharing this information quickly and broadly with all potential users, we can advance science, accelerate the pace of new discoveries and innovations, and improve the lives and welfare of people at home and abroad.

All Americans will be positively affected as a result of this bill: patients diagnosed with a disease or condition will be able to use the Internet to access the full text of articles containing the latest information on ent and prognosis; students at small institutions will have equal access to research articles they need to complete assignments and further their studies; researches will have their findings more broadly and more quickly disseminated, possibly sparking further discovery and innovation

The Internet has dramatically altered how the world gathers and shares information. The Internet gives the homemaker in Houston the ability to find volumes of information about a recent medical diagnosis given to a family member. It allows a young community college student in rural West Texas—a great distance from the nearest research library—to learn the latest in scientific discovery and hopefully spur him to continue his studies.

While a comprehensive competitiveness agenda is still in the works, ensuring greater access to scientific information is one way we can help bolster interest in these important fields and move this issue forward while at the same time helping accelerate the pace of discovery and innovation. Through this legislation, I hope to ensure that students, researchers, and every American has access to the published results

of federally funded research, and I ask for my colleagues' support.

By Mr. TALENT (for himself, Mrs. LINCOLN, Mr. COLEMAN, Ms. LANDRIEU, Mr. PRYOR, Mr. BOND, Mr. DORGAN, and Mr. VITTER):

S. 2696. A bill to extend all of the authorizations of appropriations and direct spending programs under the Farm Security and Rural Investment Act of 2002 until after implementing legislation for the Doha Development Round of World Trade Organization negotiations is enacted into law, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TALENT. Mr. President, America has the safest, most abundant, best tasting, and least expensive food supply not only in the world, but in the history of the world. There are a lot of good people in the food and fiber production industry who deserve credit for that. But the heart of food production in the United States and the world and the center of the rural communities that produce our food and fiber, is none other than the American family farmer and rancher.

I want to assure everyone here of this. There are a lot of us in Congress and in the country that believe in agriculture; we intend to continue supporting policies that help farmers; and we're not going to apologize to anyone for doing it, especially foreign countries that are not negotiating in good faith with the United States through the WTO.

When I am in Missouri, I hear strong support for the current farm bill. Producers all over the State tell me that they like the programs created in the farm bill and they want to see it extended, especially when we have the uncertainty of the current WTO negotiations hanging over the head of our domestic agriculture industry.

It would be unfair to our nation's agriculture producers to write a new farm bill in the midst of ongoing international trade negotiations. Today, Senator LINCOLN, and I, with a number of other members, filed legislation to extend the current farm bill until the Doha round of World Trade Organization (WTO) negotiations is complete.

Our Nation's farmers and their lenders should not be asked to operate under rules that keep changing. We must have fair global trading rules in place before we write the next farm bill. A farm bill extension is a reasonable and sound approach.

Everyone knows that safe food is abundant in the United States. Farmers and farm workers constitute 2 percent of the total workforce in the United States, yet they help feed the entire world. Unfortunately, some people in Washington believe that we spend too much in securing that safe and abundant food supply.

What does this safe and inexpensive food supply cost the Federal taxpayer? In the United States, domestic support programs amount to ¾ of one per cent of the total Federal budget. For ¾ of one per cent our farmers are able to sustain an agriculture industry that produces 25 million jobs and 3.5 trillion dollars in economic activity.

For three quarters of one per cent of the Federal budget, Americans have a hedge against ever being held hostage to food imports the way we are now held hostage to energy imports. Where would our security be without the American family farm? What would it mean for the United States if our family farmers went out of business, and foreign powers could threaten our food as they now threaten our energy? Do we want to rely on Brazil for food the way we rely on Venezuela for oil?

I believe the best way to continue support for this strong sector of our economy is to extend the farm bill until we have a WTO agreement that is good for American agriculture. I do not believe that we should negotiate with our trading partners and against ourselves.

As George Washington wrote in 1796, ''Agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage.''

America will be more than ever what George Washington predicted in 1788 it would be: the ''storehouse and granary for the whole world.''

Mrs. LINCOLN. Mr. President, I rise today to introduce legislation that would extend the provisions of the 2002 Farm Bill until our trading partners in the WTO have at least matched our commitment to level disparities in global agriculture trade. I would like to thank Senator TALENT for working with me on this important piece of legislation to farm families in my State of Arkansas and across the Nation.

This legislation would extend our current farm bill until one year after implementing legislation for a WTO Doha agreement is enacted. Then . . . and only then . . . will Congress know what to expect of our trading partners and what our trading partners expect from us.

Four years ago, President Bush, after some noted reluctance, signed into law the 2002 Farm Bill. As a member of the Senate Agriculture Committee and a farmer's daughter, I played an active role in that debate and was pleased with the outcome, which I view as a compromise between many different interests. Most importantly, I view it as a contract between the farmers in my State of Arkansas and their government. It is meant to offer what little certainty can exist for those who choose to make a living providing the safe and affordable food supply which we as Americans depend on. Unfortunately, certainty is something that's hard to come by in farm country these days.

This Administration has repeatedly asked Congress to cut funding or make structural changes to the 2002 Farm Bill, regardless of the fact that CBO estimates it has come in approximately $13 billion cheaper than anticipated.

This Administration has also refused to provide emergency assistance to agriculture producers, despite the fact that farmers across the Nation faced weather-related disasters of all kinds and record high fuel and fertilizer costs in 2005. A wet spring, followed by extreme drought and rising fuel prices, cost farmers in my State $923 million last year. In Arkansas, where one in five jobs is tied to agriculture, this impacts the entire State economy.

All the while, producers wait and watch as U.S. negotiators offer proposals in the WTO that would require drastic reductions and changes in our farm support, while our trading partners continue to protect their markets with tariffs and subsidies far higher than we have in the U.S.

I am tired of waiting, and so are my farmers. Very little was accomplished at the WTO ministerial in Hong Kong, and trade officials recently announced that the April 30th deadline for reaching a negotiating framework would pass without progress. The 2002 Farm Bill is set to expire in September of next year, and we are no closer to an agreement in the WTO than we were one year ago.

No doubt our trading partners are quite content to take the wait and see approach. This Administration has made it quite clear that it supports drastic changes to our farm policy, with or without an agreement in the WTO. Our trading partners are demanding that we dismantle our farm program . . . meanwhile they do little to nothing to show that they are willing to do the same. Why would they?

This Administration is sending them the very clear message that they agree with them . . . and envision 2007 as the year to make those changes. If that is the case, what incentive then do our trading partners have to come to the negotiating table at all? More importantly, what does it say about our negotiating priorities if we are simply negotiating with ourselves?

Some may argue that we must change our agriculture policy to avoid further litigation against our farm programs by WTO countries. But without a completed WTO agreement, like the one negotiated in the Uruguay Round, how are we expected to write new farm policy that is compliant? Compliant with what?

In my view, and I think many of my colleagues agree, the best course of action is to extend the current farm bill until we know the rules of the road. As a member of the Senate Finance Committee, with jurisdiction over international trade . . . and as a farmer's daughter who understands full well the importance of international markets to the U.S. agriculture industry . . . I am introducing this legislation to send a message to our friends in the WTO. We will not negotiate by ourselves . . . we

will not make wholesale changes to our domestic policies until we know that you are willing to do the same.

So long as we maintain the status quo in our international trade agreements, then we should maintain the status quo with regard to our domestic farm policy as well. That is the type of message that I wish our trade negotiators were sending to our trading partners. And that is the message that I hope our trading partners receive today. That is the type of certainty that America's farmers need and deserve.

The legislation Senator TALENT and I introduce today will provide this certainty to our farming communities and send a strong signal to our trading partners. Congress will not make drastic changes to our farm policy without a meaningful agreement in the WTO.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. OBAMA):

S. 2697. A bill to establish the position of the United States Ambassador for ASEAN; to the committee on Foreign Relations.

Mr. LUGAR. Mr. President, today, I rise to introduce ''The U.S. Ambassador for ASEAN Act'', which signals the importance of bolstering the U.S.–ASEAN relationship for our mutual benefit.

ASEAN was originally established in 1967. The founding Members, Indonesia, Malaysia, the Philippines, Singapore and Thailand, remain as anchor participants of ASEAN today. Overall membership has expanded, with ten countries now comprising ASEAN.

Over the years, ASEAN has contributed to regional stability in East Asia and has partnered with the United States to combat global terror. In addition to promoting regional peace and stability, ASEAN is committed to accelerating economic growth, social progress, and cultural development.

ASEAN is the third largest export market for United States products, and has received approximately $90 billion in direct investment from U.S. sources. Nearly 40,000 ASEAN students are studying in the United States.

The United States maintains bilateral relationships with the ASEAN Member countries. However, as ASEAN develops an integrated free trade area and addresses matters of common concern with the United States—ranging from environmental and financial challenges to avian influenza and terrorism—it is appropriate for the United States to enhance its overall relationship with ASEAN.

With this in mind, my legislation establishes the position of U.S. Ambassador for ASEAN, subject to advice and consent of the Senate. I believe this initiative will be an important step in advancing an already positive relationship. In addition, I am hopeful that once the position is established, the U.S. Ambassador to ASEAN will help facilitate ongoing implementation of the ASEAN–U.S. Enhanced Partnership, announced last November by ASEAN leaders and President Bush.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2698. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I rise today to introduce my bill to designate the Granada Relocation Camp, also known as Camp Amache, as a National Historic Site in Colorado.

The Granada Relocation Camp, which is located in Southeast Colorado between the towns of Lamar and Holly on the Santa Fe Trail, played an important, and sometimes sad, part in United States history. In the 1800's travelers that came into Colorado along the Santa Fe Trail used it as a place to buy supplies and rest, and it was known as the ''Gateway to Colorado''. This put Granada on the map and the area was settled in 1873. By 1876 it was one of the largest cities in Colorado and endured a move further west for expansion.

The town is now best known for the Granada Relocation Camp, Camp Amache, which was established during one of the darker, but just as important time periods in American history. This camp, one of ten interment camps in the Nation, was established in August 1942 by the United States government during World War II as a place to house the Japanese from the West coast and was closed on August 15, 1945. Camp Amache was named after Amache Ochinee Prowers, the wife of John Prowers, the founder of the county in which Granada presides. It became its own little city with 30 blocks of barracks, school rooms, and mess tents. It also included its own post office, fire station, police, and hospital.

While this was a dark moment in American history, it is still an important part of it. By preserving this site, we are preserving our own history.

By Mr. BROWNBACK (for himself and Mr. LIEBERMAN):

S. 2699. A bill to promote the research and development of drugs related to neglected and tropical diseases, and for other purposes; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, today I introduced with my colleague, Senator LIEBERMAN, the Elimination of Neglected Diseases Act of 2006. This legislation is designed to confront and combat a group of dangerous parasitic diseases that together claim more than 500,000 lives each year and adversely affect millions more. These 13–15 neglected tropical diseases, NTD, as they are called, are the most common infections in the developing world, and include such debilitating diseases as leprosy, guinea worm, and trachoma. Many are described in the Bible, exposing the sad fact that humans have been suffering from these diseases for millennia. Moreover, research has shown alarming rates of comorbidity of NTD's with HIV/AIDS, tuberculosis, and malaria, resulting in severe complications with these already devastating diseases.

The biggest challenge to finding cures for these diseases is the lack of a market. Pharmaceuticals are expensive to develop, and since neglected diseases disproportionately affect poor and marginalized populations in the developing world, there are fewer incentives for conducting research and development for new treatments. The purpose of this act is to encourage drug development by creating market incentives for investment in new research. Specifically, the bill awards a limited patent-term extension or patent-term restoration for certain lifestyle and tropical disease drugs provided the company successfully develops a new FDA-approved drug for an NTD. In this way, a drug company can recoup costs for the large investment in NTD research and development.

With the exception of market incentives, we have all the right ingredients to develop new drugs that would dramatically reduce the number of NTD cases and improve the quality of human life worldwide. I strongly believe that this legislation will add the last remaining step to jumpstart competitive research and development for combating NTD's. I urge my colleagues to join in this effort by supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 459—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES PARTICIPATION AND AGREEMENT IN THE DOHA DEVELOPMENT ROUND OF THE WORLD TRADE ORGANIZATION

Mr. BAYH submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 459

Whereas in 2001, World Trade Organization members launched the Doha Development Agenda, a new round of multilateral trade negotiations with a core objective of increasing market access for nonagricultural products, such as industrial goods;

Whereas Ministers of World Trade Organization members agreed in the Doha Declaration that the aim of the nonagricultural market access (NAMA) negotiations is to reduce or eliminate industrial tariffs, with an emphasis on high tariffs and nontariff barriers;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members renewed this commitment by agreeing to adopt a tariff-cutting formula geared toward the reduction or elimination of high tariffs;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members agreed once again to reduce or eliminate trade-distorting nontariff barriers, and to focus on liberalization in certain sectors;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members agreed to establish by April 30, 2006, the formulas or approaches (commonly referred to as ''modalities'') for tariff reductions and that time frame has now been extended;

Whereas manufactured goods account for over 70 percent of world merchandise trade and 87 percent of the United States total merchandise exports;

Whereas substantial differences in average bound industrial tariff rates among World Trade Organization members have caused vast inequities in the multilateral trading system, placing American companies and workers at a disadvantage;

Whereas the United States has a simple average bound tariff rate of 3.2 percent for industrial goods with 38.5 percent of industrial tariff lines providing for duty-free treatment;

Whereas foreign tariffs on industrial goods are significantly higher than United States rates, and countries with high industrial tariff rates provide few, if any, duty-free tariff treatment;

Whereas many countries that maintain high industrial tariffs are benefiting under the United States Generalized System of Preferences (GSP), a program granting duty-free treatment to specified products that are imported from more than 140 designated countries and territories;

Whereas in 2005, the United States annual deficit for trade in goods reached a new high of $782,100,000,000;

Whereas the United States share of global industrial goods trade has shrunk over the past decade, and 3,000,000 domestic manufacturing jobs have been lost since June 2000;

Whereas producers of industrial goods, particularly manufacturers, are critical to the health of the United States economy;

Whereas greater access to foreign markets will generate economic growth, raise wages, bolster research and development, and increase standards of living; and

Whereas international trade can be a dynamic engine for economic growth and job creation, provided that America's entrepreneurs and innovators are afforded nondiscriminatory treatment in the global economy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should not be a signatory to any agreement or protocol with respect to the Doha Development Round of the World Trade Organization negotiations unless—

(1) a NAMA agreement would lead to a significant reduction or elimination of the substantial inequities in the average level of industrial tariff rates of all World Trade Organization members;

(2) substantial increases in market access and United States exports are achieved through reductions in average tariff rates applied to manufactured goods;

(3) sectoral tariff agreements are included that would result in a significant number of countries eliminating tariffs on products and in sectors that would increase United States exports; and

(4) real new market access is achieved through the dismantling of nontariff barriers, and particularly in sectors of primary importance to American manufacturers.

SENATE RESOLUTION 460—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD INCREASE ITS SUPPORT TO THE PEOPLE OF SOMALIA IN THEIR EFFORTS TO END DECADES OF VIOLENCE, ESTABLISH LASTING PEACE, FORM A DEMOCRATICALLY ELECTED AND STABLE CENTRAL GOVERNMENT, AND BECOME AN EFFECTIVE PARTNER IN ERADICATING RADICALISM AND TERRORISM FROM THEIR COUNTRY AND THE REGION

Mr. COLEMAN (for himself, Mr. FEINGOLD, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 460

Whereas General Mohamed Siad Barre, who came to power in Somalia through a military coup in 1969, was ousted from power by several armed groups of Somalia in 1991;

Whereas, following the collapse of the central authority in Mogadishu, the capital of Somalia, rival groups of Somalia devastated the region by—

(1) engaging in an armed struggle for personal political power; and

(2) preventing food and medicine from reaching innocent civilians who were suffering from drought and famine;

Whereas, during the continued internal chaos and destruction in Somalia, hundreds of thousands of people have died from—

(1) violence;

(2) starvation; and

(3) disease;

Whereas the people of Somalia witnessed the country splinter into—

(1) the Republic of Somaliland, which—

(A) is located in the northwest portion of Somalia; and

(B) seeks independence;

(2) Puntland, which is an autonomous region located in the northeast portion of Somalia; and

(3) a myriad of warlord-controlled fiefdoms that are located in the southern portion of Somalia;

Whereas, on November 9, 1992, President George H. W. Bush authorized Operation Restore Hope, and used the Armed Forces to safeguard nongovernmental organizations while the organizations attempted to provide humanitarian assistance to the suffering civilian population of Somalia;

Whereas the United States led the Unified Task Force (referred to in this preamble as the ''UNITAF'') in an effort to—

(1) save lives; and

(2) help create a relatively peaceful environment for humanitarian activity in Somalia;

Whereas, in May 1993, UNITAF handed its operations to the United Nations for an operation subsequently known as the ''United Nations Operation in Somalia'', giving the people of Somalia hope for peace and stability;

Whereas the operation was unfortunately unsuccessful in establishing peace and stability in Mogadishu and other parts of Somalia;

Whereas, in March 1994, the Armed Forces withdrew from Somalia after a long and bloody battle in Mogadishu on October 3, 1993;

Whereas, 1 year after the withdrawal of the United States, the United Nations withdrew all remaining peacekeepers because the security conditions in Somalia had further deteriorated;

Whereas the United Nations withdrew United Nations troops from Somalia in 1995;

Whereas 13 conferences dedicated to promoting reconciliation or peace have been called in order to end the fighting in Somalia;

Whereas, in October 2002, 21 warring parties in Somalia took positive action by—

(1) agreeing to a cease fire under the auspices of the East African organization known as the ''Intergovernmental Authority on Development''; and

(2) beginning a dialogue that was focused on forming a government;

Whereas, in September 2003, the parties to the Kenyan peace process agreed on the Transitional National Charter for Somalia, and thus paved the way for the creation of a unified national government in Somalia;

Whereas, in August 2004, the 275-member Transitional Federal Assembly of Somalia was assembled in Kenya to reunify and heal Somalia and comprised of 61 delegates from the 4 major clans of Somalia and 31 delegates from an alliance of minority clans located in that country;

Whereas Abdullahi Yusuf Ahmed, the former leader of Puntland, was elected President of Somalia by the Transitional Federal Government on October 10, 2004;

Whereas Abdullahi Yusuf Ahmed appointed Professor Ali Mohamed Gedi as Prime Minister in November 2004;

Whereas a limited number of countries on the continent of Africa have pledged to send peacekeeping troops to Somalia to help protect the Transitional Federal Government as the Government seeks to reestablish peace and order;

Whereas the international community should encourage those individuals and organizations that have shown commitment to the peace process, including—

(1) the African Union;

(2) the Intergovernmental Authority on Development;

(3) the Transitional Federal Government; and

(4) the many clans located in Somalia;

Whereas escalating tensions and violence between certain clans threaten to weaken the ability of the Transitional Federal Government to—

(1) develop capacity;

(2) effectively establish stability; and

(3) enforce the rule of law throughout Somalia;

Whereas the 2004 Country Reports on Terrorism, produced by the Secretary of State in accordance with section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), noted that—

(1) ''a small number of al-Qa'ida operatives in East Africa, particularly Somalia, continue to pose the most serious threat to American interests in the region'';

(2) ''Somalia's lack of a functioning central government, protracted state of violent instability, long unguarded coastline, porous borders, and proximity to the Arabian Peninsula make it a potential location for international terrorists seeking a transit or launching point to conduct operations elsewhere''; and

(3) ''[t]he U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power'';

Whereas current political tensions may be exacerbated by the ongoing humanitarian crisis that continues to affect hundreds of thousands of individuals in Somalia, thereby making the task of creating a stable, central government increasingly difficult;

Whereas the Transitional Federal Government is incapable of meeting the fundamental needs of all people of Somalia, including—

(1) education;

(2) health care; and

(3) other essential services;

Whereas the 2005 Human Rights Report published by the Department of State cites significant concerns relating to abuses of human rights in Somalia, including—

(1) female genital mutilation;

(2) rape; and

(3) political violence;

Whereas the Federal Government has provided $476,000,000 for humanitarian assistance activities since 1990, although a majority of those funds were distributed during the early 1990s;

Whereas it is the desire of the United States that the people of Somalia live peaceful, stable, prosperous, and happy lives;

Whereas the United States has historically supported the aspirations of the people of Somalia; and

Whereas the compassion of the citizens of the United States extends across the world to embrace every member of the human family: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States is working with the people of Somalia to build a stable and enduring democratic nation in the Horn of Africa that is prosperous and free of civil war;

(2) to achieve long-lasting peace in the region, the nascent leadership and governance structures of Somalia must—

(A) commit themselves to the principles of democracy and the rule of law; and

(B) pledge to hold popular elections as soon as Somalia has stabilized;

(3) the nascent Transitional Federal Government for Somalia should—

(A) organize itself in 1 city as soon as practicable to—

(i) promote national unity; and

(ii) begin the process of reentering the international community; and

(B) delay the consideration of the delicate issue regarding the Republic of Somaliland until an appropriate level of stability has been achieved in Somalia, while understanding the critical importance of that issue for establishing a peaceful Somalia;

(4) the President should—

(A) commend the efforts of those that have worked to restore a functioning and internationally recognized government in Somalia, including—

(i) the people of Somalia and their representatives;

(ii) the African Union;

(iii) the Intergovernmental Authority on Development;

(iv) friendly countries from the continent of Africa; and

(v) nongovernmental organizations;

(B) through the Secretary of State, develop a comprehensive interagency stabilization and reconstruction strategy that—

(i) aligns humanitarian, developmental, economic, political, counterterrorism, and regional strategies;

(ii) achieves the objectives of the United States in Somalia in coordination with the international donor community; and

(iii) orients current and future programs to meet the objectives described in clause (ii);

(C) appoint a special envoy to Somalia to—

(i) help guide and inform United States policy and interests in the region; and

(ii) serve as a liaison between—

(I) the United States;

(II) nascent Somali governance institutions;

(III) the international donor community; and

(IV) the region;

(D) instruct the United States Permanent Representative to the United Nations to request that the Security Council take additional measures to—

(i) evaluate the effectiveness of the existing arms embargo on Somalia; and

(ii) develop an improved plan to monitor and protect the vast land and maritime borders of Somalia from—

(I) smuggling;

(II) dumping; and

(III) piracy; and

(E) through the Secretaries of State and the Treasury, work with international financial institutions to incrementally reduce the crippling international debt of Somalia on the condition that Somalia upholds democratic and free market principles;

(5) the United States Agency for International Development should increase the assistance that the Agency provides to the Transitional Federal Government to rebuild the national infrastructure of Somalia, and place particular emphasis on the promotion of the governmental institutions of Somalia;

(6) the United States should provide training and support to the Transitional National Government of Somalia to—

(A) fight terrorism and extremism; and

(B) strengthen the civil society and grassroots efforts in Somalia that will deny terrorist and extremist groups a fertile ground for recruitment in that country;

(7) the United States, in partnership with the United Nations and the international donor community, must—

(A) heed the calls concerning the significant drought affecting the region that have been placed by—

(i) the United Nations Coordinator for Humanitarian Assistance;

(ii) the international community of nongovernmental organizations; and

(iii) regional governments;

(B) provide sufficient humanitarian assistance to those impacted by the drought; and

(C) realize that a failure to address the humanitarian emergency could have a negative impact on fragile political developments; and

(8) not later than 180 days after the date of enactment of this resolution, the Secretary of State should present to Congress a status report on items referred to in paragraphs (4) through (8) that includes—

(A) a projection of future challenges regarding Somalia; and

(B) resource requirements that could foreseeably be needed to continue to support the transition of Somalia to a peaceful and democratic country.

SENATE RESOLUTION 461—SUPPORTING AND COMMENDING THE SUPPORTERS OF THE JEFFERSON AWARDS FOR PUBLIC SERVICE FOR ENCOURAGING ALL CITIZENS OF THE UNITED STATES TO EMBARK ON A LIFE OF PUBLIC SERVICE AND RECOGNIZING THOSE CITIZENS WHO HAVE ALREADY PERFORMED EXTRAORDINARY DEEDS FOR THEIR COMMUNITY AND COUNTRY

Mr. LOTT (for himself, Mr. DURBIN, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 461

Whereas one of the defining traditions of the democracy of the United States is that each person can make a difference;

Whereas the value of public and community service was a founding principle of the Government of the United States;

Whereas, for generation after generation, the citizens of the United States have desired to pass to the youth of the Nation the tradition of neighbors helping neighbors through—

(1) local community service;

(2) volunteerism; and

(3) public service;

Whereas, to build stronger communities, the youth of the United States should be inspired to seek career opportunities in—

(1) the public sector;

(2) the nonprofit sector;

(3) the faith-based community; and

(4) Federal, State, and local governments;

Whereas the Jefferson Awards for Public Service are a prestigious national recognition system that was created on a nonpartisan basis in 1972 by—

(1) Jacqueline Kennedy Onassis;

(2) Senator Robert Taft, Jr.; and

(3) Sam Beard;

Whereas the creators of the Jefferson Awards for Public Service sought to create an award similar to the Nobel Prize to encourage and honor individuals for their achievements and contributions in public and community service;

Whereas, for over 30 years, the supporters of the Jefferson Awards for Public Service have pioneered the promotion of civic engagement by using profiles of individual excellence, the media, and modern technology to attract and recruit all citizens of the United States to participate in the democratic processes of the Nation; and

Whereas the Jefferson Awards for Public Service have honored award recipients at—

(1) the national level, by placing the recipients on a ''Who's Who'' list of outstanding citizens of the United States; and

(2) the local level, by naming the recipients ''Unsung Heroes'' who accomplish extraordinary deeds for the betterment of the United States while going largely unnoticed: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports the goals and ideals that the creators instilled into the civic engagement initiatives of the Jefferson Awards for Public Service; and

(2) salutes and acknowledges the American Institute for Public Service and the role played by the Jefferson Awards for Public Service in promoting public service in the United States.

SENATE CONCURRENT RESOLUTION 92—ENCOURAGING ALL 50 STATES TO RECOGNIZE AND ACCOMMODATE THE RELEASE OF PUBLIC SCHOOL PUPILS FROM SCHOOL ATTENDANCE TO ATTEND OFF-CAMPUS RELIGIOUS CLASSES AT THEIR CHURCHES, SYNAGOGUES, HOUSES OF WORSHIP, AND FAITH-BASED ORGANIZATIONS

Mr. DEMINT submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 92

Whereas the free exercise of religion is an inherent, fundamental, and inalienable right secured by the 1st amendment to the Constitution of the United States;

Whereas the free exercise of religion is important to the intellectual, moral, civic, and ethical development of students in the United States;

Whereas the free exercise of religion must be conducted in a constitutionally appropriate manner;

Whereas, in Zorach v. Clauson, 343 U.S. 306 (1952), the United States Supreme Court held that a statute that provides for the release of public school pupils from school attendance to attend religious classes is constitutional if—

(1) the programs take place away from school grounds;

(2) school officials do not promote attendance at religious classes; and

(3) the solicitation of students to attend is not done at the expense of public schools; and

Whereas the Constitution of the United States and the laws of the States allow the school districts of the States to release public school pupils from school attendance to attend religious classes: Now, therefore, be it

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

(1) calls on all 50 States to recognize and accommodate those churches, faith-based organizations, and individuals that wish to release public school pupils from school attendance to attend religious classes; and

(2) respectfully requests the President of the United States to proclaim the third week of November 2006 as ''Bible Education in School Time Week''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3825. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3627 submitted by Mr. VITTER 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.

SA 3826. Mr. MCCAIN 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 3827. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3828. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3829. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3635 submitted by Mr. ALLEN (for himself and Mr. BURR) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3830. Mr. MCCAIN 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 3831. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3832. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3833. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3834. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3835. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3836. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3837. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3714 proposed by Mrs. MURRAY (for Mr. HARKIN) to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3838. Mr. KOHL 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 3839. Mr. KOHL 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 3840. Mr. JEFFORDS 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 3841. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3842. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3843. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3844. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3845. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3846. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3847. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3848. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3849. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3688 submitted by Mr. KENNEDY to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3850. Mr. WYDEN (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3665 proposed by Mr. WYDEN to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3851. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3593 submitted by Ms. LANDRIEU and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3852. Mr. LIEBERMAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3853. Mr. OBAMA (for himself, Mr. COBURN, 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.

SA 3854. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3816 submitted by Mrs. BOXER and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3855. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 3717 submitted by Mr. BIDEN and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3856. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3857. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3858. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes.

SA 3859. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to amendment SA 3858 proposed by Mr. ENSIGN (for Mr. MCCAIN) to the bill S. 1003, supra.

TEXT OF AMENDMENTS

SA 3825. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3627 submitted by Mr. VITTER 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 end of the amendment, add the following:

(c) The amendments made by subsections (a) and (b) shall be effective for the period beginning on the date of enactment of this Act and ending on October 1, 2008.

SA 3826. 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 229, strike lines 5 through 14.

SA 3827. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed 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:

Beginning on page 1 of the amendment, strike line 3 and all that follows through the end and insert the following:

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike ''(2)'' and insert ''(3)''.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike ''(f)'' and insert ''(e)''.

On page 230, strike lines 6 through 18 and insert the following:

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $147,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike ''**3043**'' and insert ''**3042**''.

SA 3828. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed 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:

Beginning on page 1 of the amendment, strike line 3 and all that follows through the end and insert the following:

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike ''(2)'' and insert ''(3)''.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike ''(f)'' and insert ''(e)''.

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term ''specialty crop'' means any agricultural crop.

(2) EXCEPTION.—The term ''specialty crop'' does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) $500,000 to each of the several States; and

(B) $250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $49,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $172,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike ''**3043**'' and insert ''**3042**''.

SA 3829. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3635 submitted by Mr. ALLEN (for himself and Mr. BURR) and intended to be proposed 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 3, line 23, strike ''including any'' and insert the following: ''including—

''(aa) ethanol, when blended into gasoline in a concentration of 20 percent by volume; and

''(bb) any

SA 3830. 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:

Beginning on page 224, strike line 23 through line 10 on page 225.

SA 3831. Mrs. HUTCHISON 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:

Strike all in the pending amendment and insert in lieu thereof:

''That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or

parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina.''

SA 3832. Mrs. HUTCHISON 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:

At the end of the amendment, insert the following:

''That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina.''.

SA 3833. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

TAX CREDIT FOR VEHICLES WITH HIGH FUEL ECONOMY

SEC. . For purposes of the Internal Revenue Code of 1986, there shall be allowed as credit against the tax imposed during the taxable year in which the vehicle is placed in service an amount of $1000 for purchase of a vehicle that obtains a minimum fuel economy of 45 miles per gallon.

SA 3834. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

INVESTIGATION OF GASOLINE PRICES

SEC. 7032. (a) IN GENERAL.—If, based on weekly data published by the Energy Information Administration of the Department of Energy, the average price of regular grade gasoline in a State increases 20 percent or more for at least 7 days during any 3-month period, the Federal Trade Commission shall initiate an investigation into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 14 days after the initiation of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—

(1) FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

(2) NO FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy, who shall, within 2 weeks of such notification, decide if the Strategic Petroleum Reserve should be used to assure adequate supplies of gasoline.

(e) TERMINATION.—This section shall cease to apply on the date that is 5 years after the date of enactment of this Act.

SA 3835. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

FUEL ASSISTANCE FROM OIL COMPANIES PROVIDING HIGH EMPLOYEE BONUS OR RETIREMENT PACKAGES

SEC. 7_____. (a) In this section, the term ''large integrated oil company'' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) that—

(1) has gross receipts in excess of $1,000,000 for the taxable year; and

(2) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

(b) Notwithstanding any other provision of law, if a large integrated oil company provides to an officer or employee of the large integrated oil company a salary, bonus or retirement package of more than $50,000,000, the large integrated oil company shall pay an equal amount into the Low Income Home Energy Assistance Program.

SA 3836. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

FUEL-EFFICIENT VEHICLES

SEC. ____. (a) None of the funds made available in this Act may be used to purchase a vehicle for the Federal government that is not fuel-efficient to the greatest extent possible, consistent with other federal laws.

(b) Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress a report on the number and type of vehicles purchased by the Federal government, including the fuel economy of such vehicles.

SA 3837. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3714 proposed by Mrs. MURRAY (for Mr. HARKIN) 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:

In lieu of the matter proposed to be inserted, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a)(1) The amount appropriated by this chapter for other bilateral assistance under the heading ''ECONOMIC SUPPORT FUND'' is hereby increased by $8,500,000.

(2) The amount made available under paragraph (1) 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.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading ''ECONOMIC SUPPORT FUND'', as increased by subsection (a), $8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005'' (Public Law 109-13) for military assistance under the heading ''PEACEKEEPING OPERATIONS'' and available for the Coalition Solidarity Initiative, $8,500,000 is rescinded.

SA 3838. Mr. KOHL 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 end of the amendment add the following:

On page 207, lines 5 and 6, strike ''paragraph (2)'' and insert ''paragraphs (2) and (3)''.

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike ''(2)'' and insert ''(3)''.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike ''(f)'' and insert ''(e)''.

On page 230, strike lines 6 through 18 and insert the following:

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title

I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $147,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike ''**3043**'' and insert ''**3042**''.

SA 3839. Mr. KOHL 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 end of the amendment add the following:

On page 207, lines 5 and 6, strike ''paragraph (2)'' and insert ''paragraphs (2) and (3)''.

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike ''(2)'' and insert ''(3)''.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike ''(f)'' and insert ''(e)''.

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term ''specialty crop'' means any agricultural crop.

(2) EXCEPTION.—The term ''specialty crop'' does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) $500,000 to each of the several States; and

(B) $250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $49,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $172,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike ''**3043**'' and insert ''**3042**''.

SA 3840. 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:

At the end of the amendment, insert the following text:

SEC. FEDERAL AND CAPITOL COMPLEX FLEET REQUIREMENTS.

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 US.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 US.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(2) Not later than January 31, 2007, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a light-duty hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a medium- or heavy-duty hybrid electric vehicle;

''(V) a neighborhood electric vehicle; or

''(VI) a medium- or heavy-duty dedicated vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) enhanced environmental performance and compliance with federal environmental law.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) $10,000,000 for the period of fiscal years 2007 through 2012.

SEC. CAPITOL COMPLEX VEHICLES

(a) STUDY ON TRANSPORTATION INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall conduct a study to evaluate accelerated procurement of hybrid and alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) as amended by this Act for use in the Capitol Complex and determine how the existing transportation system could be augmented to become more energy efficient, use hybrid and alternative fueled vehicles and other unconventional and renewable fuels, in a way that would enable the conduct of routine maintenance and provide for additional transport for Members of Congress and staff

between locations in the Complex. Such study should seek to ensure that no fewer than 30 percent of the vehicles in the Capitol Complex are hybrid and alternative fueled vehicles by 2010, and may set a more aggressive procurement goal as practicable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Architect of the Capitol shall transmit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SA 3841. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16.

SA 3842. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 16 of the amendment, strike line 3 and all that follows through page 17, line 4.

SA 3843. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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 end of p. 4, line 17 of the amendment, insert the following section:

SEC. . CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code (relating to business-related credits), as amended by the Energy Policy Act of 2005 (Public Law 109–58), is amended by adding at the end the following new section:

"SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

''(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

''(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

''(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds $400,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RECYCLING EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified recycling equipment' means equipment, including connecting piping—

''(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

''(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

''(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

''(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

''(2) QUALIFIED RECYCLABLE MATERIALS.—The term 'qualified recyclable materials' means—

''(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

''(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

''(3) PROCESSING.—The term 'processing' means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

''(d) AMOUNT PAID OR INCURRED.—For purposes of this section—

''(1) IN GENERAL.—The term 'amount paid or incurred' includes installation costs.

''(2) LEASE PAYMENTS.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

''(3) GRANTS, ETC. EXCLUDED.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking ''plus'' at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting '', plus'', and by adding at the end the following new paragraph:

''(23) the qualified recycling equipment credit determined under section 45M(a).''.

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking ''and'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting ''; and'', and by adding at the end the following new paragraph:

''(39) to the extent provided in section 45M(f), in the case of amounts with respect to which a credit has been allowed under section 45M.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

''Sec. 45M. Credit for qualified recycling equipment.''.

(c) EFFECTIVE DATE—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 3844. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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 end of p. 4, line 17 of the amendment, insert the following section:

"SEC. . CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.

(a) IN GENERAL.—Subpart IV of part H of subchapter A of chapter 1 of the Internal Revenue Code (relating to business-related credits), as amended by the Energy Policy Act of 2005 (Public Law 109–58), is amended by adding at the end the following new section:

"SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

''(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

''(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

''(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds $400,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RECYCLING EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified recycling equipment' means equipment, including connecting piping—

''(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

''(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

''(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

''(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

''(2) QUALIFIED RECYCLABLE MATERIALS.—The term 'qualified recyclable materials' means—

''(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

''(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

''(3) PROCESSING.—The term 'processing' means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

''(d) AMOUNT PAID OR INCURRED.—For purposes of this section—

''(1) IN GENERAL.—The term 'amount paid or incurred' includes installation costs.

''(2) LEASE PAYMENTS.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

''(3) GRANTS, ETC. EXCLUDED.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking ''plus'' at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting '', plus'', and by adding at the end the following new paragraph:

''(23) the qualified recycling equipment credit determined under section 45M(a).''.

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking ''and'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting ''; and'', and by adding at the end the following new paragraph:

''(39) to the extent provided in section 45M(t), in the case of amounts with respect to which a credit has been allowed under section 45M.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

''Sec. 45M. Credit for qualified recycling equipment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 3845. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16, and on page 47 of the amendment strike line 18 and all that follows through page 49, line 4.

SA 3846. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16.

SA 3847. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 16 of the amendment, strike line 3 and all that follows through page 17, line 4.

SA 3848. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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 end of the amendment, insert the following text:

SEC. . FEDERAL AND CAPITOL COMPLEX FLEET REQUIREMENTS.

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(2) Not later than January 31,2007, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a light-duty hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a medium- or heavy-duty hybrid electric vehicle;

''(V) a neighborhood electric vehicle; or

''(VI) a medium- or heavy-duty dedicated vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than I, but not to exceed 5, credits fur investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) enhanced environmental performance and compliance with federal environmental law.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) $10,000,000 for the period of fiscal years 2007 through 2012.

SEC. CAPITOL COMPLEX VEHICLES.

(a) STUDY ON TRANSPORTATION INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall conduct a study to evaluate accelerated procurement of hybrid and alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) as amended by this Act for use in the Capitol Complex and determine how the existing transportation system could be augmented to become more energy efficient, use hybrid and alternative fueled vehicles and other unconventional and renewable fuels, in a way that would enable the conduct of routine maintenance and provide for additional transport for Members of Congress and staff between locations in the Complex. Such study should seek to ensure that no fewer than 30 percent of the vehicles in the Capitol Complex are hybrid and alternative fueled vehicles by 2010, and may set a more aggressive procurement goal as practicable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Architect of the Capitol shall transmit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SA 3849. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3688 submitted by Mr. KENNEDY 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 end of the amendment, add the following:

SEC. _____. Of the funds provided in this chapter for the Economic Support Fund, not less than $106,000,000 should be made available for the purpose of supporting democracy programs in Iraq.

SA 3850. Mr. WYDEN (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3665 proposed by Mr. WYDEN 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:

In lieu of the matter proposed to be inserted, 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 year in which—

(1) for the production of oil, the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil is greater than $55 a barrel; and

(2) for the production of natural gas, the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas is greater than $10 per million British thermal units.

(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 relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

SA 3851. Ms. LANDRIEU submitted an amendment intended to be propsoed to amendment SA 3593 submitted by Ms. LANDRIEU and intended to be proposed 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:

In lieu of the matter proposed to be added, add the following:

CHAPTER ____

FLEXIBILITY IN HURRICANE EDUCATION FUNDING

SEC. ____. Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency, in providing assistance to entities located in Louisiana that are seeking reimbursement for damages incurred to public schools due to the effects of Hurricane Katrina or Hurricane Rita, shall provide the aggregate amount of such assistance directly to the State educational agency serving Louisiana to enable such agency to pay for expenses related to school reconstruction, renovation, or repair, as determined appropriate by such agency.

SA 3852. Mr. LIEBERMAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY Mr. STEVENS) and intended to be proposed 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:

Beginning on page 29 of the amendment, strike line 17 and all that follows through page 54, line 25.

SA 3853. Mr. OBAMA (for himself, Mr. COBURN, 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; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding $500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

SA 3854. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3816 submitted by Mrs. BOXER and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

SENSE OF SENATE ON ESTABLISHMENT OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH

SEC. __. It is the sense of the Senate that the Secretary of Defense should comply with section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) and immediately establish, and appoint the members of, the Department of Defense task force on mental health required pursuant to that section.

SA 3855. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 3717 submitted by Mr. BIDEN and intended to be proposed to the bill H.R. 4939, making emergency supplemenial appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent United States military bases in Iraq, or to exercise United States control over the oil infrastructure or oil resources of Iraq.

SA 3856. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16, and on page 47 of the amendment strike line 18 and all that follows through page 49, line 4.

SA 3857. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed 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 end of the matter proposed to be inserted, add the following: ''*Provided further*, That, of the amount provided under this heading, $500,000 shall be made available for the construction, operation, and maintenance, at full Federal expense, of a dispersal barrier project at the Lake Champlain Canal, Vermont.

SA 3858. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Navajo-Hopi Land Settlement Amendments of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Effect of Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

Sec. 101. Repeal of sections.
Sec. 102. Definitions; division of land.
Sec. 103. Joint ownership of minerals.
Sec. 104. Actions.
Sec. 105. Paiute Indian allotments.
Sec. 106. Partitioned and other designated land.
Sec. 107. Resettlement land for Navajo Tribe.
Sec. 108. Office of Navajo and Hopi Indian Relocation.
Sec. 109. Report.
Sec. 110. Relocation of households and members.
Sec. 111. Relocation housing.
Sec. 112. Payment for use of land.
Sec. 113. Effect of Act.
Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.
Sec. 115. Joint use.
Sec. 116. Religious ceremonies; piping of water.

Sec. 117. Access to religious shrines.
Sec. 118. Exclusion of Payments from certain Federal determinations of income.
Sec. 119. Authorization of exchange.
Sec. 120. Severability.
Sec. 121. Authorization of appropriations.
Sec. 122. Discretionary fund.
Sec. 123. Attorney fees and court costs.
Sec. 124. Lobbying.
Sec. 125. Navajo Rehabilitation Trust Fund.
Sec. 126. Availability of Funds for relocation assistance.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sec. 201. Definitions.
Sec. 202. Transfer of functions.
Sec. 203. Personnel provisions.
Sec. 204. Delegation and assignment.
Sec. 205. Reorganization.
Sec. 206. Rules.
Sec. 207. Transfer and allocations of appropriations and personnel.
Sec. 208. Incidental transfers.
Sec. 209. Effect on personnel.
Sec. 210. Separability.
Sec. 211. Transition.
Sec. 212. Report.
Sec. 213. References.
Sec. 214. Additional conforming amendment.
Sec. 215. Effect of title.
Sec. 216. Effective date.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

Sec. 301. Separation pay.
Sec. 302. Federal retirement.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'') was enacted to address the century-long land disputes between the Navajo Tribe and the Hopi Tribe and to establish a relocation process to remove, by December 31, 1986, Navajos and Hopis from land allocated to the other tribe by requiring the filing of a relocation plan;

(2) the Office of Navajo and Hopi Relocation was established in 1988 as a temporary independent agency to implement a 1981 relocation plan under that Act to relocate eligible families that lived on disputed land as of December 22, 1974;

(3) the relocation process has been plagued with controversy and delay, and Congress has had to amend the Act several times to authorize the expansion of original relocation activity and to provide additional appropriations for the implementation of relocation activities;

(4) the Office of Navajo and Hopi Indian Relocation has reviewed over 4,600 applications, considered numerous appeals, provided relocation homes for over 3,600 families;

(5) the Office of Navajo and Hopi Indian Relocation has provided financial assistance and technical support to the Navajo Tribe and the Hopi Tribe to address the impacts of relocation, including the operation of livestock grazing programs and resources to assist in the resettlement of individuals;

(6) individual Navajos and Hopis have had over 20 years during which to apply for and receive relocation benefits or to appeal a finding of ineligibility through the Office of Navajo and Hopi Relocation and in Federal district court; and

(7) the Office of Navajo and Hopi Relocation has had sufficient time in which to notify potential eligible applicants of the opportunity to receive relocation benefits, to certify that specific individuals qualify for such benefits, and to provide eligible individuals with replacement housing, counseling, and other assistance to adapt to relocation on Indian land or within non-Indian communities.

SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act—

(1) limits or otherwise affects any determination of a court, including a determination relating to an action pending as of the date of enactment of this Act, relating to a dispute of the Navajo Indian tribe or the Hopi Indian tribe with respect to—

(A) land; or

(B) any settlement agreement; or

(2) authorizes any cause of action not in existence on the day before the date of enactment of this Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

SEC. 101. REPEAL OF SECTIONS.

(a) IN GENERAL.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.), is amended in the first undesignated section by striking ''That, (a) within'' and all that follows through the end of the section.

(b) ADDITIONAL REPEALS.—Sections 2 through 5 and sections 26, 28, and 30 of the Act of December 22, 1974 (25 U.S.C. 640d–1 through 640d–4; 88 Stat. 1723; 25 U.S.C. 640d–26, 640d–28), are repealed.

SEC. 102. SHORT TITLE; DEFINITIONS.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d–5), is amended by striking ''SEC. 6. The Mediator'' and all that follows through the end of the section and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Navajo-Hopi Land Settlement Act'.

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) DISTRICT COURT.—The term 'District Court' means the United States District Court for the District of Arizona.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(3) TRIBE.—The term 'Tribe' means—

''(A) the Navajo Indian Tribe; and

''(B) the Hopi Indian Tribe.''.

SEC. 103. JOINT OWNERSHIP OF MINERALS.

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d–6), is amended—

(1) by striking ''SEC. 7. Partition'' and inserting the following:

''SEC. 3. JOINT OWNERSHIP OF MINERALS.

''(a) IN GENERAL.—Partition''; and

(2) in the second sentence, by striking ''All'' and inserting the following:

''(b) JOINT MANAGEMENT.—All''.

SEC. 104. ACTIONS.

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d–7), is amended—

(1) by striking ''SEC. 8. (a) Either Tribe'' and inserting the following:

''SEC. 4. ACTIONS.

''(a) ACTIONS IN DISTRICT COURT.—Either Tribe'';

(2) in subsection (b)—

(A) in the first sentence, by striking ''(b) Lands, if any,'' and inserting the following:

''(b) ALLOCATION OF LAND.—

''(1) NAVAJO RESERVATION.—Any land'';

(B) in the second sentence, by striking ''Lands, if any,'' and inserting the following:

''(2) HOPI RESERVATION.—Any land''; and

(C) in the third sentence, by striking ''Any lands'' and inserting the following:

''(3) JOINT AND UNDIVIDED INTERESTS.—Any land'';

(3) in subsection (c)—

(A) by striking ''(c)(1) Either'' and inserting the following:

''(c) EXCHANGE OF LAND.—

''(1) IN GENERAL.—Either'';

(B) in paragraph (2), by striking ''(2) In the event'' and inserting the following:

''(2) INTERESTS OF TRIBES.—If'';

(C) in paragraph (3), by striking ''(3) Neither'' and inserting the following:

''(3) DEFENSE.—Neither''; and

(D) by striking ''section 18'' each place it appears and inserting ''section 14'';

(4) in subsection (d), by striking ''(d) Nothing'' and inserting the following:

''(d) EFFECT OF SECTION.—Nothing'';

(5) in subsection (e), by striking ''(e) The'' and inserting the following:

''(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The''; and

(6) by striking subsection (f).

SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d–8), is amended by striking ''SEC. 9. Notwithstanding'' and inserting the following:

''SEC. 5. PAIUTE INDIAN ALLOTMENTS.

''Notwithstanding''.

SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d–9), is amended—

(1) by striking ''SEC. 10. (a) Subject'' and inserting the following:

''SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

''(a) NAVAJO TRUST LAND.—Subject'';

(2) in subsection (a), by striking ''section 9 and subsection (a) of section 17'' and inserting ''sections 5 and 13(a)'';

(3) in subsection (b)—

(A) by striking ''(b) Subject'' and inserting the following:

''(b) HOPI TRUST LAND.—Subject'';

(B) by striking ''section 9 and subsection (a) of section 17'' and inserting ''sections 5 and 13(a)'';

(C) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4''; and

(D) by striking ''section 8'' and inserting ''section 4'';

(4) in subsection (c)—

(A) by striking ''(c) The'' and inserting the following:

''(c) PROTECTION OF RIGHTS AND PROPERTY.—The''; and

(B) by striking ''pursuant thereto'' and all that follows through the end of the subsection and inserting ''pursuant to this Act'';

(5) in subsection (d), by striking ''(d) With'' and inserting the following:

''(d) PROTECTION OF BENEFITS AND SERVICES.—With''; and

(6) in subsection (e)—

(A) by striking ''(e)(1) Lands'' and inserting the following:

''(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

''(1) IN GENERAL.—Land'';

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking ''The provisions'' and inserting the following:

''(2) RESPONSIBILITY OF SECRETARY.—The provisions''; and

(ii) by striking ''life tenants and''.

SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

(a) IN GENERAL.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d–10(a)), is amended—

(1) by striking ''SEC. 11. (a) The Secretary'' and inserting the following:

''SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

''(a) TRANSFER OF LAND.—

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''(1) transfer not to exceed two hundred and fifty thousand acres of lands'' and inserting the following:

''(A) transfer not more than 250,000 acres of land (including any acres previously transferred under this Act)'';

(3) by striking ''Tribe: *Provided*, That'' and all that follows through ''as possible.'' and inserting ''Tribe; and'';

(4) in the first paragraph designated as paragraph (2)—

(A) by striking ''(2) on behalf'' and inserting the following:

''(B) on behalf''; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking ''Subject to'' and all that follows through ''all rights'' and inserting the following:

''(4) REQUIREMENTS OF TRANSFER.—

''(A) IN GENERAL.—Subject to this paragraph, all rights''; and

(ii) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'';

(B) in the second sentence, by striking ''So long as'' and inserting the following:

''(B) COAL LEASE APPLICATIONS.—

''(i) IN GENERAL.—If'';

(C) in the third sentence, by striking ''If such adjudication'' and inserting the following:

''(ii) ISSUANCE OF LEASES.—If an adjudication under clause (i)'';

(D) in the fourth sentence, by striking ''The leaseholders rights and interests'' and inserting the following:

''(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)''; and

(E) in the fifth sentence, by striking ''If any'' and inserting the following:

''(C) CLAIMS UNDER MINING LAW.—If any'';

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

''(2) EXCHANGE OF LAND.—

''(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

''(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

''(i) the difference between the values of the land exchanged; or

''(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

''(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall make reasonable efforts to reduce any payment under subparagraph (B) to the lowest practicable amount.

''(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under subparagraphs (A) and (B) of paragraph (1) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.''; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking ''(2) Those'' and inserting the following:

''(5) STATE RIGHTS.—

''(A) IN GENERAL.—The''; and

(ii) by striking ''subsection 2 of this section'' and inserting ''paragraph (1)(B)''; and

(B) in the second sentence, by striking ''The'' and inserting the following:

''(B) STATE INTERESTS.—The''.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d–10(b)), is amended by striking ''(b) A border'' and inserting the following:

''(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border''.

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d–10(c)), is amended—

(1) by striking ''(c) Lands'' and inserting the following:

''(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land''; and

(2) by striking the period at the end and inserting the following: '': *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.''.

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d–10(d)), is amended by striking ''(d) The'' and inserting the following:

''(d) REPORTS.—The''.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d–10(e)), is amended by striking ''(e) Payments'' and inserting the following:

''(e) PAYMENTS.—Payments''.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d–10(f)), is amended—

(1) by striking ''(f)(1) For'' and inserting the following:

''(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

''(1) IN GENERAL.—For'';

(2) in paragraph (2), by striking ''(2) If'' and inserting the following:

''(2) PUBLIC NOTICE; REPORT.—If''; and

(3) in paragraph (3), by striking ''(3) In any case where'' and inserting the following:

''(3) RIGHTS OF SUBSURFACE OWNERS.—If''.

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d–10(g)), is amended by striking ''(g) No'' and inserting the following:

''(g) LAND NOT AVAILABLE FOR TRANSFER.—No''.

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d–10(h)), is amended—

(1) by striking ''(h) The lands'' and inserting the following:

''(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

''(1) IN GENERAL.—The land''; and

(2) by adding at the end the following:

''(2) RELOCATION.—

''(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

''(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).''.

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d–10(i)), is amended—

(1) by striking ''(i) The'' and inserting the following:

''(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The''; and

(2) by striking ''section 23'' and inserting ''section 19''.

SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d–11), is amended—

(1) by striking ''SEC. 12. (a) There is hereby'' and inserting the following:

''SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

''(a) ESTABLISHMENT.—There is'';

(2) in subsection (b), by striking ''(b) The'' and inserting the following:

''(b) APPOINTMENT.—The'';

(3) in subsection (c)—

(A) by striking ''(c)(1)(A) Except'' and inserting the following:

''(c) CONTINUATION OF POWERS.—

''(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

''(A) POWERS AND DUTIES OF COMMISSIONER.—Except'';

(B) in paragraph (1)(B), by striking ''(B) All'' and inserting the following:

''(B) EXISTING FUNDS.—All''; and

(C) in paragraph (2), by striking ''(2) There are hereby'' and inserting the following:

''(2) TRANSFER OF POWERS.—There are'';

(4) in subsection (d)—

(A) by striking ''(d)(1) Subject'' and inserting the following:

''(d) POWERS OF COMMISSIONER.—

''(1) IN GENERAL.—Subject'';

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking ''(2) The'' and inserting the following:

''(2) CONTRACTS.—The''; and

(D) in paragraph (3), by striking ''(3) There'' and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There'';

(5) in subsection (e)—

(A) by striking ''(e)(1)'' and inserting the following:

''(e) ADMINISTRATION.—

''(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''The'' and inserting the following:

''(A) IN GENERAL.—The''; and

(ii) in the second sentence, by striking ''In any'' and inserting the following:

''(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any''; and

(C) in paragraph (2), by striking ''(2) On'' and inserting the following:

''(2) FAILURE TO PROVIDE ASSISTANCE.—On'';

(6) by striking subsection (f) and inserting the following:

''(f) TERMINATION.—

''(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

''(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title II of the Navajo-Hopi Land Settlement Amendments of 2005.''; and

(7) by adding at the end the following:

''(g) EASE OF TRANSITION.—Beginning on the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Secretary may—

''(1) consult with the Commissioner regarding the transfer of the responsibilities of the Office of Navajo and Hopi Indian Relocation to the Department of the Interior; and

''(2) take any action the Secretary determines to be necessary to assume the responsibilities of the Office on September 30, 2008.''.

SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d–12), is amended—

(1) by striking ''SEC. 13. (a) By no'' and inserting the following:

''SEC. 9. REPORT.

''(a) IN GENERAL.—Not''; and

(2) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) INCLUSIONS.—The''; and

(B) by striking ''contain, among other matters, the following:'' and inserting ''include—''.

SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d–13), is amended—

(1) by striking ''SEC. 14. (a)'' and inserting the following:

''SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

''(a) AUTHORIZATION.—'';

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking ''Consistent'' and inserting the following:

''(1) IN GENERAL.—Consistent'';

(ii) by striking ''section 8'' each place it appears and inserting ''section 4'';

(iii) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4''; and

(iv) by inserting '', or, after September 30, 2008, the Attorney General,'' after ''the Commissioner'';

(B) by striking the second sentence;

(C) in the third sentence, by striking ''No further'' and inserting the following:

''(2) SETTLEMENTS OF NAVAJO.—No further'';

(D) in the fourth sentence, by striking ''No further'' and inserting the following:

''(3) SETTLEMENTS OF HOPI.—No further''; and

(E) in the fifth sentence, by striking ''No individual'' and inserting the following:

''(4) GRAZING.—No individual'';

(3) in subsection (b)—

(A) by striking ''(b) In addition'' and inserting the following:

''(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition'';

(B) by striking ''section 15'' and inserting ''section 11''; and

(C) by striking ''section 13'' and inserting ''section 9'';

(4) in subsection (c), by striking ''(c) No'' and inserting the following:

''(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No''; and

(5) by adding at the end the following:

''(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2008, that head of household has not been certified as eligible to receive the payment.''.

SEC. 111. RELOCATION HOUSING.

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d–14), is amended—

(1) by striking ''SEC. 15. (a)'' and inserting the following:

''SEC. 11. RELOCATION HOUSING.

''(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''The Commission'' and inserting the following:

''(1) IN GENERAL.—The Commission''; and

(B) in the second sentence—

(i) by striking ''The purchase'' and inserting the following:

''(2) PURCHASE PRICE.—The purchase''; and

(ii) by striking ''as determined under clause (2) of subsection (b) of section 13'';

(3) in subsection (b)—

(A) by striking ''(b) In addition'' and inserting the following:

''(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition'';

(B) by striking ''shall:'' and inserting ''shall—''; and

(C) in paragraph (1), by inserting ''and'' after the semicolon at the end;

(4) in subsection (c)—

(A) by striking ''(c) In implementing'' and inserting the following:

''(c) STANDARDS; CERTAIN PAYMENTS.—

''(1) STANDARDS.—In carrying out''; and

(B) in the second sentence—

(i) by striking ''No payment'' and inserting the following:

''(2) CERTAIN PAYMENTS.—No payment''; and

(ii) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 8 or section 3 or 4'';

(5) in subsection (d)—

(A) by striking ''(d) The'' and inserting the following:

''(d) METHODS OF PAYMENT.—The'';

(B) by striking ''(1) Should'' and inserting the following:

''(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should'';

(C) by striking ''(2) Should'' and inserting the following:

''(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should''; and

(D) by striking ''(3) Should'' and inserting the following:

''(3) FAILURE TO ARRANGE RELOCATION.—Should'';

(6) in subsection (e)—

(A) by striking ''(e) The'' and inserting the following:

''(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The'';

(B) by striking ''section 8'' and inserting ''section 4''; and

(C) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4'';

(7) in subsection (f), by striking ''(f) Notwithstanding'' and inserting the following:

''(f) PREFERENTIAL TREATMENT.—Notwithstanding''; and

(8) by striking subsection (g) and inserting the following:

''(g) BENEFITS.—

''(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

''(A) is certified as eligible to receive benefits under this Act;

''(B) does not reside on land that has been partitioned to the Tribe; and

''(C) has not received a replacement home.

''(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

''(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

''(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

''(3) DISPOSITION OF TRANSFERRED FUNDS.—

''(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

''(i) an eligible head of household; or

''(ii) the Tribe, acting with the consent of such a head of household.

''(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

''(i) on receipt of a request of a head of household, to be used for a replacement home; or

''(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

''(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

''(i) identify and notify any heir of the head of household, in accordance with applicable law; and

''(ii) distribute the funds held by the Secretary for the head of household to any heir—

''(I) immediately, if the heir is at least 18 years old; or

''(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

''(D) CLAIMS OF COMPETING HEIRS.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

''(4) DISPUTED ELIGIBILITY CLAIMS.—

''(A) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

''(B) DISPOSITION OF TRANSFERRED FUNDS.—

''(i) IN GENERAL.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

''(ii) DISTRIBUTIONS TO HEADS OF HOUSEHOLDS.—If an individual described in clause (i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

''(h) NOTIFICATION.—

''(1) IN GENERAL.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

''(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

''(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

''(B) has not entered into a lease to reside on that land.

''(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

''(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

''(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

''(i) begin construction of a replacement home on any land acquired under section 6; or

''(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

''(i) APPEALS.—

''(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

''(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

''(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary: and

''(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

''(j) PROCUREMENT OF SERVICES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

''(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

''(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

''(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the 'Circuit Court').

''(2) REVIEW.—

''(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

''(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

''(ii) on the basis of that review, affirm or reverse that determination.

''(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

''(3) NOTICE OF APPEAL.—

''(A) IN GENERAL.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

''(i) the Circuit Court; and

''(ii) the Commissioner.

''(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

''(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

''(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.''.

SEC. 112. PAYMENT FOR USE OF LAND.

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d–15), is amended—

(1) by striking ''SEC. 16. (a) The Navajo'' and inserting the following:

''SEC. 12. PAYMENT FOR USE OF LAND.

''(a) IN GENERAL.—The Navajo'';

(2) in subsection (a), by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' before ''sections 8 and 3 or 4''; and

(3) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) PAYMENT.—The''; and

(B) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''sections 8 and 3 or 4''.

SEC. 113. EFFECT OF ACT.

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d–16), is amended—

(1) by striking ''SEC. 17. (a)'' and inserting the following:

''SEC. 13. EFFECT OF ACT.

''(a) TITLE, POSSESSION, AND ENJOYMENT.—'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''Nothing'' and inserting the following:

''(1) IN GENERAL.—Nothing''; and

(B) in the second sentence, by striking ''Such'' and inserting the following:

''(2) RESIDENCE ON OTHER RESERVATIONS.—Any''; and

(3) in subsection (b), by striking ''(b) Nothing'' and inserting the following:

''(b) FEDERAL EMPLOYEES.—Nothing''.

SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d–17), is amended—

(1) by striking ''SEC. 18. (a) Either'' and inserting the following:

''SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

''(a) ACTIONS BY TRIBES.—Either'';

(2) in subsection (a), by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4'';

(3) in subsection (b)—

(A) by striking ''(b) Neither'' and inserting the following:

''(b) DEFENSES.—Neither''; and

(B) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4'';

(4) in subsection (c)—

(A) by striking ''(c) Either'' and inserting the following:

''(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

''(1) IN GENERAL.—Either''; and

(B) in the second sentence, by striking ''Such actions'' and inserting the following:

''(2) ACTION THROUGH CHAIRMAN.—An action under paragraph (1)'';

(5) in subsection (d)—

(A) by striking ''(d) Except'' and inserting the following:

''(d) UNITED STATES AS PARTY; JUDGMENTS AGAINST THE UNITED STATES.—

''(1) IN GENERAL.—Except''; and

(B) in the second sentence, by striking ''Any judgment or judgments'' and inserting the following:

''(2) EFFECT OF JUDGMENTS.—Any judgment''; and

(6) in subsection (e), by striking ''(e) All'' and inserting the following:

''(e) REMEDIES.—All''.

SEC. 115. JOINT USE.

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d–18), is amended—

(1) by striking ''SEC. 19. (a) Notwithstanding'' and inserting the following:

''SEC. 15. JOINT USE.

''(a) REDUCTION OF LIVESTOCK.—

''(1) IN GENERAL.—Notwithstanding'';

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4''; and

(B) in the second sentence, by striking ''The Secretary is directed to'' and inserting the following:

''(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall'';

(3) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The''; and

(B) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''sections 8 and 3 or 4'' each place it appears; and

(4) in subsection (c)—

(A) by striking ''(c)(1) Surveying'' and inserting the following:

''(c) SURVEYING, MONUMENTING, AND FENCING; LIVESTOCK REDUCTION PROGRAM.—

''(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying'';

(B) in paragraph (1)—

(i) by striking ''of this Act'' and inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)''; and

(ii) by striking ''section 8'' and inserting ''section 4''; and

(C) in paragraph (2), by striking ''(2) The'' and inserting the following:

''(2) LIVESTOCK REDUCTION PROGRAM.—The''.

SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d–19), is amended by striking ''SEC. 20. The members'' and inserting the following:

''SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.

''The members''.

SEC. 117. ACCESS TO RELIGIOUS SHRINES.

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d–20), is amended by striking ''SEC. 21. Notwithstanding'' and inserting the following:

''SEC. 17. ACCESS TO RELIGIOUS SHRINES.

''Notwithstanding''.

SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d–21), is amended—

(1) by striking ''SEC. 22. The availability'' and inserting the following:

''SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

''(a) IN GENERAL.—The availability''; and

(2) by striking ''None of the funds'' and inserting the following:

''(b) FEDERAL AND STATE INCOME TAXES.—None of the funds''.

SEC. 119. AUTHORIZATION OF EXCHANGE.

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d–22), is amended—

(1) by striking ''SEC. 23. The Navajo'' and inserting the following:

''SEC. 19. AUTHORIZATION OF EXCHANGE.

''(a) IN GENERAL.—The Navajo''; and

(2) in the second sentence—

(A) by striking ''In the event that the Tribes should'' and inserting the following:

''(b) NEGOTIATED EXCHANGES.—If the Tribes''; and

(B) by striking ''sections 14 and 15'' and inserting ''sections 10 and 11''.

SEC. 120. SEVERABILITY.

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d–23), is amended by striking ''SEC. 24. If'' and inserting the following:

''SEC. 20. SEVERABILITY.

''If''.

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

''SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

''(a) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There is authorized to be appropriated to carry out section 10(b) $13,000,000 for each of fiscal years 2006 through 2008.

''(b) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.

''(c) RETURN TO CARRYING CAPACITY AND INSTITUTION OF CONSERVATION PRACTICES.—There is authorized to be appropriated to carry out section 15(a) $10,000,000 for each of fiscal years 2006 through 2008.

''(d) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—There is authorized to be appropriated to carry out section 15(b) $500,000 for each of fiscal years 2006 through 2008.''.

SEC. 122. DISCRETIONARY FUND.

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d–25), is amended by striking ''SEC. 27.'' and all that follows through ''(c) The Secretary'' and inserting the following:

''SEC. 21. DISCRETIONARY FUND.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to a discretionary fund of the Commissioner to carry out this Act—

''(1) $6,000,000 for the period of fiscal years 2006 through 2008; and

''(2) such sums as are necessary for each subsequent fiscal year.

''(b) HOPI HIGH SCHOOL AND MEDICAL CENTER.—The Secretary''.

SEC. 123. ATTORNEY FEES AND COURT COSTS.

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d–27), is amended—

(1) by striking ''SEC. 29. (a)'' and inserting the following:

''SEC. 22. ATTORNEY FEES AND COURT COSTS.

''(a) IN GENERAL.—'';

(2) in subsection (a)—

(A) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(B) by striking ''For each'' and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—For each'';

(3) in subsection (b)—

(A) by striking ''(b) Upon'' and inserting the following:

''(b) AWARD BY COURT.—

''(1) IN GENERAL.—On''; and

(B) in the second sentence, by striking ''Any party'' and inserting the following:

''(2) REIMBURSEMENT OF UNITED STATES.—Any party'';

(4) in subsection (c), by striking ''(c) To'' and inserting the following:

''(c) EXCESS DIFFERENCE.—To''; and

(5) in subsection (d)—

(A) by striking ''(d) This'' and inserting the following:

''(d) APPLICATION OF SECTION.—This''; and

(B) by striking ''section 8 or 18(a) of this Act'' and inserting ''section 4 or section 14(a)''.

SEC. 124. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d–29), is amended—

(1) by striking ''SEC. 31. (a) Except'' and inserting the following:

''SEC. 23. LOBBYING.

''(a) IN GENERAL.—Except''; and

(2) in subsection (b), by striking ''(b) Subsection'' and inserting the following:

''(b) APPLICABILITY.—Subsection''.

SEC. 125. NAVAJO REHABILITATION TRUST FUND.

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d–30), is amended—

(1) by striking ''SEC. 32. (a) There'' and inserting the following:

''SEC. 24. NAVAJO REHABILITATION TRUST FUND.

''(a) ESTABLISHMENT.—There'';

(2) in subsection (b), by striking ''(b) All'' and inserting the following:

''(b) DEPOSIT OF INCOME INTO FUND.—All'';

(3) in subsection (c), by striking ''(c) The'' and inserting the following:

''(c) INVESTMENT OF FUNDS.—The'';

(4) in subsection (d)—

(A) by striking ''(d) Funds'' and inserting the following:

''(d) AVAILABILITY OF FUNDS.—Funds'';

(B) in paragraph (1), by striking ''proceedings,'' and inserting ''proceedings;''; and

(C) in paragraph (2), by striking ''Act, or'' and inserting ''Act; or'';

(5) in subsection (e)—

(A) by striking ''(e) By December 1'' and inserting the following:

''(e) EXPENDITURE OF FUNDS.—

''(1) IN GENERAL.—Not later than December 1''; and

(B) in the second sentence, by striking ''Such framework is to be'' and inserting the following:

''(2) REQUIREMENT.—The framework under paragraph (1) shall be'';

(6) in subsection (f)—

(A) by striking ''(f) The'' and inserting the following:

''(f) TERMINATION.—

''(1) IN GENERAL.—The''; and

(B) in the second sentence, by striking ''All funds'' and inserting the following:

''(2) TRANSFER OF REMAINING FUNDS.—All funds''; and

(7) by striking subsection (g).

SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640–31), is amended by striking ''SEC. 32. Nothing'' and inserting the following:

''SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.''.

''Nothing''.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 201. DEFINITIONS.

In this title:

(1) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) OFFICE.—The term ''Office'' means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 202. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Effective beginning on September 30, 2008, there is transferred to the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) MEMORANDUM OF AGREEMENT.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

SEC. 204. DELEGATION AND ASSIGNMENT.

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

SEC. 205. REORGANIZATION.

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

SEC. 206. RULES.

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 208. INCIDENTAL TRANSFERS.

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities,

grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

SEC. 210. SEPARABILITY.

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 211. TRANSITION.

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 212. REPORTS.

(a) FISCAL YEARS 2007 AND 2008.—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the ''New Lands'' of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) SUBSEQUENT FISCAL YEARS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

SEC. 213. REFERENCES.

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

SEC. 214. ADDITIONAL CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

SEC. 215. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

SEC. 216. EFFECTIVE DATE.

This title takes effect beginning September 30, 2008.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

SEC. 301. SEPARATION PAY.

The Office of Navajo and Hopi Relocation (referred to in this title as the ''Office'') may request funding for, and offer to any employee of the Office, voluntary separation incentive payments in accordance with subchapter II of chapter 35 of title 5, United States Code.

SEC. 302. FEDERAL RETIREMENT.

The Office may request funding for, and offer to any employee of the Office, voluntary early retirement in accordance with sections 8336(d)(2) and 8414(b)(1) of title 5, United States Code.

SA 3859. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to amendment SA 3858 proposed by Mr. ENSIGN (for Mr. MCCAIN) to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes; as follows:

Strike section 121 of the amendment and insert the following:

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

''SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. 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 Tuesday, May 2, 2006, at 9:30 a.m. in SH–216, Hart Senate Office Building. The purpose of this hearing will be to review the implementation of the Peanut Provisions of the Farm Security and Rural Investment Act of 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 2, 2006, at 10 a.m. for a business meeting to consider pending committee business.

Agenda

Committee Reports: Report of the Committee on Homeland Security and Governmental Affairs titled, ''Hurricane Katrina: A Nation Still Unprepared.''

Legislation: S. 2459, GreenLane Maritime Cargo Security Act; H.R. 2066, General Services Administration Modernization Act.

Nominations: Uttam Dhillon to be Director of the Office of Counternarcotics Enforcement, U.S. Department of Homeland Security; Mark Acton to be Commissioner, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''FBI Oversight'' on Tuesday, May 2, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List:

Panel I: The Honorable Robert S. Mueller, III, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

Panel II: The Honorable Glenn A. Fine, Inspector General, U.S. Department of Justice, Washington, DC; Linda M. Calbom, Director, Financial Management and Assurance, Government Accountability Office, Washington, DC; John Gannon, Ph.D, Vice President for Global Analysis, BAE Systems Information Technology, former Staff Director of the House Homeland Security Committee, McLean, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, May 2, 2006, at 4 p.m. in Room 226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judiciary Nominations'' on Tuesday, May 2, 2006, at 4 p.m. in Room 226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 5:30 p.m. in closed session to mark up the emerging threats and capabilities programs and provisions contained in the national defense authorization act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANAGEMENT SUPPORT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 3:30 p.m. in closed session to mark up the readiness and management support programs and provisions contained in the national defense authorization act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on personnel be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 2:30 p.m. in closed session to mark up the personnel programs and provisions contained in the national defense authorization act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space be authorized to meet on Tuesday, May 2, 2006, at 2:30 p.m., on NSF.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE SUPPORTERS OF THE JEFFERSON AWARDS

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 461, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 461) supporting and commending the supporters of the Jefferson Awards for Public Service for encouraging all citizens of the United States to embark on a life of public service and recognizing those citizens who have already performed extraordinary deeds for their community and country.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this week has been designated as Public Service Recognition Week and in keeping with the spirit of this important week I would like to take this opportunity to recognize the important contribution that the Jefferson Awards for Public Service have made over nearly three and a half decades.

I am pleased to be joined by Senators DURBIN, LUGAR, and BIDEN is submitting this resolution commending the American Institute for Public Service and the importance of the Jefferson Awards for Public Service. The Jefferson Awards were established on a bipartisan basis in 1972 by Jacqueline Kennedy Onassis, Senator Robert Taft, Jr., and Sam Beard. The awards honor individuals for their achievements and contributions through public and community service.

Winners of the award for elected and appointed officials have included former Senators Robert Dole, Daniel Patrick Moynihan, and John Glenn. Other winners include Rudoph Giuliani, Dr. Condoleezza Rice, Justice Sandra Day O'Connor, and Robert Rubin. In addition, private citizens who have won the award include Walter Annenberg, Brian Lamb, and Oprah Winfrey.

The Jefferson Awards have honored award recipients at the national level by placing them on a ''Who's Who'' list of outstanding citizens of the United States and at the same time have honored at the local level recipients as ''Unsung Heroes'' who accomplished extraordinary deeds for the betterment of the United States.

The Senate fully supports the goals and ideals of the Jefferson awards and during this week of Public Service Recognition, I stand on the floor of the Senate and commend the people of this organization.

PUBLIC SERVICE RECOGNITION WEEK

Mr. AKAKA. Mr. President, this week, we celebrate Public Service Recognition Week, a time when all Americans are asked to remember the Nation's public workers who serve their country and the world by delivering services essential to our daily lives.

As the ranking member of the Federal Workforce Subcommittee, I wish to spotlight the dedication, commitment, and loyalty demonstrated every day by public servants. That is why I introduce annually—and the Senate passes—a resolution honoring employees at all levels of Government. In the aftermath of 9/11 and the anthrax attacks a month later, we gained a better appreciation of the critical work undertaken by public employees, such as firefighters, paramedics, nurses, and U.S. postal workers. I thank my colleagues for their quick action last week in passing my resolution, S. Res. 412, which I introduced with the support of the leadership of the Homeland Security and Governmental Affairs Committee.

Despite the need to support public workers, far too often we take for granted these men and women whose sense of duty and devotion to country guides the work they do daily for their fellow Americans. Although our lives are enriched by the work of Federal employees, most people are unfamiliar with the Federal Executive Boards, FEB, which were created by President John F. Kennedy in 1961 to better coordinate the activities of the Federal Government outside of Washington, DC. Decisions affecting the expenditure of billions of taxpayer dollars are made in the field which affect all Americans. Having FEBs—whose members are senior agency personnel—saves time, money, and effort while ensuring that these senior employees are more in touch with State and local governments, as well as their communities.

I am especially proud of the Honolulu-Pacific Federal Executive Board, HPFEB, which today celebrates its 50th Excellence in Federal Government Awards with a ceremony at the Sheraton Waikiki Hotel. I am also pleased to note that before an FEB was even established in Hawaii, forward thinkers had already begun to honor the best in Federal service through these awards. Today's program not only honors the 153 employees receiving awards but provides all agencies and military commands in Hawaii and the Pacific an opportunity to showcase their organizations through exhibits outside the hotel's ballroom. Honoring today's awardees are Federal agency heads, military commanders, State and local government officials, and members of the business community.

According to the HPFEB, the Excellence in Federal Government Awards Program recognizes outstanding Federal employees for their efforts, leadership, and initiative. The program encourages innovation and excellence in government, reinforces pride in Federal service, and helps call public attention to the broad range of services provided by Federal employees.

The HPFEB has over 90 members, senior heads of Federal agencies and military commands, who represent the over 70,000 civilian and military personnel in the Pacific region, including the Department of Defense, the Government's largest civilian employer in Hawaii. Like its 27 counterparts nationwide, the HPFEB communicates with and partners with the community, works to reduce costs and improve efficiencies, facilitates service delivery and coordinates emergency services.

The Honolulu-Pacific Federal Executive Board embraces its interagency coordinating role and is proud of its five primary accomplishments: creating and operating the Pacific Leadership Academy to ensure that agencies within Hawaii and the Pacific area are

training today and tomorrow's cadre of Federal leaders; celebrating the work of Federal employees through its Excellence in Government Awards, which last year honored 126 employees; supporting the Combined Federal Campaign by raising over $6.1 million in 2005; working with Federal, State, and local governments to improve emergency planning by participating in disaster exercises, partnering with the State of Hawaii to purchase the $70,000 system ''Notifyer,'' and developing a simultaneous broadcast telephone message system that updates emergency information; and establishing councils and working groups.

Hawaii's FEB is sponsored by the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility, Department of the Navy, and is headed by Ms. Gloria Uyehara, the Executive Director, who has over 30 years of career service, most recently as head of the Education and Development Office, promoting leadership development and succession planning at the Pearl Harbor Naval Shipyard. She is supported by Ms. Gerry A. Reese, who has been with the HPFEB for more than 30 years as the Executive Assistant.

Ms. Uyehara points out that today's Excellence in Federal Government Awards provides a model of excellence for all Federal employees and promotes ideas and concepts to encourage the use of best practices. Those Federal and military personnel working with the HPFEB understand the need to reach out to their community and foster cooperation among all levels of Government. These men and women exemplify the spirit of public service. Together they typify today's Federal and military personnel who work tirelessly to make democracy work.

At a time when the Federal Government faces strong competition with the public and private sector for skilled employees and the administration is pushing for greater outsourcing, it is imperative that we continue to support the Government's network of Federal executive boards, associations, and councils. It would be unwise to diminish the critical role that these entities play in identifying and instituting efficiencies and improving Government services within the communities they serve and to the Nation as a whole.

Again, I send my warmest congratulations and aloha to the members of the Honolulu-Pacific Federal Executive Board which provides the leadership, the enthusiasm, and the expertise to ensure that Government is more responsive, innovative, and effective.

Mr. ENSIGN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 461) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 461

Whereas one of the defining traditions of the democracy of the United States is that each person can make a difference;

Whereas the value of public and community service was a founding principle of the Government of the United States;

Whereas, for generation after generation, the citizens of the United States have desired to pass to the youth of the Nation the tradition of neighbors helping neighbors through—

(1) local community service;

(2) volunteerism; and

(3) public service;

Whereas, to build stronger communities, the youth of the United States should be inspired to seek career opportunities in—

(1) the public sector;

(2) the nonprofit sector;

(3) the faith-based community; and

(4) Federal, State, and local governments;

Whereas the Jefferson Awards for Public Service are a prestigious national recognition system that was created on a nonpartisan basis in 1972 by—

(1) Jacqueline Kennedy Onassis;

(2) Senator Robert Taft, Jr.; and

(3) Sam Beard;

Whereas the creators of the Jefferson Awards for Public Service sought to create an award similar to the Nobel Prize to encourage and honor individuals for their achievements and contributions in public and community service;

Whereas, for over 30 years, the supporters of the Jefferson Awards for Public Service have pioneered the promotion of civic engagement by using profiles of individual excellence, the media, and modern technology to attract and recruit all citizens of the United States to participate in the democratic processes of the Nation; and

Whereas the Jefferson Awards for Public Service have honored award recipients at—

(1) the national level, by placing the recipients on a ''Who's Who'' list of outstanding citizens of the United States; and

(2) the local level, by naming the recipients ''Unsung Heroes'' who accomplish extraordinary deeds for the betterment of the United States while going largely unnoticed: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports the goals and ideals that the creators instilled into the civic engagement initiatives of the Jefferson Awards for Public Service; and

(2) salutes and acknowledges the American Institute for Public Service and the role played by the Jefferson Awards for Public Service in promoting public service in the United States.

POSTHUMOUSLY AWARDING THE PRESIDENTIAL MEDAL OF FREEDOM TO LEROY ROBERT ''SATCHEL'' PAIGE

Mr. ENSIGN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Con. Res. 91 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 91) expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ENSIGN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 91) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 91

Whereas Satchel Paige, who was born on July 7, 1906, in Mobile, Alabama, lived a life that was marked by his outstanding contributions to the game of baseball;

Whereas Satchel Paige was a dominating pitcher whose baseball career spanned several decades, from 1927 to 1965;

Whereas Satchel Paige played in the Negro Leagues and became famous for his unusual pitching style and his ability to strike out almost any player he faced;

Whereas Satchel Paige pitched 62 consecutive scoreless innings in 1933;

Whereas, due to the practice of segregation in baseball, Satchel Paige was prohibited for many years from playing baseball at the major league level;

Whereas Satchel Paige played for many Negro League teams, including—

(1) the Chattanooga Black Lookouts;

(2) the Birmingham Black Barons;

(3) the Nashville Elite Giants;

(4) the Mobile Tigers;

(5) the Pittsburgh Crawfords; and

(6) the Kansas City Monarchs;

Whereas, while pitching for the Kansas City Monarchs, Satchel Paige won 4 consecutive league pennants from 1939 to 1942, and later won a 5th pennant in 1946 with that team;

Whereas, after the desegregation of baseball, Satchel Paige signed a contract to pitch for the Cleveland Indians at age 42, and soon thereafter became the oldest rookie ever to play baseball at the major league level;

Whereas the extraordinary pitching of Satchel Paige helped the Cleveland Indians complete a championship season in 1948, as the team won the American League Championship and the World Series;

Whereas Satchel Paige threw an estimated 300 career shutouts;

Whereas, in 1971, Satchel Paige became the first Negro League player to be inducted into the Major League Baseball Hall of Fame;

Whereas the legendary pitching of Satchel Paige earned him numerous awards and accolades, including—

(1) a nomination to the All Century Team by Major League Baseball as 1 of the greatest players of the 20th century; and

(2) a selection to the 50 Legends of Baseball by the Postal Service;

Whereas, despite years of discrimination that limited the play of Satchel Paige to the Negro Leagues, his prowess on the pitching mound earned him the respect and admiration of fans and players throughout the world of baseball;

Whereas Satchel Paige passed away on June 8, 1982; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the United States, was established in 1945 to recognize citizens of the United States who have made exceptional contributions to—

(1) the security or national interests of the United States;

(2) world peace;

(3) the culture of the United States or the world; or

(4) the citizens of the United States or the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should award the Presidential Medal of Freedom posthumously to Leroy ''Satchel'' Paige in honor of his distinguished baseball career and the contributions that he has made to the improvement of the society of the United States and the world.

GREATER WASHINGTON SOAP BOX DERBY RACES

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con Res. 349, just received from the House, and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 349) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ENSIGN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 349) was agreed to.

The preamble was agreed to.

DECLARING LUNG CANCER A PUBLIC HEALTH PRIORITY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to S. Res. 408.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 408) expressing the sense of the Senate that the President should declare lung cancer a public health priority.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 408) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 408

Expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program that will reduce lung cancer mortality by at least 50 percent by 2015.

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), coordinated and comprehensive research has elevated the 5-year survival rates for breast cancer to 87 percent, for prostate cancer to 99 percent, and colon cancer to 64 percent;

Whereas the survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer is now diagnosed in nonsmokers and former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the Baby Boomer generation are entering their sixties, the most common age for the development of cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was ''far below the levels characterized for other common malignancies and far out of proportion to its massive health impact'';

Whereas the Report of the Lung Cancer Progress Review Group identified as its ''highest priority'' the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the mortality rate of lung cancer by 50 percent by 2015;

(2) direct the Secretary of the Department of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs within a coordinated strategy and defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state of the art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint the Lung Cancer Scientific and Medical Advisory Committee comprised of medical, scientific, pharmaceutical, and patient advocacy representatives to work with the National Lung Cancer Public Health Policy Board and to report to the President and Congress on the progress and the obstacles in achieving the goal described in paragraph 1; and

(5) convene a National Lung Cancer Public Health Policy Board comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, that will oversee and coordinate all efforts to accomplish the mission of reducing lung cancer mortality rate by 50 percent by 2015.

NAVAJO-HOPI LAND SETTLEMENT AMENDMENTS ACT OF 2005

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, S. 1003.

The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 2003) to amend the Act of December 22, 1974, and for other purposes.

There being no objection, the Senate proceeded to consider the bill to amend which had been reported from the Committee on Indian Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1003

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Navajo-Hopi Land Settlement Amendments of 2005''.

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

Sec. 1. Short title; table of contents.
TITLE I—AMENDMENTS TO THE NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974
Sec. 101. Repeal of sections.
Sec. 102. Definitions; division of land.
Sec. 103. Joint ownership of minerals.
Sec. 104. Actions.
Sec. 105. Paiute Indian allotments.
Sec. 106. Partitioned and other designated land.
Sec. 107. Resettlement land for Navajo Tribe.
Sec. 108. Office of Navajo and Hopi Indian Relocation.
Sec. 109. Report.
Sec. 110. Relocation of households and members.
Sec. 111. Relocation housing.
Sec. 112. Payment for use of land.

Sec. 113. Effect of Act.
Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.
Sec. 115. Joint use.
Sec. 116. Religious ceremonies; piping of water.
Sec. 117. Access to religious shrines.
Sec. 118. Exclusion of payments from certain Federal determinations of income.
Sec. 119. Authorization of exchange.
Sec. 120. Severability.
Sec. 121. Authorization of appropriations.
Sec. 122. Funding and construction of high school and medical center.
Sec. 123. Environmental impact; wilderness study; cancellation of leases and permits.
Sec. 124. Attorney fees and court costs.
Sec. 125. Lobbying.
Sec. 126. Navajo Rehabilitation Trust Fund.
Sec. 127. Availability of funds for relocation assistance.

TITLE II—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

Sec. 201. Retention preference.
Sec. 202. Separation pay.
Sec. 203. Federal retirement.

TITLE III—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sec. 301. Definitions.
Sec. 302. Transfer of functions.
Sec. 303. Transfer and allocations of appropriations.
Sec. 304. Effect of title.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

SEC. 101. REPEAL OF SECTIONS.

(a) IN GENERAL.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.) is amended in the first undesignated section by striking ''That, (a) within'' and all that follows through the end of the section.

(b) ADDITIONAL REPEALS.—Sections 2 through 5 and sections 26 and 30 of the Act of December 22, 1974 (25 U.S.C. 640d–1 through 640d–4; 88 Stat. 1723; 25 U.S.C. 640d–28) are repealed.

SEC. 102. DEFINITIONS; DIVISION OF LAND.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d–5) is amended—

(1) by striking ''SEC. 6. The Mediator'' and all that follows through subsection (f) and inserting the following:

''SECTION 1. DEFINITIONS.

''In this Act:

''(1) DISTRICT COURT.—The term 'District Court' means the United States District Court for the District of Arizona.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(3) TRIBE.—The term 'Tribe' means—

''(A) the Navajo Indian Tribe; and

''(B) the Hopi Indian Tribe.

''SEC. 2. DIVISION OF LAND.

''(a) DIVISION.—

''(1) IN GENERAL.—The land located within the boundaries of the reservation established by Executive order on December 16, 1982, shall be divided into parcels of equal acreage and quality—

''(A) to the maximum extent practicable; and

''(B) in accordance with the final order issued by the District Court on August 30, 1978 (providing for the partition of the surface rights and interest of the Tribes).

''(2) VALUATION OF PARCELS.—For the purpose of calculating the value of a parcel produced by a division under paragraph (1), the Secretary shall—

''(A) take into account any improvement on the land; and

''(B) consider the grazing capacity of the land to be fully restored.

''(3) COMPENSATION BY TRIBES.—If the partition under paragraph (1) results in parcels of unequal value, as determined by the Secretary, the Tribe that receives the more valuable parcel shall pay to the other Tribe compensation in an amount equal to the difference in the values of the parcels, as determined by the Secretary.

''(4) COMPENSATION BY FEDERAL GOVERNMENT.—If the District Court determines that the failure of the Federal Government to fulfill an obligation of the Government decreased the value of a parcel under paragraph (1), the Government shall pay to the recipient of the parcel compensation in an amount equal to the difference between—

''(A) the decreased value of the parcel; and

''(B) the value of the fully restored parcel.'';

(2) by striking ''(g) Any'' and inserting the following:

''(b) LICENSE FEES AND RENTS.—Any''; and

(3) by striking ''(h) Any'' and inserting the following:

''(c) GRAZING AND AGRICULTURAL USE.—Any''.

SEC. 103. JOINT OWNERSHIP OF MINERALS.

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d–6) is amended—

(1) by striking ''SEC. 7. Partition'' and inserting the following:

''SEC. 3. JOINT OWNERSHIP OF MINERALS.

''(a) IN GENERAL.—Partition''; and

(2) in the second sentence, by striking ''All'' and inserting the following:

''(b) JOINT MANAGEMENT.—All''.

SEC. 104. ACTIONS.

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d–7) is amended—

(1) by striking ''SEC. 8. (a) Either Tribe'' and inserting the following:

''SEC. 4. ACTIONS.

''(a) ACTIONS IN DISTRICT COURT.—Either Tribe'';

(2) in subsection (b)—

(A) in the first sentence, by striking ''(b) Lands, if any,'' and inserting the following:

''(b) ALLOCATION OF LAND.—

''(1) NAVAJO RESERVATION.—Any land'';

(B) in the second sentence, by striking ''Lands, if any,'' and inserting the following:

''(2) HOPI RESERVATION.—Any land''; and

(C) in the third sentence, by striking ''Any lands'' and inserting the following:

''(3) JOINT AND UNDIVIDED INTERESTS.—Any land'';

(3) in subsection (c)—

(A) by striking ''(c)(1) Either'' and inserting the following:

''(c) EXCHANGE OF LAND.—

''(1) IN GENERAL.—Either'';

(B) in paragraph (2), by striking ''(2) In the event'' and inserting the following:

''(2) INTERESTS OF TRIBES.—If'';

(C) in paragraph (3), by striking ''(3) Neither'' and inserting the following:

''(3) DEFENSE.—Neither''; and

(D) by striking ''section 18'' each place it appears and inserting ''section 14'';

(4) in subsection (d), by striking ''(d) Nothing'' and inserting the following:

''(d) EFFECT OF SECTION.—Nothing'';

(5) in subsection (e), by striking ''(e) The'' and inserting the following:

''(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The''; and

(6) by striking subsection (f).

SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d–8) is amended by striking ''SEC. 9. Notwithstanding'' and inserting the following:

''SEC. 5. PAIUTE INDIAN ALLOTMENTS.

''Notwithstanding''.

SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d–9) is amended—

(1) by striking ''SEC. 10. (a) Subject'' and inserting the following:

''SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

''(a) NAVAJO TRUST LAND.—Subject'';

(2) in subsection (a), by striking ''section 9 and subsection (a) of section 17'' and inserting ''sections 5 and 13(a)'';

(3) in subsection (b)—

(A) by striking ''(b) Subject'' and inserting the following:

''(b) HOPI TRUST LAND.—Subject'';

(B) by striking ''section 9 and subsection (a) of section 17'' and inserting ''sections 5 and 13(a)'';

(C) by striking ''section 3 or 4'' and inserting ''section **[**1**]** *2*''; and

(D) by striking ''section 8'' and inserting ''section 4'';

(4) in subsection (c)—

(A) by striking ''(c) The'' and inserting the following:

''(c) PROTECTION OF RIGHTS AND PROPERTY.—The''; and

(B) by striking ''pursuant thereto'' and all that follows through the end of the subsection and inserting ''pursuant to this Act'';

(5) in subsection (d), by striking ''(d) With'' and inserting the following:

''(d) PROTECTION OF BENEFITS AND SERVICES.—With''; and

(6) in subsection (e)—

(A) by striking ''(e)(1) Lands'' and inserting the following:

''(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

''(1) IN GENERAL.—Land'';

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking ''The provisions'' and inserting the following:

''(2) RESPONSIBILITY OF SECRETARY.—The provisions''; and

(ii) by striking ''life tenants and''.

SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

(a) IN GENERAL.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d–10(a)) is amended—

(1) by striking ''SEC. 11. (a) The Secretary'' and inserting the following:

''SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

''(a) TRANSFER OF LAND.—

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''(1) transfer not to exceed two hundred and fifty thousand acres of lands'' and inserting the following:

''(A) transfer not more than 250,000 acres of land'';

(3) by striking ''Tribe: *Provided*, That'' and all that follows through ''as possible.'' and inserting ''Tribe; and'';

(4) in the first paragraph designated as paragraph (2)—

(A) by striking ''(2) on behalf'' and inserting the following:

''(B) on behalf''; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking ''Subject to'' and all that follows through ''all rights'' and inserting the following:

''(4) REQUIREMENTS OF TRANSFER.—

''(A) IN GENERAL.—Subject to this paragraph, all rights''; and

(ii) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'';

(B) in the second sentence, by striking ''So long as'' and inserting the following:

''(B) COAL LEASE APPLICATIONS.—

''(i) IN GENERAL.—If'';

(C) in the third sentence, by striking ''If such adjudication'' and inserting the following:

''(ii) ISSUANCE OF LEASES.—If an adjudication under clause (i)'';

(D) in the fourth sentence, by striking ''The leaseholders rights and interests'' and inserting the following:

''(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)''; and

(E) in the fifth sentence, by striking ''If any'' and inserting the following:

''(C) CLAIMS UNDER MINING LAW.—If any'';

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

''(2) EXCHANGE OF LAND.—

''(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

''(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

''(i) the difference between the values of the land exchanged; or

''(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

''(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall ensure that the amount of a payment under subparagraph (B) is as minimal as practicable.

''(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under paragraph (1)(B) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.''; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking ''(2) Those'' and inserting the following:

''(5) STATE RIGHTS.—

''(A) IN GENERAL.—The''; and

(ii) by striking ''subsection 2 of this section'' and inserting ''paragraph (1)(B)''; and

(B) in the second sentence, by striking ''The'' and inserting the following:

''(B) STATE INTERESTS.—The''.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d–10(b)) is amended by striking ''(b) A border'' and inserting the following:

''(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border''.

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d–10(c)) is amended—

(1) by striking ''(c) Lands'' and inserting the following:

''(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land''; and

(2) by striking the period at the end and inserting the following: '': *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.''.

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d–10(d)) is amended by striking ''(d) The'' and inserting the following:

''(d) REPORTS.—The''.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d–10(e)) is amended by striking ''(e) Payments'' and inserting the following:

''(e) PAYMENTS.—Payments''.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d–10(f)) is amended—

(1) by striking ''(f)(1) For'' and inserting the following:

''(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

''(1) IN GENERAL.—For'';

(2) in paragraph (2), by striking ''(2) If'' and inserting the following:

''(2) PUBLIC NOTICE; REPORT.—If''; and

(3) in paragraph (3), by striking ''(3) In any case where'' and inserting the following:

''(3) RIGHTS OF SUBSURFACE OWNERS.—If''.

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d–10(g)) is amended by striking ''(g) No'' and inserting the following:

''(g) LAND NOT AVAILABLE FOR TRANSFER.—No''.

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d–10(h)) is amended—

(1) by striking ''(h) The lands'' and inserting the following:

''(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

''(1) IN GENERAL.—The land''; and

(2) by adding at the end the following:

''(2) RELOCATION.—

''(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

''(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).''.

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d–10(i)) is amended—

(1) by striking ''(i) The'' and inserting the following:

''(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The''; and

(2) by striking ''section 23'' and inserting ''section 19''.

SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d–11) is amended—

(1) by striking ''SEC. 12. (a) There is hereby'' and inserting the following:

''SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

''(a) ESTABLISHMENT.—There is'';

(2) in subsection (b), by striking ''(b) The'' and inserting the following:

''(b) APPOINTMENT.—The'';

(3) in subsection (c)—

(A) by striking ''(c)(1)(A) Except'' and inserting the following:

''(c) CONTINUATION OF POWERS.—

''(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

''(A) POWERS AND DUTIES OF COMMISSIONER.—Except'';

(B) in paragraph (1)(B), by striking ''(B) All'' and inserting the following:

''(B) EXISTING FUNDS.—All''; and

(C) in paragraph (2), by striking ''(2) There are hereby'' and inserting the following:

''(2) TRANSFER OF POWERS.—There are'';

(4) in subsection (d)—

(A) by striking ''(d)(1) Subject'' and inserting the following:

''(d) POWERS OF COMMISSIONER.—

''(1) IN GENERAL.—Subject'';

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking ''(2) The'' and inserting the following:

''(2) CONTRACTS.—The''; and

(D) in paragraph (3), by striking ''(3) There'' and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There'';

(5) in subsection (e)—

(A) by striking ''(e)(1)'' and inserting the following:

''(e) ADMINISTRATION.—

''(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—''.

(B) in paragraph (1)—

(i) in the first sentence, by striking ''The'' and inserting the following:

''(A) IN GENERAL.—The''; and

(ii) in the second sentence, by striking ''In any'' and inserting the following:

''(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any''; and

(C) in paragraph (2), by striking ''(2) On'' and inserting the following:

''(2) FAILURE TO PROVIDE ASSISTANCE.—On'';

(6) by striking subsection (f) and inserting the following:

''(f) TERMINATION.—

''(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

''(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title III of the Navajo-Hopi Land Settlement Amendments of 2005.''; and

(7) by adding at the end the following:

''(g) OFFICE OF RELOCATION.—

''(1) ESTABLISHMENT.—Effective on October 1, 2006, there is established in the Department of the Interior an Office of Relocation.

''(2) DUTIES.—The Secretary, acting through the Office of Relocation, shall carry out the duties of the Office of Navajo and Hopi Indian Relocation that are transferred to the Secretary in accordance with title III of the Navajo-Hopi Land Settlement Amendments of 2005.

''(3) TERMINATION.—The Office of Relocation shall terminate on the date on which the Secretary determines that the duties of the Office have been carried out.''.

SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d–12) is amended—

(1) by striking ''SEC. 13. (a) By no'' and inserting the following:

''SEC. 9. REPORT.

''(a) IN GENERAL.—Not''; and

(2) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) INCLUSIONS.—The''; and

(B) by striking ''contain, among other matters, the following:'' and inserting ''include—''.

SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d–13) is amended—

(1) by striking ''SEC. 14. (a)'' and inserting the following:

''SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

''(a) AUTHORIZATION.—'';

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking ''Consistent'' and inserting the following:

''(1) IN GENERAL.—Consistent'';

(ii) by striking ''section 8'' each place it appears and inserting ''section 4''; and

(iii) by striking ''section 3 or 4'' and inserting ''section **[**1**]** *2*'';

(B) by striking the second sentence;

(C) in the third sentence, by striking ''No further'' and inserting the following:

''(2) SETTLEMENTS OF NAVAJO.—No further'';

(D) in the fourth sentence, by striking ''No further'' and inserting the following:

''(3) SETTLEMENTS OF HOPI.—No further''; and

(E) in the fifth sentence, by striking ''No individual'' and inserting the following:

''(4) GRAZING.—No individual'';

(3) in subsection (b)—

(A) by striking ''(b) In addition'' and inserting the following:

''(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition'';

(B) by striking ''section 15'' and inserting ''section 11''; and

(C) by striking ''section 13'' and inserting ''section 9'';

(4) in subsection (c), by striking ''(c) No'' and inserting the following:

''(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No''; and

(5) by adding at the end the following:

''(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2005, that head of household has not been certified as eligible to receive the payment.''.

SEC. 111. RELOCATION HOUSING.

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d–14) is amended—

(1) by striking ''SEC. 15. (a)'' and inserting the following:

''SEC. 11. RELOCATION HOUSING.

''(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''The Commission'' and inserting the following:

''(1) IN GENERAL.—The Commission''; and

(B) in the second sentence—

(i) by striking ''The purchase'' and inserting the following:

''(2) PURCHASE PRICE.—The purchase''; and

(ii) by striking ''as determined under clause (2) of subsection (b) of section 13'';

(3) in subsection (b)—

(A) by striking ''(b) In addition'' and inserting the following:

''(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition'';

(B) by striking ''shall:'' and inserting ''shall—''; and

(C) in paragraph (1), by inserting ''and'' after the semicolon at the end;

(4) in subsection (c)—

(A) by striking ''(c) In implementing'' and inserting the following:

''(c) STANDARDS; CERTAIN PAYMENTS.—

''(1) STANDARDS.—In carrying out''; and

(B) in the second sentence—

(i) by striking ''No payment'' and inserting the following:

''(2) CERTAIN PAYMENTS.—No payment'';

(ii) by striking ''section 8'' and inserting ''section 4''; and

(iii) by striking ''section 3 or 4'' and inserting ''section **[**1**]** *2*'';

(5) in subsection (d)—

(A) by striking ''(d) The'' and inserting the following:

''(d) METHODS OF PAYMENT.—The'';

(B) by striking ''(1) Should'' and inserting the following:

''(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should'';

(C) by striking ''(2) Should'' and inserting the following:

''(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should''; and

(D) by striking ''(3) Should'' and inserting the following:

''(3) FAILURE TO ARRANGE RELOCATION.—Should'';

(6) in subsection (e)—

(A) by striking ''(e) The'' and inserting the following:

''(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The'';

(B) by striking ''section 8'' and inserting ''section 4''; and

(C) by striking ''section 3 or 4'' and inserting ''section **[**1**]** *2*'';

(7) in subsection (f), by striking ''(f) Notwithstanding'' and inserting the following:

''(f) PREFERENTIAL TREATMENT.—Notwithstanding''; and

(8) by striking subsection (g) and inserting the following:

''(g) BENEFITS HELD IN TRUST.—

''(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary of the identity of any head of household that, as of that date—

''(A) is certified as eligible to receive benefits under this Act;

''(B) does not reside on land that has been partitioned to the Tribe of which the head of household is a member; and

''(C) has not received a replacement home.

''(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households.

''(3) DISPOSITION OF TRANSFERRED FUNDS.—

''(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) in trust for the heads of households described in paragraph (1)(A).

''(B) PAYMENT AMOUNTS.—Of the funds held in trust under subparagraph (A), the Secretary shall make payments to heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

''(i) on receipt of a request of a head of household, to be used for a replacement home; or

''(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

''(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds in trust under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

''(i) identify and notify any heir of the head of household; and

''(ii) distribute the funds held by the Secretary for the head of household to any heir—

''(I) immediately, if the heir is at least 18 years old; or

''(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

''(h) NOTIFICATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

''(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

''(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

''(B) has not entered into a lease to reside on that land.

''(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Hopi Tribe under this Act from the Secretary or the United States Attorney for the District of Arizona, the Commissioner may begin construction of a replacement home on any land acquired under section 6.

''(i) APPEALS.—

''(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

''(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

''(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary: and

''(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

''(3) NOTICE.—

''(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall provide written notice to any individual that the Commissioner determines may have the right to a determination of eligibility for benefits under this Act.

''(B) REQUIREMENTS FOR NOTICE.—The notice provided under subparagraph (A) shall—

''(i) specify that a request for a determination of eligibility for benefits under this Act shall be presented to the Commission not later than 180 days after the date on which the notice is issued; and

''(ii) be provided—

''(I) by mail (including means other than certified mail) to the last known address of the recipient; and

''(II) in a newspaper of general circulation in the geographic area in which an address referred to in subclause (I) is located.

''(j) PROCUREMENT OF SERVICES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of the requests referred to in subsection (i)(3)(A) (including an appeal hearing before an impartial third party referred to in subsection (i)(2)(A)), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

''(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications to review the requests referred to in subsection (i)(3)(A), as determined by the Commissioner.

''(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

''(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the 'Circuit Court').

''(2) REVIEW.—

''(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

''(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

''(ii) on the basis of that review, affirm or reverse that determination.

''(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

''(3) NOTICE OF APPEAL.—

''(A) IN GENERAL.—Not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

''(i) the Circuit Court; and

''(ii) the Commissioner.

''(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

''(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

''(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.''.

SEC. 112. PAYMENT FOR USE OF LAND.

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d–15) is amended—

(1) by striking ''SEC. 16. (a) The Navajo'' and inserting the following:

''SEC. 12. PAYMENT FOR USE OF LAND.

''(a) IN GENERAL.—The Navajo'';

(2) in subsection (a), by striking ''sections 8 and 3 or 4'' and inserting ''sections **[**1**]** *2* and 4''; and

(3) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) PAYMENT.—The''; and

(B) by striking ''sections 8 and 3 or 4'' and inserting ''sections **[**1**]** *2* and 4''.

SEC. 113. EFFECT OF ACT.

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d–16) is amended—

(1) by striking ''SEC. 17. (a)'' and inserting the following:

''SEC. 13. EFFECT OF ACT.

''(a) TITLE, POSSESSION, AND ENJOYMENT.—'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''Nothing'' and inserting the following:

''(1) IN GENERAL.—Nothing''; and

(B) in the second sentence, by striking ''Such'' and inserting the following:

''(2) RESIDENCE ON OTHER RESERVATIONS.—Any''; and

(3) in subsection (b), by striking ''(b) Nothing'' and inserting the following:

''(b) FEDERAL EMPLOYEES.—Nothing''.

SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d–17) is amended—

(1) by striking ''SEC. 18. (a) Either'' and inserting the following:

''SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

''(a) ACTIONS BY TRIBES.—Either'';

(2) in subsection (a), by striking ''section 3 or 4'' and inserting ''section **[**1**]** *2*'';

(3) in subsection (b)—

(A) by striking ''(b) Neither'' and inserting the following:

''(b) DEFENSES.—Neither''; and

(B) by striking ''section 3 or 4'' and inserting ''section **[**1**]** *2*'';

(4) in subsection (c)—

(A) by striking ''(c) Either'' and inserting the following:

''(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

''(1) IN GENERAL.—Either''; and

(B) in the second sentence, by striking ''Such actions'' and inserting the following:

''(2) ACTION THROUGH CHAIRMAN.—An action under paragraph (1)'';

(5) in subsection (d)—

(A) by striking ''(d) Except'' and inserting the following:

''(d) UNITED STATES AS PARTY; JUDGMENTS AGAINST THE UNITED STATES.—

''(1) IN GENERAL.—Except''; and

(B) in the second sentence, by striking ''Any judgment or judgments'' and inserting the following:

''(2) EFFECT OF JUDGMENTS.—Any judgment''; and

(6) in subsection (e), by striking ''(e) All'' and inserting the following:

''(e) REMEDIES.—All''.

SEC. 115. JOINT USE.

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d–18) is amended—

(1) by striking ''SEC. 19. (a) Notwithstanding'' and inserting the following:

''SEC. 15. JOINT USE.

''(a) REDUCTION OF LIVESTOCK.—

''(1) IN GENERAL.—Notwithstanding'';

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by striking ''section 3 or 4'' and inserting ''section **[**1**]** *2*''; and

(B) in the second sentence, by striking ''The Secretary is directed to'' and inserting the following:

''(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall'';

(3) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The''; and

(B) by striking ''sections 8 and 3 or 4'' each place it appears and inserting ''sections **[**1**]** *2* and 4''; and

(4) in subsection (c)—

(A) by striking ''(c)(1) Surveying'' and inserting the following:

''(c) SURVEYING, MONUMENTING, AND FENCING; LIVESTOCK REDUCTION PROGRAM.—

''(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying'';

(B) in paragraph (1)—

(i) by striking ''section 4'' and inserting ''section **[**1**]** *2*''; and

(ii) by striking ''section 8'' and inserting ''section 4''; and

(C) in paragraph (2), by striking ''(2) The'' and inserting the following:

''(2) LIVESTOCK REDUCTION PROGRAM.—The''.

SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d–19) is amended by striking ''SEC. 20. The members'' and inserting the following:

''SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.

''The members''.

SEC. 117. ACCESS TO RELIGIOUS SHRINES.

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d–20) is amended by striking ''SEC. 21. Notwithstanding'' and inserting the following:

''SEC. 17. ACCESS TO RELIGIOUS SHRINES.

''Notwithstanding''.

SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d–21) is amended—

(1) by striking ''SEC. 22. The availability'' and inserting the following:

''SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

''(a) IN GENERAL.—The availability''; and

(2) by striking ''None of the funds'' and inserting the following:

''(b) FEDERAL AND STATE INCOME TAXES.—None of the funds''.

SEC. 119. AUTHORIZATION OF EXCHANGE.

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d–22) is amended—

(1) by striking ''SEC. 23. The Navajo'' and inserting the following:

''SEC. 19. AUTHORIZATION OF EXCHANGE.

''(a) IN GENERAL.—The Navajo''; and

(2) in the second sentence—

(A) by striking ''In the event that the Tribes should'' and inserting the following:

''(b) NEGOTIATED EXCHANGES.—If the Tribes''; and

(B) by striking ''sections 14 and 15'' and inserting ''sections 10 and 11''.

SEC. 120. SEVERABILITY.

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d–23) is amended by striking ''SEC. 24. If'' and inserting the following:

''SEC. 20. SEVERABILITY.

''If''.

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24) is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

''SEC. 27. AUTHORIZATION OF APPROPRIATIONS.

''(a) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There is authorized to be appropriated to carry out section 10(b) $13,000,000.

''(b) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.

''(c) RETURN TO CARRYING CAPACITY AND INSTITUTION OF CONSERVATION PRACTICES.—There is authorized to be appropriated to carry out section 15(a) $10,000,000.

''(d) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—There is authorized to be appropriated to carry out section 15(b) $500,000.''.

SEC. 122. FUNDING AND CONSTRUCTION OF HIGH SCHOOL AND MEDICAL CENTER.

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d–25) is amended by striking ''SEC. 27.'' and all that follows through ''(c) The Secretary'' and inserting the following:

''SEC. 21. FUNDING AND CONSTRUCTION OF HIGH SCHOOL AND MEDICAL CENTER.

''The Secretary''.

SEC. 123. ENVIRONMENTAL IMPACT; WILDERNESS STUDY; CANCELLATION OF LEASES AND PERMITS.

Section 28 of the Act of December 22, 1974 (25 U.S.C. 640d–26) is amended—

(1) by striking ''SEC. 28. (a) No action'' and inserting the following:

''SEC. 22. ENVIRONMENTAL IMPACT; WILDERNESS STUDY; CANCELLATION OF LEASES AND PERMITS.

''(a) IN GENERAL.—No action'';

(2) in subsection (b), by striking ''(b) Any'' and inserting the following:

''(b) EFFECT OF WILDERNESS STUDY.—Any''; and

(3) by adding at the end the following:

''(c) CONSTRUCTION REQUIREMENTS.—

''(1) IN GENERAL.—Any construction activity under this Act shall be carried out in accordance with sections 3 through 7 of the Act

of June 27, 1960 (16 U.S.C. 469a–1 through 469c).

''(2) COMPLIANCE WITH OTHER REQUIREMENTS.—If a construction activity meets the requirements under paragraph (1), the activity shall be considered to be in accordance with any applicable requirement of—

''(A) Public Law 89–665 (80 Stat. 915); and

''(B) the Act of June 8, 1906 (34 Stat. 225, chapter 3060).''.

SEC. 124. ATTORNEY FEES AND COURT COSTS.

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d–27) is amended—

(1) by striking ''SEC. 29. (a)'' and inserting the following:

''SEC. 23. ATTORNEY FEES AND COURT COSTS.

''(a) IN GENERAL.—'';

(2) in subsection (a)—

(A) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(B) by striking ''For each'' and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—For each'';

(3) in subsection (b)—

(A) by striking ''(b) Upon'' and inserting the following:

''(b) AWARD BY COURT.—

''(1) IN GENERAL.—On''; and

(B) in the second sentence, by striking ''Any party'' and inserting the following:

''(2) REIMBURSEMENT OF UNITED STATES.—Any party'';

(4) in subsection (c), by striking ''(c) To'' and inserting the following:

''(c) EXCESS DIFFERENCE.—To''; and

(5) in subsection (d)—

(A) by striking ''(d) This'' and inserting the following:

''(d) APPLICATION OF SECTION.—This''; and

(B) by striking ''section 8 or 18(a) of this Act'' and inserting ''section 4 or section 14(a)''.

SEC. 125. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d–29) is amended—

(1) by striking ''SEC. 31. (a) Except'' and inserting the following:

''SEC. 24. LOBBYING.

''(a) IN GENERAL.—Except''; and

(2) in subsection (b), by striking ''(b) Subsection'' and inserting the following:

''(b) APPLICABILITY.—Subsection''.

SEC. 126. NAVAJO REHABILITATION TRUST FUND.

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d–30) is amended—

(1) by striking ''SEC. 32. (a) There'' and inserting the following:

''SEC. 25. NAVAJO REHABILITATION TRUST FUND.

''(a) ESTABLISHMENT.—There'';

(2) in subsection (b), by striking ''(b) All'' and inserting the following:

''(b) DEPOSIT OF INCOME INTO FUND.—All'';

(3) in subsection (c), by striking ''(c) The'' and inserting the following:

''(c) INVESTMENT OF FUNDS.—The'';

(4) in subsection (d)—

(A) by striking ''(d) Funds'' and inserting the following:

''(d) AVAILABILITY OF FUNDS.—Funds'';

(B) in paragraph (1), by striking ''proceedings,'' and inserting ''proceedings;''; and

(C) in paragraph (2), by striking ''Act, or'' and inserting ''Act; or'';

(5) in subsection (e)—

(A) by striking ''(e) By December 1'' and inserting the following:

''(e) EXPENDITURE OF FUNDS.—

''(1) IN GENERAL.—Not later than December 1''; and

(B) in the second sentence, by striking ''Such framework is to be'' and inserting the following:

''(2) REQUIREMENT.—The framework under paragraph (1) shall be'';

(6) in subsection (f)—

(A) by striking ''(f) The'' and inserting the following:

''(f) TERMINATION.—

''(1) IN GENERAL.—The''; and

(B) in the second sentence, by striking ''All funds'' and inserting the following:

''(2) TRANSFER OF REMAINING FUNDS.—All funds''; and

(7) in subsection (g)—

(A) by striking ''(g) There is hereby'' and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is'';

(B) in the first sentence, by striking ''1990, 1991, 1992, 1993, 1994, and 1995'' and inserting ''2006 through 2008''; and

(C) in the second sentence, by striking ''The income'' and inserting the following:

''(2) INCOME FROM LAND.—The income''.

SEC. 127. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640–31) is amended by striking ''SEC. 32. Nothing'' and inserting the following:

''SEC. 26. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.''.

''Nothing''.

TITLE II—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SEC. 201. RETENTION PREFERENCE.

The second sentence of section 3501(b) of title 5, United States Code, is amended—

(1) by striking ''or'' after ''Senate'' and inserting a comma;

(2) by striking ''or'' after ''Service'' and inserting a comma; and

(3) by inserting '', or to an employee of the Office of Navajo and Hopi Indian Relocation'' before the period.

SEC. 202. SEPARATION PAY.

(a) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5598 Separation pay for certain employees of the Office of Navajo and Hopi Indian Relocation

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Commissioner of the Office of Navajo and Hopi Indian Relocation shall establish a program to offer separation pay to employees of the Office of Navajo and Hopi Indian Relocation (referred to in this section as the 'Office') in the same manner as the Secretary of Defense offers separation pay to employees of a defense agency under section 5597.

''(b) SEPARATION PAY.—

''(1) IN GENERAL.—Under the program established under subsection (a), the Commissioner of the Office may offer separation pay only to employees within an occupational group or at a pay level that minimizes the disruption of ongoing Office programs at the time that the separation pay is offered.

''(2) REQUIREMENT.—Any separation pay offered under this subsection—

''(A) shall be paid in a lump sum;

''(B) shall be in an amount equal to $25,000, if paid on or before December 31, 2007;

''(C) shall be in an amount equal to $20,000, if paid after December 31, 2007, and before January 1, 2009;

''(D) shall be in an amount equal to $15,000, if paid after December 31, 2008, and before January 1, 2010;

''(E) shall not—

''(i) be a basis for payment;

''(ii) be considered to be income for the purposes of computing any other type of benefit provided by the Federal Government; and

''(F) if an individual is otherwise entitled to receive any severance pay under section 5595 on the basis of any other separation, shall not be payable in addition to the amount of the severance pay to which that individual is entitled under section 5595.

''(c) PROHIBITION.—No amount shall be payable under this section to any employee of the Office for any separation occurring after December 31, 2009.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 55 of title 5 is amended by adding at the end the following:

''5598. Separation pay for certain employees of the Office of Navajo and Hopi Indian Relocation''.

SEC. 203. FEDERAL RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IMMEDIATE RETIREMENT.—Section 8336(j)(1)(B) of title 5, United States Code, is amended by inserting ''or was employed by the Office of Navajo and Hopi Indian Relocation during the period beginning on January 1, 1985, and ending on the date of separation of that employee'' before the final comma.

(2) COMPUTATION OF ANNUITY.—Section 8339(d) of title 5, United States Code, is amended by adding at the end the following:

''(8) The annuity of an employee of the Office of Navajo and Hopi Indian Relocation described in section 8336(j)(1)(B) shall be determined under subsection (a), except that with respect to service of that employee on or after January 1, 1985, the annuity of that employee shall be in an amount equal to the sum of—

''(A) the product obtained by multiplying—

''(i) 2½ percent of the average pay of the employee; and

''(ii) the quantity of service of the employee on or after January 1, 1985, that does not exceed 10 years; and

''(B) the product obtained by multiplying—

''(i) 2 percent of the average pay of the employee; and

''(ii) the quantity of the service of the employee on or after January 1, 1985, that exceeds 10 years.''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) IMMEDIATE RETIREMENT.—Section 8412 of title 5, United States Code, is amended by adding at the end the following:

''(i) An employee of the Office of Navajo and Hopi Indian Relocation is entitled to an annuity if that employee—

''(1) has been continuously employed in the Office of Navajo and Hopi Indian Relocation during the period beginning on January 1, 1985, and ending on the date of separation of that individual; and

''(2)(A) has completed 25 years of service at any age; or

''(B) has attained the age of 50 years and has completed 20 years of service.''.

(2) COMPUTATION OF BASIC ANNUITY.—Section 8415 of title 5, United States Code, is amended—

[(1) by redesignating subsection (l) as subsection (m);

(2) by redesignating the second subsection designated as subsection (k) as subsection (l); and

(3) by adding at the end the following:**]**

(A) by redesignating subsection (l) as subsection (m);

(B) by redesignating the second subsection designated as subsection (k) as subsection (l); and

(C) by adding at the end the following:

''(n) The annuity of an employee retiring under section 8412(i) shall be determined in accordance with subsection (d), except that with respect to service during the period beginning on January 1, 1985, the annuity of the employee shall be an amount equal to the sum of—

''(1) the product obtained by multiplying—

''(A) 2 percent of the average pay of the employee; and

''(B) the quantity of the total service of the employee that does not exceed 10 years; and

''(2) the product obtained by multiplying—

''(A) 1½ percent of the average pay of the employee; and

''(B) the quantity of the total service of the employee that exceeds 10 years.''.

TITLE III—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 301. DEFINITIONS.

In this title:

(1) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(3) OFFICE.—The term ''Office'' means the Office of Navajo and Hopi Relocation (including any component of that office).

SEC. 302. TRANSFER OF FUNCTIONS.

Effective on the date of enactment of this Act, there is transferred to the Secretary of the Interior any function of the Office that has not been carried out by the Office on the date of enactment of this Act, as determined by the Secretary of the Interior in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

SEC. 303. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act and the amendments made by this Act, any asset, liability, contract, property, record, or unexpended balance of appropriations, authorizations, allocations, and other funds made available to carry out the functions transferred by this title shall be transferred to the Secretary of the Interior, subject to section 1531 of title 31, United States Code.

(b) USE OF FUNDS.—Any unexpended funds transferred under subsection (a) shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 304. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the date of enactment of this Act shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary of the Interior;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the date of enactment of this Act.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the McCain amendments at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The amendments (Nos. 3858 and 3859) were agreed to, as follows:

AMENDMENT NO. 3858

(Purpose: In the nature of a substitute)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 3859 TO AMENDMENT NO. 388

(Purpose: To modify a provision relating to the authorization of appropriations)

Strike section 121 of the amendment and insert the following:

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

''SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.''.

The bill (S. 1003), as amended, was read the third time and passed, as follows:

S. 1003

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Navajo-Hopi Land Settlement Amendments of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Effect of Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

Sec. 101. Repeal of sections.
Sec. 102. Short title; definitions.
Sec. 103. Joint ownership of minerals.
Sec. 104. Actions.
Sec. 105. Paiute Indian allotments.
Sec. 106. Partitioned and other designated land.
Sec. 107. Resettlement land for Navajo Tribe.
Sec. 108. Office of Navajo and Hopi Indian Relocation.
Sec. 109. Report.
Sec. 110. Relocation of households and members.
Sec. 111. Relocation housing.
Sec. 112. Payment for use of land.
Sec. 113. Effect of Act.
Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.
Sec. 115. Joint use.
Sec. 116. Religious ceremonies; piping of water.
Sec. 117. Access to religious shrines.
Sec. 118. Exclusion of Payments from certain Federal determinations of income.
Sec. 119. Authorization of exchange.
Sec. 120. Severability.
Sec. 121. Authorization of appropriations.
Sec. 122. Discretionary fund.
Sec. 123. Attorney fees and court costs.
Sec. 124. Lobbying.
Sec. 125. Navajo Rehabilitation Trust Fund.
Sec. 126. Availability of Funds for relocation assistance.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sec. 201. Definitions.
Sec. 202. Transfer of functions.
Sec. 203. Personnel provisions.
Sec. 204. Delegation and assignment.
Sec. 205. Reorganization.
Sec. 206. Rules.
Sec. 207. Transfer and allocations of appropriations and personnel.
Sec. 208. Incidental transfers.
Sec. 209. Effect on personnel.
Sec. 210. Separability.
Sec. 211. Transition.
Sec. 212. Report.
Sec. 213. References.
Sec. 214. Additional conforming amendment.
Sec. 215. Effect of title.
Sec. 216. Effective date.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

Sec. 301. Separation pay.
Sec. 302. Federal retirement.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'') was enacted to address the century-long land disputes between the Navajo Tribe and the Hopi Tribe and to establish a relocation process to remove, by December 31, 1986, Navajos and Hopis from land allocated to the other tribe by requiring the filing of a relocation plan;

(2) the Office of Navajo and Hopi Relocation was established in 1988 as a temporary independent agency to implement a 1981 relocation plan under that Act to relocate eligible families that lived on disputed land as of December 22, 1974;

(3) the relocation process has been plagued with controversy and delay, and Congress has had to amend the Act several times to authorize the expansion of original relocation activity and to provide additional appropriations for the implementation of relocation activities;

(4) the Office of Navajo and Hopi Indian Relocation has reviewed over 4,600 applications, considered numerous appeals, provided relocation homes for over 3,600 families;

(5) the Office of Navajo and Hopi Indian Relocation has provided financial assistance and technical support to the Navajo Tribe and the Hopi Tribe to address the impacts of relocation, including the operation of livestock grazing programs and resources to assist in the resettlement of individuals;

(6) individual Navajos and Hopis have had over 20 years during which to apply for and receive relocation benefits or to appeal a finding of ineligibility through the Office of Navajo and Hopi Relocation and in Federal district court; and

(7) the Office of Navajo and Hopi Relocation has had sufficient time in which to notify potential eligible applicants of the opportunity to receive relocation benefits, to certify that specific individuals qualify for such benefits, and to provide eligible individuals with replacement housing, counseling, and other assistance to adapt to relocation on Indian land or within non-Indian communities.

SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act—

(1) limits or otherwise affects any determination of a court, including a determination relating to an action pending as of the date of enactment of this Act, relating to a dispute of the Navajo Indian tribe or the Hopi Indian tribe with respect to—

(A) land; or

(B) any settlement agreement; or

(2) authorizes any cause of action not in existence on the day before the date of enactment of this Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

SEC. 101. REPEAL OF SECTIONS.

(a) IN GENERAL.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.), is amended in the first undesignated section by striking ''That, (a) within'' and all that follows through the end of the section.

(b) ADDITIONAL REPEALS.—Sections 2 through 5 and sections 26, 28, and 30 of the

Act of December 22, 1974 (25 U.S.C. 640d–1 through 640d–4; 88 Stat. 1723; 25 U.S.C. 640d–26, 640d–28), are repealed.

SEC. 102. SHORT TITLE; DEFINITIONS.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d–5), is amended by striking ''SEC. 6. The Mediator'' and all that follows through the end of the section and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Navajo-Hopi Land Settlement Act'.

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) DISTRICT COURT.—The term 'District Court' means the United States District Court for the District of Arizona.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(3) TRIBE.—The term 'Tribe' means—

''(A) the Navajo Indian Tribe; and

''(B) the Hopi Indian Tribe.''.

SEC. 103. JOINT OWNERSHIP OF MINERALS.

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d–6), is amended—

(1) by striking ''SEC. 7. Partition'' and inserting the following:

''SEC. 3. JOINT OWNERSHIP OF MINERALS.

''(a) IN GENERAL.—Partition''; and

(2) in the second sentence, by striking ''All'' and inserting the following:

''(b) JOINT MANAGEMENT.—All''.

SEC. 104. ACTIONS.

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d–7), is amended—

(1) by striking ''SEC. 8. (a) Either Tribe'' and inserting the following:

''SEC. 4. ACTIONS.

''(a) ACTIONS IN DISTRICT COURT.—Either Tribe'';

(2) in subsection (b)—

(A) in the first sentence, by striking ''(b) Lands, if any,'' and inserting the following:

''(b) ALLOCATION OF LAND.—

''(1) NAVAJO RESERVATION.—Any land'';

(B) in the second sentence, by striking ''Lands, if any,'' and inserting the following:

''(2) HOPI RESERVATION.—Any land''; and

(C) in the third sentence, by striking ''Any lands'' and inserting the following:

''(3) JOINT AND UNDIVIDED INTERESTS.—Any land'';

(3) in subsection (c)—

(A) by striking ''(c)(1) Either'' and inserting the following:

''(c) EXCHANGE OF LAND.—

''(1) IN GENERAL.—Either'';

(B) in paragraph (2), by striking ''(2) In the event'' and inserting the following:

''(2) INTERESTS OF TRIBES.—If'';

(C) in paragraph (3), by striking ''(3) Neither'' and inserting the following:

''(3) DEFENSE.—Neither''; and

(D) by striking ''section 18'' each place it appears and inserting ''section 14'';

(4) in subsection (d), by striking ''(d) Nothing'' and inserting the following:

''(d) EFFECT OF SECTION.—Nothing'';

(5) in subsection (e), by striking ''(e) The'' and inserting the following:

''(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The''; and

(6) by striking subsection (f).

SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d–8), is amended by striking ''SEC. 9. Notwithstanding'' and inserting the following:

''SEC. 5. PAIUTE INDIAN ALLOTMENTS.

''Notwithstanding''.

SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d–9), is amended—

(1) by striking ''SEC. 10. (a) Subject'' and inserting the following:

''SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

''(a) NAVAJO TRUST LAND.—Subject'';

(2) in subsection (a), by striking ''section 9 and subsection (a) of section 17'' and inserting ''sections 5 and 13(a)'';

(3) in subsection (b)—

(A) by striking ''(b) Subject'' and inserting the following:

''(b) HOPI TRUST LAND.—Subject'';

(B) by striking ''section 9 and subsection (a) of section 17'' and inserting ''sections 5 and 13(a)'';

(C) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4''; and

(D) by striking ''section 8'' and inserting ''section 4'';

(4) in subsection (c)—

(A) by striking ''(c) The'' and inserting the following:

''(c) PROTECTION OF RIGHTS AND PROPERTY.—The''; and

(B) by striking ''pursuant thereto'' and all that follows through the end of the subsection and inserting ''pursuant to this Act'';

(5) in subsection (d), by striking ''(d) With'' and inserting the following:

''(d) PROTECTION OF BENEFITS AND SERVICES.—With''; and

(6) in subsection (e)—

(A) by striking ''(e)(1) Lands'' and inserting the following:

''(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

''(1) IN GENERAL.—Land'';

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking ''The provisions'' and inserting the following:

''(2) RESPONSIBILITY OF SECRETARY.—The provisions''; and

(ii) by striking ''life tenants and''.

SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

(a) IN GENERAL.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d–10(a)), is amended—

(1) by striking ''SEC. 11. (a) The Secretary'' and inserting the following:

''SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

''(a) TRANSFER OF LAND.—

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''(1) transfer not to exceed two hundred and fifty thousand acres of lands'' and inserting the following:

''(A) transfer not more than 250,000 acres of land (including any acres previously transferred under this Act)'';

(3) by striking ''Tribe: *Provided*, That'' and all that follows through ''as possible.'' and inserting ''Tribe; and'';

(4) in the first paragraph designated as paragraph (2)—

(A) by striking ''(2) on behalf'' and inserting the following:

''(B) on behalf''; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking ''Subject to'' and all that follows through ''all rights'' and inserting the following:

''(4) REQUIREMENTS OF TRANSFER.—

''(A) IN GENERAL.—Subject to this paragraph, all rights''; and

(ii) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'';

(B) in the second sentence, by striking ''So long as'' and inserting the following:

''(B) COAL LEASE APPLICATIONS.—

''(i) IN GENERAL.—If'';

(C) in the third sentence, by striking ''If such adjudication'' and inserting the following:

''(ii) ISSUANCE OF LEASES.—If an adjudication under clause (i)'';

(D) in the fourth sentence, by striking ''The leaseholders rights and interests'' and inserting the following:

''(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)''; and

(E) in the fifth sentence, by striking ''If any'' and inserting the following:

''(C) CLAIMS UNDER MINING LAW.—If any'';

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

''(2) EXCHANGE OF LAND.—

''(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

''(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

''(i) the difference between the values of the land exchanged; or

''(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

''(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall make reasonable efforts to reduce any payment under subparagraph (B) to the lowest practicable amount.

''(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under subparagraphs (A) and (B) of paragraph (1) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.''; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking ''(2) Those'' and inserting the following:

''(5) STATE RIGHTS.—

''(A) IN GENERAL.—The''; and

(ii) by striking ''subsection 2 of this section'' and inserting ''paragraph (1)(B)''; and

(B) in the second sentence, by striking ''The'' and inserting the following:

''(B) STATE INTERESTS.—The''.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d–10(b)), is amended by striking ''(b) A border'' and inserting the following:

''(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border''.

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d–10(c)), is amended—

(1) by striking ''(c) Lands'' and inserting the following:

''(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land''; and

(2) by striking the period at the end and inserting the following: '': *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.''.

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d–10(d)), is amended by striking ''(d) The'' and inserting the following:

''(d) REPORTS.—The''.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d–10(e)), is amended by striking ''(e) Payments'' and inserting the following:

''(e) PAYMENTS.—Payments''.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the

Act of December 22, 1974 (25 U.S.C. 640d–10(f)), is amended—

(1) by striking ''(f)(1) For'' and inserting the following:

''(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

''(1) IN GENERAL.—For'';

(2) in paragraph (2), by striking ''(2) If'' and inserting the following:

''(2) PUBLIC NOTICE; REPORT.—If''; and

(3) in paragraph (3), by striking ''(3) In any case where'' and inserting the following:

''(3) RIGHTS OF SUBSURFACE OWNERS.—If''.

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d–10(g)), is amended by striking ''(g) No'' and inserting the following:

''(g) LAND NOT AVAILABLE FOR TRANSFER.—No''.

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d–10(h)), is amended—

(1) by striking ''(h) The lands'' and inserting the following:

''(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

''(1) IN GENERAL.—The land''; and

(2) by adding at the end the following:

''(2) RELOCATION.—

''(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

''(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).''.

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d–10(i)), is amended—

(1) by striking ''(i) The'' and inserting the following:

''(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The''; and

(2) by striking ''section 23'' and inserting ''section 19''.

SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d–11), is amended—

(1) by striking ''SEC. 12. (a) There is hereby'' and inserting the following:

''SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

''(a) ESTABLISHMENT.—There is'';

(2) in subsection (b), by striking ''(b) The'' and inserting the following:

''(b) APPOINTMENT.—The'';

(3) in subsection (c)—

(A) by striking ''(c)(1)(A) Except'' and inserting the following:

''(c) CONTINUATION OF POWERS.—

''(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

''(A) POWERS AND DUTIES OF COMMISSIONER.—Except'';

(B) in paragraph (1)(B), by striking ''(B) All'' and inserting the following:

''(B) EXISTING FUNDS.—All''; and

(C) in paragraph (2), by striking ''(2) There are hereby'' and inserting the following:

''(2) TRANSFER OF POWERS.—There are'';

(4) in subsection (d)—

(A) by striking ''(d)(1) Subject'' and inserting the following:

''(d) POWERS OF COMMISSIONER.—

''(1) IN GENERAL.—Subject'';

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking ''(2) The'' and inserting the following:

''(2) CONTRACTS.—The''; and

(D) in paragraph (3), by striking ''(3) There'' and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There'';

(5) in subsection (e)—

(A) by striking ''(e)(1)'' and inserting the following:

''(e) ADMINISTRATION.—

''(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''The'' and inserting the following:

''(A) IN GENERAL.—The''; and

(ii) in the second sentence, by striking ''In any'' and inserting the following:

''(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any''; and

(C) in paragraph (2), by striking ''(2) On'' and inserting the following:

''(2) FAILURE TO PROVIDE ASSISTANCE.—On'';

(6) by striking subsection (f) and inserting the following:

''(f) TERMINATION.—

''(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

''(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title II of the Navajo-Hopi Land Settlement Amendments of 2005.''; and

(7) by adding at the end the following:

''(g) EASE OF TRANSITION.—Beginning on the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Secretary may—

''(1) consult with the Commissioner regarding the transfer of the responsibilities of the Office of Navajo and Hopi Indian Relocation to the Department of the Interior; and

''(2) take any action the Secretary determines to be necessary to assume the responsibilities of the Office on September 30, 2008.''.

SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d–12), is amended—

(1) by striking ''SEC. 13. (a) By no'' and inserting the following:

''SEC. 9. REPORT.

''(a) IN GENERAL.—Not''; and

(2) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) INCLUSIONS.—The''; and

(B) by striking ''contain, among other matters, the following:'' and inserting ''include—''.

SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d–13), is amended—

(1) by striking ''SEC. 14. (a)'' and inserting the following:

''SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

''(a) AUTHORIZATION.—'';

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking ''Consistent'' and inserting the following:

''(1) IN GENERAL.—Consistent'';

(ii) by striking ''section 8'' each place it appears and inserting ''section 4'';

(iii) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4''; and

(iv) by inserting '', or, after September 30, 2008, the Attorney General,'' after ''the Commissioner'';

(B) by striking the second sentence;

(C) in the third sentence, by striking ''No further'' and inserting the following:

''(2) SETTLEMENTS OF NAVAJO.—No further'';

(D) in the fourth sentence, by striking ''No further'' and inserting the following:

''(3) SETTLEMENTS OF HOPI.—No further''; and

(E) in the fifth sentence, by striking ''No individual'' and inserting the following:

''(4) GRAZING.—No individual'';

(3) in subsection (b)—

(A) by striking ''(b) In addition'' and inserting the following:

''(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition'';

(B) by striking ''section 15'' and inserting ''section 11''; and

(C) by striking ''section 13'' and inserting ''section 9'';

(4) in subsection (c), by striking ''(c) No'' and inserting the following:

''(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No''; and

(5) by adding at the end the following:

''(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2008, that head of household has not been certified as eligible to receive the payment.''.

SEC. 111. RELOCATION HOUSING.

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d–14), is amended—

(1) by striking ''SEC. 15. (a)'' and inserting the following:

''SEC. 11. RELOCATION HOUSING.

''(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''The Commission'' and inserting the following:

''(1) IN GENERAL.—The Commission''; and

(B) in the second sentence—

(i) by striking ''The purchase'' and inserting the following:

''(2) PURCHASE PRICE.—The purchase''; and

(ii) by striking ''as determined under clause (2) of subsection (b) of section 13'';

(3) in subsection (b)—

(A) by striking ''(b) In addition'' and inserting the following:

''(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition'';

(B) by striking ''shall:'' and inserting ''shall—''; and

(C) in paragraph (1), by inserting ''and'' after the semicolon at the end;

(4) in subsection (c)—

(A) by striking ''(c) In implementing'' and inserting the following:

''(c) STANDARDS; CERTAIN PAYMENTS.—

''(1) STANDARDS.—In carrying out''; and

(B) in the second sentence—

(i) by striking ''No payment'' and inserting the following:

''(2) CERTAIN PAYMENTS.—No payment''; and

(ii) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 8 or section 3 or 4'';

(5) in subsection (d)—

(A) by striking ''(d) The'' and inserting the following:

''(d) METHODS OF PAYMENT.—The'';

(B) by striking ''(1) Should'' and inserting the following:

''(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should'';

(C) by striking ''(2) Should'' and inserting the following:

''(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should''; and

(D) by striking ''(3) Should'' and inserting the following:

''(3) FAILURE TO ARRANGE RELOCATION.—Should'';

(6) in subsection (e)—

(A) by striking ''(e) The'' and inserting the following:

''(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The'';

(B) by striking ''section 8'' and inserting ''section 4''; and

(C) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4'';

(7) in subsection (f), by striking ''(f) Notwithstanding'' and inserting the following:

''(f) PREFERENTIAL TREATMENT.—Notwithstanding''; and

(8) by striking subsection (g) and inserting the following:

''(g) BENEFITS.—

''(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

''(A) is certified as eligible to receive benefits under this Act;

''(B) does not reside on land that has been partitioned to the Tribe; and

''(C) has not received a replacement home.

''(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

''(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

''(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

''(3) DISPOSITION OF TRANSFERRED FUNDS.—

''(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

''(i) an eligible head of household; or

''(ii) the Tribe, acting with the consent of such a head of household.

''(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

''(i) on receipt of a request of a head of household, to be used for a replacement home; or

''(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

''(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

''(i) identify and notify any heir of the head of household, in accordance with applicable law; and

''(ii) distribute the funds held by the Secretary for the head of household to any heir—

''(I) immediately, if the heir is at least 18 years old; or

''(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

''(D) CLAIMS OF COMPETING HEIRS.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

''(4) DISPUTED ELIGIBILITY CLAIMS.—

''(A) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

''(B) DISPOSITION OF TRANSFERRED FUNDS.—

''(i) IN GENERAL.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

''(ii) DISTRIBUTIONS TO HEADS OF HOUSEHOLDS.—If an individual described in clause (i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

''(h) NOTIFICATION.—

''(1) IN GENERAL.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

''(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

''(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

''(B) has not entered into a lease to reside on that land.

''(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

''(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

''(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

''(i) begin construction of a replacement home on any land acquired under section 6; or

''(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

''(i) APPEALS.—

''(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

''(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

''(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary: and

''(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

''(j) PROCUREMENT OF SERVICES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

''(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

''(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

''(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the 'Circuit Court').

''(2) REVIEW.—

''(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

''(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

''(ii) on the basis of that review, affirm or reverse that determination.

''(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

''(3) NOTICE OF APPEAL.—

''(A) IN GENERAL.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

''(i) the Circuit Court; and

''(ii) the Commissioner.

''(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

''(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

''(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.''.

SEC. 112. PAYMENT FOR USE OF LAND.

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d–15), is amended—

(1) by striking ''SEC. 16. (a) The Navajo'' and inserting the following:

''SEC. 12. PAYMENT FOR USE OF LAND.

''(a) IN GENERAL.—The Navajo'';

(2) in subsection (a), by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' before ''sections 8 and 3 or 4''; and

(3) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) PAYMENT.—The''; and

(B) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''sections 8 and 3 or 4''.

SEC. 113. EFFECT OF ACT.

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d–16), is amended—

(1) by striking ''SEC. 17. (a)'' and inserting the following:

''SEC. 13. EFFECT OF ACT.

''(a) TITLE, POSSESSION, AND ENJOYMENT.—'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''Nothing'' and inserting the following:

''(1) IN GENERAL.—Nothing''; and

(B) in the second sentence, by striking ''Such'' and inserting the following:

''(2) RESIDENCE ON OTHER RESERVATIONS.—Any''; and

(3) in subsection (b), by striking ''(b) Nothing'' and inserting the following:

''(b) FEDERAL EMPLOYEES.—Nothing''.

SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d–17), is amended—

(1) by striking ''SEC. 18. (a) Either'' and inserting the following:

''SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

''(a) ACTIONS BY TRIBES.—Either'';

(2) in subsection (a), by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4'';

(3) in subsection (b)—

(A) by striking ''(b) Neither'' and inserting the following:

''(b) DEFENSES.—Neither''; and

(B) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4'';

(4) in subsection (c)—

(A) by striking ''(c) Either'' and inserting the following:

''(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

''(1) IN GENERAL.—Either''; and

(B) in the second sentence, by striking ''Such actions'' and inserting the following:

''(2) ACTION THROUGH CHAIRMAN.—An action under paragraph (1)'';

(5) in subsection (d)—

(A) by striking ''(d) Except'' and inserting the following:

''(d) UNITED STATES AS PARTY; JUDGMENTS AGAINST THE UNITED STATES.—

''(1) IN GENERAL.—Except''; and

(B) in the second sentence, by striking ''Any judgment or judgments'' and inserting the following:

''(2) EFFECT OF JUDGMENTS.—Any judgment''; and

(6) in subsection (e), by striking ''(e) All'' and inserting the following:

''(e) REMEDIES.—All''.

SEC. 115. JOINT USE.

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d–18), is amended—

(1) by striking ''SEC. 19. (a) Notwithstanding'' and inserting the following:

''SEC. 15. JOINT USE.

''(a) REDUCTION OF LIVESTOCK.—

''(1) IN GENERAL.—Notwithstanding'';

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''section 3 or 4''; and

(B) in the second sentence, by striking ''The Secretary is directed to'' and inserting the following:

''(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall'';

(3) in subsection (b)—

(A) by striking ''(b) The'' and inserting the following:

''(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The''; and

(B) by inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)'' after ''sections 8 and 3 or 4'' each place it appears; and

(4) in subsection (c)—

(A) by striking ''(c)(1) Surveying'' and inserting the following:

''(c) SURVEYING, MONUMENTING, AND FENCING; LIVESTOCK REDUCTION PROGRAM.—

''(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying'';

(B) in paragraph (1)—

(i) by striking ''of this Act'' and inserting ''(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)''; and

(ii) by striking ''section 8'' and inserting ''section 4''; and

(C) in paragraph (2), by striking ''(2) The'' and inserting the following:

''(2) LIVESTOCK REDUCTION PROGRAM.—The''.

SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d–19), is amended by striking ''SEC. 20. The members'' and inserting the following:

''SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.

''The members''.

SEC. 117. ACCESS TO RELIGIOUS SHRINES.

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d–20), is amended by striking ''SEC. 21. Notwithstanding'' and inserting the following:

''SEC. 17. ACCESS TO RELIGIOUS SHRINES.

''Notwithstanding''.

SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d–21), is amended—

(1) by striking ''SEC. 22. The availability'' and inserting the following:

''SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

''(a) IN GENERAL.—The availability''; and

(2) by striking ''None of the funds'' and inserting the following:

''(b) FEDERAL AND STATE INCOME TAXES.—None of the funds''.

SEC. 119. AUTHORIZATION OF EXCHANGE.

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d–22), is amended—

(1) by striking ''SEC. 23. The Navajo'' and inserting the following:

''SEC. 19. AUTHORIZATION OF EXCHANGE.

''(a) IN GENERAL.—The Navajo''; and

(2) in the second sentence—

(A) by striking ''In the event that the Tribes should'' and inserting the following:

''(b) NEGOTIATED EXCHANGES.—If the Tribes''; and

(B) by striking ''sections 14 and 15'' and inserting ''sections 10 and 11''.

SEC. 120. SEVERABILITY.

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d–23), is amended by striking ''SEC. 24. If'' and inserting the following:

''SEC. 20. SEVERABILITY.

''If''.

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

''SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.''.

SEC. 122. DISCRETIONARY FUND.

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d–25), is amended by striking ''SEC. 27.'' and all that follows through ''(c) The Secretary'' and inserting the following:

''SEC. 21. DISCRETIONARY FUND.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to a discretionary fund of the Commissioner to carry out this Act—

''(1) $6,000,000 for the period of fiscal years 2006 through 2008; and

''(2) such sums as are necessary for each subsequent fiscal year.

''(b) HOPI HIGH SCHOOL AND MEDICAL CENTER.—The Secretary''.

SEC. 123. ATTORNEY FEES AND COURT COSTS.

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d–27), is amended—

(1) by striking ''SEC. 29. (a)'' and inserting the following:

''SEC. 22. ATTORNEY FEES AND COURT COSTS.

''(a) IN GENERAL.—'';

(2) in subsection (a)—

(A) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(B) by striking ''For each'' and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—For each'';

(3) in subsection (b)—

(A) by striking ''(b) Upon'' and inserting the following:

''(b) AWARD BY COURT.—

''(1) IN GENERAL.—On''; and

(B) in the second sentence, by striking ''Any party'' and inserting the following:

''(2) REIMBURSEMENT OF UNITED STATES.—Any party'';

(4) in subsection (c), by striking ''(c) To'' and inserting the following:

''(c) EXCESS DIFFERENCE.—To''; and

(5) in subsection (d)—

(A) by striking ''(d) This'' and inserting the following:

''(d) APPLICATION OF SECTION.—This''; and

(B) by striking ''section 8 or 18(a) of this Act'' and inserting ''section 4 or section 14(a)''.

SEC. 124. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d–29), is amended—

(1) by striking ''SEC. 31. (a) Except'' and inserting the following:

''SEC. 23. LOBBYING.

''(a) IN GENERAL.—Except''; and

(2) in subsection (b), by striking ''(b) Subsection'' and inserting the following:

''(b) APPLICABILITY.—Subsection''.

SEC. 125. NAVAJO REHABILITATION TRUST FUND.

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d–30), is amended—

(1) by striking ''SEC. 32. (a) There'' and inserting the following:

''SEC. 24. NAVAJO REHABILITATION TRUST FUND.

''(a) ESTABLISHMENT.—There'';

(2) in subsection (b), by striking ''(b) All'' and inserting the following:

''(b) DEPOSIT OF INCOME INTO FUND.—All'';

(3) in subsection (c), by striking ''(c) The'' and inserting the following:

''(c) INVESTMENT OF FUNDS.—The'';

(4) in subsection (d)—

(A) by striking ''(d) Funds'' and inserting the following:

''(d) AVAILABILITY OF FUNDS.—Funds'';

(B) in paragraph (1), by striking ''proceedings,'' and inserting ''proceedings;''; and

(C) in paragraph (2), by striking ''Act, or'' and inserting ''Act; or'';

(5) in subsection (e)—

(A) by striking ''(e) By December 1'' and inserting the following:

''(e) EXPENDITURE OF FUNDS.—

''(1) IN GENERAL.—Not later than December 1''; and

(B) in the second sentence, by striking ''Such framework is to be'' and inserting the following:

''(2) REQUIREMENT.—The framework under paragraph (1) shall be'';

(6) in subsection (f)—

(A) by striking ''(f) The'' and inserting the following:

''(f) TERMINATION.—

''(1) IN GENERAL.—The''; and

(B) in the second sentence, by striking ''All funds'' and inserting the following:

''(2) TRANSFER OF REMAINING FUNDS.—All funds''; and

(7) by striking subsection (g).

SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640–31), is amended by striking ''SEC. 32. Nothing'' and inserting the following:

''SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.''.

''Nothing''.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 201. DEFINITIONS.

In this title:

(1) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) OFFICE.—The term ''Office'' means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 202. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Effective beginning on September 30, 2008, there is transferred to the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) MEMORANDUM OF AGREEMENT.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

SEC. 204. DELEGATION AND ASSIGNMENT.

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

SEC. 205. REORGANIZATION.

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

SEC. 206. RULES.

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 208. INCIDENTAL TRANSFERS.

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

SEC. 210. SEPARABILITY.

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 211. TRANSITION.

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 212. REPORTS.

(a) FISCAL YEARS 2007 AND 2008.—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the ''New Lands'' of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) SUBSEQUENT FISCAL YEARS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

SEC. 213. REFERENCES.

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

SEC. 214. ADDITIONAL CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

SEC. 215. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

SEC. 216. EFFECTIVE DATE.

This title takes effect beginning September 30, 2008.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

SEC. 301. SEPARATION PAY.

The Office of Navajo and Hopi Relocation (referred to in this title as the ''Office'') may request funding for, and offer to any employee of the Office, voluntary separation incentive payments in accordance with subchapter II of chapter 35 of title 5, United States Code.

SEC. 302. FEDERAL RETIREMENT.

The Office may request funding for, and offer to any employee of the Office, voluntary early retirement in accordance with sections 8336(d)(2) and 8414(b)(1) of title 5, United States Code.

ORDERS FOR WEDNESDAY, May 3, 2006

Mr. ENSIGN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, that there then be a period of morning business for up to 30 minutes with the majority in control of the first 15 minutes to be followed by 15 minutes under the control of the minority; provided further that the Senate then resume consideration of H.R. 4939.

I further ask unanimous consent that there be 1 hour of debate with Senator COBURN controlling 30 minutes, Senator FEINSTEIN 15 minutes, and Senator BOXER 15 minutes, and that the vote occur in relation to Division XIX of the pending amendment with no amendment in order to the division prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I now ask unanimous consent that notwithstanding adjournment of the Senate, all time count against the limitation under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENSIGN. Mr. President, today cloture was invoked on the emergency supplemental appropriations bill. We have disposed of many amendments, but we still have some pending amendments remaining that will need to be disposed of. Tomorrow will be a busy day, and votes can be expected throughout the day as we attempt to finish action on this emergency supplemental appropriations bill.

ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business, and at the close of my speech, if there be no further business before the Senate, we then stand in adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Mr. President, I rise today in support of the amendment offered by the Senator from New Jersey, Senator MENENDEZ. Senator MENENDEZ is carrying on a great tradition. His predecessor, Senator Jon Corzine, now Governor of New Jersey, showed a special interest in the genocide which is occurring in Darfur in Africa. I cannot say how many times Senator Corzine came to the Senate to raise this issue. I am glad Senator MENENDEZ has the same intensity and the same commitment Governor Corzine showed in the Senate. He has evidenced it by this amendment which adds an additional $60 million for peacekeeping forces.

I have spoken in the Senate many times about the Darfur crisis. I say that with some embarrassment. It is unfortunate that I still have to return to the Senate time after time, month after month, year after year. While we debate, people die. What is happening in Darfur is a shameful situation for any country in the world, shameful for those who live in peace and in powerful countries for not doing more.

First, let me salute this administration. Though I disagree with the Bush administration on so many things, I have been respectful of the fact from the beginning, under Secretary of State Colin Powell and now Secretary of State Condoleezza Rice, they have not pulled any punches. They have said from the outset what is occurring in Darfur is nothing short of genocide. That is a stark departure from what occurred under the Clinton administration, an administration which I admired and worked with, but during the Rwanda genocide they were reluctant to use the word. So many times our Secretary of State and others within the administration were pinned down: Was Rwanda a genocide? And even while people were losing their lives in that African nation, they refused to use the word.

The reason is because it carries with it so much moral import, so much responsibility. Once deciding a genocide is occurring in some part of the world, what, then, must we do? Under the Genocide Convention, we are to step forward. The civilized family of nations is to step forward to stop the genocide in place and to protect the innocent people.

For several years, though we have declared it genocide, we have not done nearly as much as we should. We have relied on a small and somewhat impotent group of African Union soldiers who may be trying to do their best but who are completely outmanned by the jingaweit and other violent actors in that nation who take advantage every day of the poor people of Darfur.

Last week, I went back to my alma mater, Georgetown University, here in Washington, DC, and I spoke to a group of students. It was a great night. I have not been back at campus in that capacity. It was great to speak to them. As the students came up to ask questions, a group of students came forward and said, We are a student group on this campus genuinely interested in the genocide in Darfur. We are planning a rally in Washington—this last Sunday—and we want to know what you are going to do about it, Senator.

It was a legitimate question, one which I answered by saying I had done some things, but I need to do more. I offered an amendment to the bill now pending to add $50 million to help move in a U.N. peacekeeping force that will augment the African Union force and give some power to this effort to protect these poor innocent people.

This weekend, on the National Mall in Washington, at the Federal Plaza in Chicago, and in 16 other cities across our country, tens of thousands of people gathered to protest the ongoing genocide in Darfur. As the Washington Post noted, the gathering of people on The Mall was one of the most diverse in history. The crowd was composed of people from all walks of life: Jews, Christians, Muslims, liberal, conservatives, teenagers, and members of the ''greatest generation.'' They gathered under many different signs but many contained the same message: Save Darfur. That is simple. That is powerful. That is our moral responsibility, to save Darfur.

Once again, we have fallen short. We promised that once we declared genocide, we would act. We said after the genocides of recent memory, it would never again happen in our time. Sadly, it has. And things are getting worse instead of better. Violence is continuing. The Sudanese Government is blocking the preparations for the U.N. mission and peace talks have stalled.

Last week, there was an announcement in the paper which troubled me. The World Food Program, one of the most important programs in the world to feed needy people, announced it was forced to cut food rations in Darfur in half. More than 6 million people across Sudan require food aid, more than any other country on Earth. The World Food Program estimates it needs approximately $750 million to feed them and it does not have the money. The United States has provided $188 million; the European Union, almost nothing. Libya is the only member of the Arab league to step up.

This has to change. We can and should do more and so should the rest of the world. It is bad enough to stand by without taking appropriate action to stop the violence of genocide. But how can we have on our conscience that these poor people, these children, these families, dispossessed and living in fear, will now slowly starve to death on our watch?

Several amendments have been filed to this emergency supplemental bill that addressed Darfur. I am proud to cosponsor them. On this amendment by Senator MENENDEZ of New Jersey, I ask unanimous consent to join as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. His amendment increases funding for international peacekeeping efforts by $60 million.

Another amendment that has been filed authorizes the Department of Defense to assist NATO in peacekeeping efforts in Darfur. The third sets aside funds for a special envoy to be named to play the role that former Senator John Danforth of Missouri played so effectively. Let me say parenthetically, he is a great man. I am honored to call him a friend. He accepted this assignment when he could have returned to the peace and solitude of his retired life in St. Louis, but leaving the United Nations he went on to Darfur. That speaks volumes about this man's commitment to the suffering of the world that he did it.

Now we have an amendment before the Senate asking that another envoy be sent by the United States, a person of the caliber of John Danforth, who can do his best to try to bring some peace to that region.

The situation in Darfur represents a massive humanitarian catastrophe, one that is ongoing, one that is happening on our watch. As we stand to make these speeches in the comfort and security of the Senate, people are literally dying, being raped, and starving to death in Darfur.

Over the past 3 months alone, resurging violence in Darfur has forced 200,000 people from their homes. One-third of them are cut off from any humanitarian aid. In addition, Human Rights Watch has reported the Sudanese Government launched a new offensive in southern Darfur last week. The government troops reportedly used helicopter gun ships against a defenseless village in south Darfur where thousands of displaced Darfurians sought refuge. Can you imagine the horror of that scene as helicopter gun ships sprayed these poor helpless people?

The African Union mission in Darfur has 7,000 peacekeepers; 7,000 men in uniform to guard an area the size of Texas. But a Texas without roads, a Texas without bridges, a Texas without communication. They cannot end this genocide by themselves.

Unfortunately, while violence in Darfur escalates, the news on the prospects of peace, talks between the Government of Sudan and the rebel groups, is very discouraging. The talks have dragged on for 2 bloody years. They were set to conclude on Sunday, but in the absence of an agreement, they have been extended another 48 hours. The prospects for an accord seem dim. Khartoum so far has also refused to allow a U.N. assessment team into Darfur to prepare for a mission there.

The Sudanese Government launched a war on its own people for 3 straight years. They cannot be allowed to dictate terms to the United Nations. Hundreds of thousands of lives hang in the balance in Darfur. We should appoint that special envoy, someone of the stature, the dedication, and wisdom of John Danforth, to try to advance the peace process. The United States must engage the other members of the United Nations Security Council to put real pressure on the Government of Sudan.

One of the troubling aspects is that many believe that the major countries of the world are pulling their punches and not holding Sudan accountable because Sudan has oil deposits. Once again, our foreign policy is being affected, if not dictated, by energy reserves in Africa, as it is in so many other parts of the world.

What a grim reminder of how important it is for the United States to move to energy independence so we can stand up for the values we need without sacrificing all-important energy for our own economy and that other countries can step forward and make the right decision in terms of the morality and values of the world rather than gauging the impact it will have on their oil imports.

We have to work with our European allies to persuade China and Russia to set aside their objections to U.N. action.

We should pass the amendments before us this week on the supplemental appropriations bill, and the Darfur Peace and Accountability Act should be signed into law. We should continue to support the African Union mission in Darfur, while leading efforts to ensure that NATO and the United Nations take up the peacekeeping mission in Darfur.

Three years of genocide—3 years after our declaration that a genocide was occurring right here on our watch—3 years is too long.

I echo the thousands of people who gathered across America on Sunday—the students from Georgetown University, the students from other universities across this country, and many other caring people who came forward. I urge the Senate to join them to save Darfur.

MEASURE READ THE FIRST TIME—S. 2700

Mr. DURBIN. Mr. President, before I yield the floor, on behalf of the Republican leadership, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2700) to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

Mr. DURBIN. Mr. President, I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. DURBIN. Thank you, Mr. President.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:33 p.m., adjourned until Wednesday, May 3, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 2, 2006:

FEDERAL DEPOSIT INSURANCE CORPORATION

SHEILA C. BAIR, OF KANSAS, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF FIVE YEARS, VICE DONALD E. POWELL, RESIGNED.

SHEILA C. BAIR, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING JULY 15, 2013. (REAPPOINTMENT)

SHEILA C. BAIR, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING JULY 15, 2007, VICE DONALD E. POWELL, RESIGNED.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO LINCOLN UNIVERSITY'S PUBLIC RADIO STATION KJLU–FM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate the KJLU–FM public radio station of Lincoln University in Jefferson City, Missouri. KJLU was named Black College Radios Station of the Year at the 28th Annual Black College Radio and Television Conference in Atlanta, Georgia.

KJLU, founded in 1973, was presented with the Station of the Year award for excellence in broadcasting on April 1, 2006. The station had previously been honored as Station of the Year in 2003, with the Program Director of the Year award in 2004, and as Station with the Most Community Involvement in 2005. KJLU continues to help the community by aiding in local fund-raising and recording and distributing public service announcements. Mike Downey, one of KJLU's station producers, was recently named United Way's Missouri Volunteer of the Year.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating the students and staff at KJLU for their accomplishments and in wishing them luck in all their future endeavors.

EVACUEE STUDY FINDS DECLINING HEALTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. RANGEL. Mr. Speaker, I rise today in acknowledgment of a recent article in the New York Times which detailed the declining health of Hurricane Katrina survivors. The piece reiterated that we must act now to aid the many sufferers in Louisiana. Eight months since the disaster and many are still without prescription drugs, adequate housing, food, and security. This is not the type of problem that will heal itself in the matter of a few weeks or months, but of a timetable unknown to us.

It is a glaring contradiction to say that we as members of the federal government have served the people of New Orleans to the best of our ability. Not when the rates of mental disorders, and many chronic conditions such as asthma are on a steady rise as the Mailman School of Public Health at Columbia University and the Children's Health Fund concluded in their study of the health impacts upon the Katrina survivors. Because of the lack of prescription medications and health insurance, people are not able to get the medical treatment that they need.

Among the findings in the study, 34% of displaced children suffer from disorders such as asthma, anxiety and behavioral problems, compared with 25% in urban areas of Louisiana before the storm. 14% of those children have gone without prescription medication at least 3 months before this study which was conducted in February, compared to 2% before the storm and the numbers do not lie.

We have children in Louisiana who have missed huge blocks of class time because families are moving so much to provide better lives for them, with an average of 3.5 times since the storm. There is no reason why a woman caring for seven school-age grandchildren, none who were in school during the time of the survey, was battling high blood pressure, diabetes and leukemia without any medical treatment. She was later admitted to the hospital for pains that she has had since January. She said that it had become ''unbearable'', and nothing is making it easier for people just like her.

We must make it easier for people to receive the necessary care that they need. The study highlighted the fact that both Congress and the State of Louisiana eased eligibility requirements for Medicaid after the storm, and because each state sets its own guidelines, some families who got food stamps and assistance in other states were no longer eligible when they returned home and that is just unacceptable

Trauma related disorders caused by Hurricane Katrina will have lasting impact on the lives of these children. Future American generations will have to shoulder the burden left behind from the previous. Dr. Irwin Redlener, the director of the National Center for Disaster Preparedness at Mailman and co-founder of the Children's Health Fund made it clear that ''children do not have the ability to absorb six or nine months of high levels of stress and undiagnosed or untreated medical problems'' without long-term consequences. Our mental health system is not prepared to handle the amount of care it now faces unless more treatment dollars are funneled into the system.

I enter into the RECORD this article from the New York Times published on April 18, 2006 for its insightful look at the real problems in the aftermath of Hurricane Katrina. The longer we wait to enforce legislation the more suffering these Americans will have to endure. I think it is safe to say that the study told us in conclusive numerical evidence what we already knew in story form according to Erin Brewer, the medical director of the Office of Public Health at the Louisiana Department of Health. The facts are clearly laid out and we no longer can afford to ignore them.

[From the New York Times, Apr. 18, 2006]

EVACUEE STUDY FINDS DECLINING HEALTH

(By Shaila Dewan)

Families displaced by Hurricane Katrina are suffering from mental disorders and chronic conditions like *asthma* and from a lack of prescription medication and health insurance at rates that are much higher than average, a new study has found.

The study, conducted by the Mailman School of Public Health at *Columbia University* and the Children's Health Fund, is the first to examine the health issues of those living in housing provided by the Federal Emergency Management Agency. Based on face-to-face interviews with more than 650 families living in trailers or hotels, it provides a grim portrait of the hurricane's effects on some of the poorest victims, showing gaps in the tattered safety net pieced together from government and private efforts.

Among the study's findings: 34 percent of displaced children suffer from conditions like asthma, anxiety and behavioral problems, compared with 25 percent of children in urban *Louisiana* before the storm. Fourteen percent of them went without prescribed medication at some point during the three months before the survey, which was conducted in February, compared with 2 percent before the hurricane.

Nearly a quarter of school-age children were either not enrolled in school at the time of the survey or had missed at least 10 days of school in the previous month. Their families had moved an average of 3.5 times since the storm.

Their parents and guardians were doing no better. Forty-four percent said they had no health insurance, many because they lost their jobs after the storm, and nearly half were managing at least one chronic condition like *diabetes*, high *blood pressure* or *cancer*. Thirty-seven percent described their health as ''fair'' or ''poor,'' compared with 10 percent before the hurricane.

More than half of the mothers and other female caregivers scored ''very low'' on a commonly used *mental health* screening exam, which is consistent with clinical disorders like *depression* or anxiety. Those women were more than twice as likely to report that at least one of their children had developed an emotional or behavioral problem since the storm.

Instead of being given a chance to recover, the study says, ''Children and families who have been displaced by the hurricanes are being pushed further toward the edge.''

Officials at the Louisiana Department of Health and Hospitals said the study's findings were consistent with what they had seen in the field.

''I think it told us in number form what we knew in story form,'' said Erin Brewer, the medical director of the Office of Public Health at the department. ''We're talking about a state that had the lowest access to primary care in the country before the storm. And a population within that context who were really, really medically underserved and terribly socially vulnerable.''

Ms. Brewer said that some of the trailer sites were regularly visited by mobile health clinics, but acknowledged that such programs were not universally available. Neither Congress nor the State of Louisiana eased eligibility requirements for Medicaid after the storm, and because each state sets its own guidelines, some families who received insurance and food stamps in other states were no longer eligible when they returned home.

While state officials said $100 million in federal block grants was in the pipeline for primary care and mental health treatment, the study's authors said the need was urgent.

''Children do not have the ability to absorb six or nine months of high levels of stress and undiagnosed or untreated medical problems'' without long-term consequences, said

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dr. Irwin Redlener, the director of the National Center for Disaster Preparedness at Mailman and co-founder of the Children's Health Fund.

The households included in the study were randomly selected from lists provided by FEMA. They included families living in Louisiana in hotels, trailer parks managed by the disaster agency and regular trailer parks with some FEMA units. A random sample of children in the surveyed households was selected for more in-depth questioning.

For comparison, the study used a 2003 survey of urban Louisiana families conducted by the National Survey of Children's Health.

David Abramson, the study's principal investigator, said it was designed to measure the social and environmental factors that help children stay healthy: consistent access to health care and mental health treatment, engagement in school, and strong family support.

In the Gulf Coast region, where child health indicators like infant mortality and poverty rates were already among the highest in the country, Dr. Abramson said, ''all of their safety net systems seem to have either been stretched or completely dissipated.''

The study's authors raise the prospect of irreversible damage if children miss out now on normal development fostered by stable schools and neighborhoods.

One couple told interviewers their three children had been enrolled in five schools since the hurricane, in which one child's nebulizer and breathing machine were lost. The equipment has not been replaced because the family lost its insurance when the mother lost her job, they said, and the child has since been hospitalized with asthma.

In another household, a woman caring for seven school-age grandchildren, none of whom were enrolled in school at the time of the survey, said she was battling high blood pressure, diabetes and leukemia.

That woman, Elouise Kensey, agreed to be interviewed by a reporter, but at the appointed hour was on her way to the hospital, where she was later admitted, ''I've been in pain since January, and I'm going to see what's wrong,'' she said. ''It's become unbearable.''

One woman who participated in the survey, Danielle Taylor, said in an interview that she had not been able to find psychiatric care for herself—she is bipolar—or her 6-year-old daughter, who not only went through the hurricane but had also, two years before, been alone with Ms. Taylor's fiancé when he died.

The public clinic Ms. Taylor used to visit has closed since the storm, she said, and the last person to prescribe her medication was a psychiatrist who visited the shelter she was in four months ago. No doctors visit the trailer park in Slidell, La., where she has been staying, she said.

Ms. Taylor said that her daughter, Ariana Rose, needed a referral to see a psychiatrist, but that her primary care physician had moved to Puerto Rico. ''She has horrible rages over nothing,'' Ms. Taylor said. ''She needs help, she needs to talk to somebody.''

The survey found that of the children who had primary doctors before the storm, about half no longer did, the parents reported. Of those who said their children still had doctors, many said they had not yet tried to contact them.

The study's authors recommended expanding Medicaid to provide universal disaster relief and emergency mental health services, as well as sending doctors and counselors from the federal Public Health Service to the region.

The Children's Health Fund, a health care provider and advocacy group, is not the only organization to raise the alarm about mental health care for traumatized children after Hurricane Katrina. A report issued earlier this month by the Children's Defense Fund said youngsters were being ''denied the chance to share their bad memories and clear their psyches battered by loss of family members, friends, homes, schools and neighborhoods.''

Anthony Speier, the director of disaster mental health for Louisiana, said that while there were 500 crisis counselors in the field, the federal money that paid for them could not be used for treatment of mental or behavioral disorders like depression or substance abuse. Instead, he said, much of their effort goes into short one-on-one sessions and teaching self-help strategies in group settings.

''The struggle for our mental health system is that our resources are designed for people with serious mental illnesses and behavior disorders,'' Dr. Speier said. ''But now the vast population needs these forms of assistance.''

Dr. Speier continued, ''What we really, from my vantage point, could benefit from is a source of treatment dollars.''

According to the study's authors, the post-storm environment differs significantly from other crises because of its uncertain resolution.

''This circumstance is being widely misinterpreted as an acute crisis, somehow implying that it will be over in the near term, which is categorically wrong,'' Dr. Redlener said. ''This is an acute crisis on top of a pre-existing condition. It's now a persistent crisis with an uncertain outcome, over an uncertain timetable.''

TRIBUTE TO COLONEL SHARON B. WRIGHT, UNITED STATES AIR FORCE NURSE CORPS, ON THE OCCASION OF HER RETIREMENT

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in recognition of a great American and a true military heroine who has honorably served our country for 26 years in the Air Force Nurse Corps: Colonel Sharon B. Wright. Colonel Wright has a long history with the Air Force. She was born at Travis Air Force Base, CA and graduated from Hillcrest High School, Sumter, South Carolina when her father, Chief Master Sergeant Edward J. Wright, was stationed at Shaw Air Force Base, South Carolina. Colonel Wright followed the career path of her father, a 30-year Air Force Chief, and her mother, a Licensed Practical Nurse, both natives and current residents of Charleston, South Carolina. In 1980, she was commissioned through ROTC, and she was then assigned to Mather Air Force Base, California. Experienced and desiring to make a difference, she next served at Kunsan Air Base, Korea and Langley Air Force Base, Virginia, where she deployed to Honduras with the U.S. Army.

In each assignment she excelled and was rewarded with greater responsibilities and opportunities. In 1988, she became the Chief, Nurse Recruiting Branch, at Gunter Air Force Base, Alabama. A proven leader, she was the Top Recruiter in 1988 and 1991, and she received the Recruiting Standard of Excellence award in 1990. In 1991, she assumed duties as the Coordinator of Maternal Health Services at Dover Air Force Base, Delaware. In 1994, Colonel Wright was assigned to Randolph Air Force Base, Texas, as a Nurse Utilization Officer. During her tenure she completed over 2000 assignments, managed five commands, and maintained staff levels at an unprecedented 95-plus percent.

In 1998 Colonel Wright assumed her first command at Incirlik Air Base, Turkey. As the Squadron Commander, she also assumed the roles as the Chief Nurse Executive and Deputy Group Commander. Incirlik presented significant challenges. Three weeks after arrival, a devastating 6.3 earthquake hit. Colonel Wright took charge as the on-scene Medical Group Commander. After her stellar performance at Incirlik, she went on to her second assignment as Squadron Commander at Laughlin Air Force Base, Texas in 1999. Her astute leadership led to her appointment as Deputy Program Executive Officer at the Joint Medical Information Systems Office and Force Development Program Manager at the Office of the Surgeon General, at Bolling Air Force Base, Washington, DC.

Colonel Wright's last assignment brought her back to Texas as the Chief, Nurse Utilization and Education Branch, Randolph Air Force Base, Texas. In this position, she was responsible for managing assignments, career progression, and sponsored educational opportunities for 3,700 Air Force Nurses. Colonel Wright is a meritorious leader, administrator, clinician, educator, and mentor. Throughout her career, she has served with valor and profoundly impacted the entire Air Force Medical Service. Her performance reflects exceptionally on herself, the United States Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful nation for her over 26 years of dedicated military service. Congratulations, Colonel Sharon B. Wright. I wish you Godspeed.

RECOGNIZING MRS. BLANCHE FELIX

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. SOLIS. Mr. Speaker, today I rise to recognize the contributions of an outstanding member of my community, Mrs. Blanche Felix. Mrs. Felix was born in Globe, Arizona, and has lived most of her life in Southern California. In 1946, Mrs. Felix moved to the San Gabriel Valley with her husband, where they have resided ever since, initially in South El Monte and later in El Monte.

Throughout her life, Mrs. Felix has sought to improve her community and the lives of those around her. Her dedication to her community has been continuous and prodigious. Mrs. Felix has served as an active member, officer, and often president of numerous organizations including Youth Employment Services, Coordinating Council, Soroptomist International, El Monte Women's Club, Lions Club, El Monte Republican Women's Club, and the Parent and Teachers Association. She was a leader in the successful effort to incorporate the City of South El Monte, as well as a leader in the

successful campaign to establish El Monte as the true end to the Santa Fe Trail.

During the past 25 years, Mrs. Felix has served as a member of the El Monte City Parks and Recreation Commission, Property Maintenance Commission, and Personnel Commission. She has also advocated on behalf of small businesses to protect them from damages from groundwater contamination, securing relief for many small businesses.

Mrs. Felix's commendable commitment to serving others has been expressed throughout her life not only through her work in the community, but also through her equally strong dedication to her family and friends.

As a resident of El Monte myself, I wish to express my sincere respect and appreciation for Mrs. Felix's contributions to our community.

TRIBUTE TO EILEEN TOY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. McCOTTER. Mr. Speaker, I rise today to honor the achievements and mourn the passing of Eileen Toy, born August 28, 1928.

For more than four decades, Eileen worked to improve the Michigan communities in which she lived. With her husband, Glen Toy of the Livonia Police Department, Eileen moved to Livonia, Michigan, during the 1950's. After graduating with honors from the University of Michigan with a Bachelors degree in Education, Eileen earned a Masters in Education Management degree from Eastern Michigan University. She went on to serve in the Wayne-Westland Community schools as a teacher and an administrator.

Eileen is remembered as a confidant to her friends, an inspiration to her students, and caregiver to her children, Laura, Glen, Carol, and Bruce. Her biting sense of humor, brilliance, and quick-wit will sorely be missed,

Mr. Speaker, during her 77 years, Eileen Toy has enriched the lives of people around her. Today, I ask my colleagues to join me in mourning her passing and remembering her contributions to our community and our country.

TRIBUTE TO LEO GREENBLUM

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Leo Greenblum for his induction as a laureate in the 2006 Laredo Business Hall of Fame, and for his incredible dedication to the City of Laredo, Texas.

Leo Greenblum was born in 1923 in Augustow, Poland, and moved with his family to Tampico, Mexico, in 1926 in search of a better life. His family later moved to Nuevo Laredo, where his brother, Irving Greenblum, was born. He graduated from Texas A&M University with a chemical engineering degree in 1946 after his military service in World War II.

Mr. Greenblum has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations such as Tesoro Savings and Loan, Mercy Hospital, and the Nuevo Laredo Chamber of Commerce. He also operated Mueblerias Mexico, the largest retail furniture and accessory business in Nuevo Laredo, for 65 years, before closing the business in 2002 to enjoy retirement with his wife, Sue, and his three children and four grandchildren.

For his dedication and hard work in making the Laredo business community stronger and better, he will be honored by the Junior Achievement League in his induction as a laureate into the 2006 Business Hall of Fame.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Leo Greenblum, and I thank you for this time.

SALUTE TO SYBYL ATWOOD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Sybyl Atwood. For the past 40 years Sybyl has been the linchpin of the social services community in my hometown, Flint Michigan. On May 11 she will be honored for her selfless work on behalf of the less fortunate at a dinner hosted by the Resource Center in Flint.

Relocating to the Flint area after earning her Baccalaureate Degree in Community Development from Central Michigan University, she gathered together a group of volunteers on February 14, 1966 and founded the Volunteer Bureau. Serving as the chief executive officer of the Bureau for more than 20 years, Sybyl defined its direction as an organization promoting volunteerism, grassroots community involvement and expanded delivery of social services in the Flint area. The Bureau evolved into the Voluntary Action Center in 1989 and Sybyl continued at its helm. After merging with United Way, the Voluntary Action Center became part of the Resource Center. Sybyl continues to head the Volunteer Services at the Resource Center.

Thousands of volunteers have benefited from her training and guidance. She compiled the Genesee County Community Sourcebook, a reference book listing over 400 service agencies in Genesee County. Sybyl is also responsible for assembling the information and the publishing of the Emergency Assistance Directory, the Youth Volunteer Opportunities Directory, and the Reduced Income Planning Guide. She also coordinates the weekly Volunteer Here column in the Flint Journal and runs the Information and Referral Program. This program receives about 350 calls per month from persons seeking emergency assistance.

For her service to the community Sybyl has received the American Society of Training and Development Chapter Award for Service, City of Flint Human Relations Commission People's Award, Genesee County Bar Association Liberty Bell Award, Toastmaster International Regional Communication and Leadership Award, the YWCA of Greater Flint Nina Mills Women of Achievement Award, the Rotary Club's Paul Harris Award, Citizen of the Year Award from the National Association of Social Workers, and earlier this week Michigan State University named her the 2006 Outstanding Field Educator for the Flint Program.

In addition to her work with Volunteer Services, Sybyl is also a founding member of the Emergency Services Council, the Genesee County Service Learning Coalition, the local Americorps collaborative, and has found time to work toward a master's degree in Public Administration. As a member of the Committee Concerned with Housing, she is currently studying the gaps in service in the emergency housing sector. Sybyl works within her neighborhood promoting the historic Carriage Town area and the propagation of Michigan's indigenous plants and grasses.

Mr. Speaker, Sybyl Atwood embodies the sentiments in her favorite quotation, ''While there is a lower class, I am in it; while there is a criminal element, I am of it; while there is a soul in prison, I am not free.'' She is a champion of the poor, the helpless, and the innocent. I am proud of my association with her, grateful for the good that she does, and treasure her inspiration, commitment and wisdom. The Flint community is a more humane place because of Sybyl Atwood. I ask the House of Representatives to rise today and join me in honoring this exceptional woman.

NATIONAL WAR COLLEGE CELEBRATES 60TH ANNIVERSARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate the National War College on 60 years of excellence in national security policy and strategic thinking education. On April 5, 2006, I had the privilege to address the Commandant's dinner in celebration of this anniversary and I am proud to share that speech with the Members of the House:

NATIONAL WAR COLLEGE 60TH ANNIVERSARY
THE NEXT 60 YEARS

Ladies and Gentlemen, thank you. I am honored that you asked me to be your speaker. And thank you, General Peterson for that generous introduction.

First, I have to say Congratulations. What you have built here is truly a *national treasure*. You can be proud, as the entire nation should be, of this school and your product—because your product literally is the strength of this nation as we anticipate and respond to world events. Among your students and your faculty, you have educated some of the finest strategists this country has ever produced.

I was going to give a short speech. But then I thought about the critical time we live in and got excited all over again about National War College. I don't want to take too much time with serious thoughts, but it is important to reflect on our past in order to respond to the challenges ahead.

Sixty years ago, it was a novel idea—to create a college that would focus on grand strategy and bring together a diverse student body and faculty—senior officers from all the services and senior officials from the state department and, later, other agencies.

This was a place where students were presented with strategic dilemmas, with a curriculum that ''focused on the interrelationship of military and non-military means in the promulgation of national policy.''

In 1946 Ambassador George Kennan, the first deputy for foreign affairs here, explained that in those days of ''transition and uncertainty,'' there was little in the policy world being done on the relation between war and politics. Kennan noted, ''American thinking about foreign policy had been primarily addressed to the problems of peace, and had taken place largely within the frameworks of international law and economics. Thinking about war, confined for the most part to military staffs and institutions of military training, had been directed . . . to technical problems of military strategy and tactics—to the achievement, in short, of victory in purely military terms.''

Kennan saw *this school*—its curriculum and its student/faculty interaction—as a home for the development of new strategic thinking at the beginning of the Cold War.

Through the years, National War College faculties have done a magnificent job teaching national security policy and strategy. This College's special place among the senior schools of Professional Military Education has been based on your attention to grand strategy. As Lieutenant General Leonard T. Gerow—President of the Board which recommended the War College's formation—said, ''The College is concerned with grand strategy and the utilization of national resources necessary to implement that strategy . . . Its graduates will exercise influence on the formulation of national and foreign policy in both peace and war.'' It has also been based on your insistent attention to academic rigor. And, your excellence has been based on the inclusion, from the beginning, of interagency and international students. These elements of excellence, in the context of a residential program that builds lasting ties between officers of different services, different countries and different agencies, is unmatched anywhere.

Congress has been supportive of your continuing advances in all these areas. I guess I don't have to remind you of my role in the Goldwater-Nichols reforms to increase ''jointness'' among the services and my investigations of the Professional Military Education system.

But we can't rest here. Keeping your institution relevant and on the sharp edge takes the constant attention of Congress and the Chairman in support of each new Commandant, and Dean, and the faculty.

Your graduates test your teaching every day in a very complex environment. Senior decision makers have made some mistakes that have increased the difficulty of their missions. I know the current students review successes and difficulties as case studies so they will be even better prepared. But while today's wars demand our focus, we need to be careful we don't become so myopic that we fail to see the great challenges and opportunities ahead.

One challenge is that, with all our advanced technology, when we still have failures. I believe this is because we are ill-equipped intellectually and because we don't work together well enough. Our successes are achieved because our most astute military and civilian leaders understand people, cultures, and root causes of problems or conflicts. *And* they anticipate opportunities. In Iraq, Afghanistan, the global war on terror, and even with Katrina and beyond, human interactions have caused great uncertainty for our security at home and abroad. Just these few examples show why any success we have is not just a matter of doctrine and technology.

We can all think about failures among leaders at transitional periods such as Robert E. Lee at Gettysburg. He failed to grasp the impact on war of the transition from an agricultural to an industrial age. This lesson shows that what might appear to be tactical mistakes are really strategic! And I'm convinced, we are once more at a transitional period in our history just as Kennan was sixty years ago.

Today we not only face the continuing transition from the industrial to the information age, but we are also recognizing that adversaries can capitalize on technologies in unanticipated ways. As new technologies have increased the complexity of our world, we see two other phenomena. Our adversaries use tactics we would be familiar with if we studied history. And, with our focus on technology, we must not neglect the critical dimension of human interaction.

This brings me to my real point. The challenges and opportunities before us place as great an intellectual demand on our national security professionals as at any time in our history. And while their understanding of the art of war and international relations might be pretty good today, it must be even better tomorrow. And it must be broader. It must be even better integrated across all the instruments of national power. And it must be more expansive to include nontraditional national security partner agencies and departments, as well as more and different foreign partners.

Beyond the employment of joint forces, beyond the effort to pursue the newest technologies of the science of warfare, you know that National War College graduates must be prepared not just to adopt technical transformation, but also must understand the art of statecraft as well as war.

While I do not pretend to understand the Future Combat System or the avionics of the F–22, I do know they will be useless unless we have wise leaders who know the value of all the instruments of national power and have the skills to use them at the appropriate times and in the appropriate combinations. I know it's easy to measure the increased payloads and speeds brought by new technology. But while it's difficult to quantify the value of a Kennan, a Powell, or a Pace, it's more important than ever to recognize the value of our best strategists.

As we used to say about jointness, ''this can't be a pick up game.'' Now, it's our interagency planning and operations, and our focus on a broader definition of national security that must not be ad hoc or ''come as you are.''

What would help? I want to challenge the Services and other agencies, to design systems that deliberately select the right people for the right level of professional education and the right school for strategic studies. They should be able to articulate why they send one person to Air, Naval or Army War College and another to this College or ICAF, or to a Fellowship. At the same time, they need to place a real value on how well their members take on what is taught. Your graduates' future assignments should not only reflect that they went to the premier interagency national security strategy institution. Their selection for command, senior leadership, and interagency positions should be based in greater measure on how well they perform here. Did National War College Distinguished Graduates and outstanding faculty get treated any differently by their Service detailers or their agency human resource directors than those who did not do quite as well, or as those who were not selected for this outstanding education? Perhaps they went back to the very same job they were doing. This is what I mean when I have spoken about the Services taking intellectual performance at PME seriously. This is what I mean when I critique them for not promoting officers who have excelled teaching or studying world affairs and the art of war and politics.

Is this impossible? Only if we're wedded to machine age personnel systems. The Services and agencies need information age human resource systems that can recruit, retain, train and educate the innovative people we need in government and the military.

And, we need a sufficient number of people in the Services and agencies if we are going to build intellectual capital, fight these wars and prepare for the next catastrophe or conflict. We have to have enough people to be able to send exceptional military and agency leaders to be students or faculty in school assignments. The cost of preparing for the challenges of tomorrow pale in comparison to the price we will pay if we are caught without the cadre of wise leaders we need for the future.

You know, whenever I haven written the Chairman, or NDU President or you as Commandants a letter, I have been pretty consistent in my questions. Do you select the right officers and civilians to serve as faculty and in the right balance? Have you kept your faculty to student ratio low with 10–12 students per seminar? Are you emphasizing history, political science and foreign area studies? Does the faculty have these credentials? Do you have the resources to ensure your students are able to conduct field or regional studies? Do your resources enable faculty to contribute to national strategy and policy through research and sabbaticals? Do you stay relevant by using real world and historical case studies? Have you fully integrated your reserve component, civilian and foreign students?

To me these are not academic questions, if you will pardon the expression. These are about the character and the continued relevance of this school.

Let me be clear. We know that the National War College has no counterpart among civilian universities. Not Harvard, not Princeton, not Stanford—none of them has a faculty, or curriculum or student body remotely comparable. This College must be protected and supported as the elite institution it is. The nation's future security requires it. The quality of the faculty, of the instruction, of the curriculum, of the students must not be compromised. A false choice must never be forced on us between spending on current operations and new military technologies, and investing in the education of our future premier national strategists.

For sixty years the National War College has been the crown jewel of Professional Military Education. Since the days when President Harry Truman sat in student seminars to learn about the Soviet Union, this College has been the place where strategic thinking has been nurtured, taught and refined. At a historic moment of great challenge and peril George Kennan, worked in this building, to formulate the containment strategy that ultimately won the Cold War without a nuclear exchange. Today, at another moment of great challenge, the need for strategic direction and thinking could not be greater. The price of failure is far too high. We *have* to get it right. We have to have wise people, with the right education, in the right positions, to think through these challenges and take action in concert.

When you think about all the political debates, the expedient compromises, and the resource trade-offs that take place in this town each day, it's a miracle that a college of this quality has been able to survive and prosper within the larger bureaucratic confines of the government. In a more immediate sense, I have always been concerned that bureaucracies can kill even the healthiest intellectual organization. A college such as this can decline and die if bureaucracies and administrative arms bloat while they

cut corners, dumb down, impose numbing uniformity, enshrine group think, standardize mediocrity or gorge themselves on the resources meant to be spent on the real stuff of education—the interaction between small groups of faculty and students wrestling with the profound issues of the day.

The National War College has always embodied something unique. As I look at you leaders of this college during different eras of war and peace, I sense a continuity of intellectual engagement and energy in these historic halls. It is called excellence.

Why is it here? Yes, you have an outstanding faculty, and superior students, an ever adapting curricula and your wonderful location here in Washington.

But the key, from the beginning—the genius of General Eisenhower's vision—is that experienced professionals from various backgrounds and come together, over an extended period of time, to learn from each other, and to tackle problems together in an environment that fosters understanding. This is one institution that has had no agenda other than to make wise and thoughtful leaders. In the current atmosphere of partisan tensions, this College remains a refuge from the bureaucratic skirmishes and wars.

As the first War College Commandant, Admiral Harry T. Hill explained, his intention was to ''make the students ponder'', to give the students practical problems upon which to think and arrive at individual conclusions.

This is a safe space for men and women to engage each other in the search for a better understanding of each others' agencies and departments. They can gain a true appreciation of the character and conduct of war, the complexity of strategy, and the utility of the diplomatic, political and economic instruments of state. Your product is strategists. They are still critical to our future.

I can see this in your graduates . . . General Pace, our Chairman; General Martin Dempsey on the ground now in Iraq; David Sedney, our first senior State Department officer in Afghanistan after 9/11 and now deputy chief of mission in China; Buzz Mosley, Chief of Staff of the Air Force . . . generals, ambassadors, foreign military officers, and interagency leaders. Even one of our newest Armed Services Committee staffers, Lorry Fenner, is a former member of your faculty and a National War College graduate. I could go on and on . . .

This is a proud tradition and serves as the foundation for the next 60 years ahead. I hope the War College will continue to lead the way in inter-agency and inter-service strategic education. As we broaden our definition of the national security community to include homeland defense and increased international cooperation, I hope that the War College model and experience can be used to broaden government's approach to our nation's challenges.

George Kennan, typing away in his office right next door to this room, charted a strategy to meet a past threat . . . a policy that endured and was adapted, through Administrations of both parties. You all have been the watchful guardians of this heritage.

I want to challenge you tonight continue to work with us in Congress and at this College to think about how to improve interagency planning and operations to defeat our adversaries and to capitalize on opportunities. Lend your wisdom to the significant questions we face today—should we be working on a National Security Act for 2007 or 2009? How can we adapt a Goldwater-Nichols type reform to the interagency process? These are only two of the topics we wrestle with. You can see how significant they are and imagine the sustained, long term effort they will require.

So, we enjoy a celebration tonight, but tomorrow we must start again to renew and reinvigorate this great project of creating national security strategists. Given your history, and the imperative for the future, I am confidant this College's faculty and students are up to this challenge.

Thank you for including me in your celebration. I welcome your continued engagement on these issues.

A FAREWELL TO CITIGROUP WEILL BUILT A GIANT A DEAL AT A TIME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. RANGEL. Mr. Speaker, I rise today to commend the now retired Citigroup chairman Sanford I. Weill for achieving the status as one of the most powerful financiers this Nation has ever seen. Mr. Weill is credited as being the architect of a global financial powerhouse from his many business deals and mergers, especially the merger of Citigroup and Travelers in 1998.

Sanford I. Weill is the true embodiment of the American dream. A youth growing up in Brooklyn during the 1940s, Weill changed the way business deals were brokered. The retirement of Sanford I. Weill has been called by many as an ''end of an era'', a time when Wall Street seemed to be increasingly dominated by hedge funds and private equity firms run by nameless and faceless yet powerful financial brokers. Weill is among the last of the classic deal makers who broke many of the rules and rewrote history on Wall Street as never seen before.

Mr. Weill does not plan to return to Citigroup and has since passed on the corporation to his successor, Charles O. Prince III the current chief executive.

Retirement for Mr. Weill now consists of an array of philanthropic endeavors such as doing work for the National Academy Foundation, a nationwide network of career-themed ''schools within schools'' that he established, Carnegie Hall, where he has been chairman for the last 15 years and the Weill Cornell Medical College. Weill also wishes to involve himself in health relief efforts for people in Africa, a continent with compelling needs to which Mr. Weill's compassion and success has been drawn and which can only benefit from his commitment and energy.

I am pleased to enter into the CONGRESSIONAL RECORD an article published in the New York Times on Tuesday April 18, 2006 entitled, ''A Farewell to Citigroup'', for its recognition of Mr. Weill for the many years that he has put into Citigroup and also for his commitment to philanthropy thereafter.

A FAREWELL TO CITIGROUP

(By Julie Creswell and Eric Dash)

Entering his sun-filled office in Citigroup's Manhattan headquarters, Sanford I. Weill punched a few buttons on a computer near a window before looking over his shoulder and smiling broadly. When asked if he had just looked at Citigroup's stock price, he shrugged his shoulders as if to suggest he could not help himself.

''It's up 35 cents; it's a good day,'' he noted.

For years, Mr. Weill and Citigroup were, for all intents and purposes, synonymous. During decades of deal making, he built one of the most powerful and influential financial institutions in the world.

Today, at the annual Citigroup shareholder meeting at Carnegie Hall, Mr. Weill, 73, will cross the stage and take his final bow as chairman.

Looking tan and fit thanks to a new diet regimen (exercise, no bread, no butter and, for good measure, no gin), a spirited and joking Mr. Weill insisted that while he intended to keep a close eye on the company and its stock price, he was ready to retire.

''I think it's now time for me to turn the page and go to the next chapter of my life,'' Mr. Weill said yesterday. ''I've hung around long enough as the chairman, and I think the company will be well served by having the chairman and the C.E.O. being the same person.''

Mr. Weill's successor, Charles O. Prince III, the chief executive, assumes the post of chairman today. Citigroup, to be sure, is not sending Mr. Weill away with nothing more than a gold watch and a big thank-you. A black-tie invitation-only party was held last night at the Temple of Dendur in the Metropolitan Museum of Art.

About 350 of New York's political, financial and cultural elite were expected to attend, including James Dimon of J. P. Morgan Chase; Philip J. Purcell, the former chief of Morgan Stanley; the Rev. Jesse Jackson; and the cellist Yo-Yo Ma. Guests nibbled on tiny treats and toasted Mr. Weill's storied career.

The celebration was as much about Mr. Weill's charitable activities—for Carnegie Hall, the Joan and Sanford I. Weill Medical College of Cornell and a national education initiative—as it is about his leadership of Citigroup.

The party also seemed to suggest the passing of an era. At a time when Wall Street seems to be increasingly dominated by hedge funds and private equity firms run by nameless and faceless yet undoubtedly powerful financiers, Mr. Weill, once a volatile and insecure boy from Brooklyn, is a throwback. He is among the last of the classic deal makers who broke many of the rules and rewrote history on Wall Street.

As for Mr. Weill's retirement nest egg, it is all but layered in gold. After earning nearly $1 billion from salary, bonuses and options cashed in over the last decade, Mr. Weill will receive a pension worth more than $1 million a year.

Under a 10–year consulting contract with Citigroup, he will earn a daily rate of $3,846 for dispensing advice for up to 45 days a year. Citigroup will also cover the costs of a car and driver, health and dental insurance for him and his wife, Joan, and rent for an office in the General Motors Building, as well as administrative support.

Mr. Weill, meanwhile, will continue to fly at no charge on Citigroup jets for the next 10 years. (He voluntarily reduced that benefit, which originally was to allow him free access to the Citigroup fleet for life.)

One thing Mr. Weill insists he is not going to do in retirement is start a private equity fund. Last summer, Mr. Weill landed in a white-hot media glare after he approached the board about starting such a fund. The board decided that such an endeavor would be competitive and told Mr. Weill that, if he left early to pursue it, he would have to forgo some retirement perks. Mr. Weill ultimately decided not to pursue the venture, and he said he had not changed his mind.

''They ended up doing me a big favor. Knowing my personality, whatever I'm going to get involved in, that rush is going to come again that we have to do it the best,'' Mr. Weill said. ''I wanted to do something different, and this gives me the opportunity to do it.'' Despite reports last summer of growing tensions between him and his successor,

Mr. Weill said he believed the company—and his legacy—was in strong hands.

A SPECIAL RECOGNITION OF THE VOLUNTEERS OF SPAWAR

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I am honored to recognize a group of volunteers serving at SPAWAR Charleston in the First Congressional District of South Carolina.

Volunteering is a powerful force for the solution of human problems, and the creative use of human resources is essential to a healthy, productive and humane society.

Our nation's heritage is based on citizen involvement and citizen participation. Volunteerism is of enormous benefit in building a better community and a better sense of one's own well being.

Many agencies that benefit from volunteers will be participating in programs to show appreciation and recognition to the many volunteers among our citizenry who possess many skills and talents which they generously and enthusiastically apply to a variety of community tasks; and to encourage others to participate in programs as volunteers

I encourage all SPAWAR Charleston employees to get involved in serving others. I charge those interested citizens to observe this day by seeking some area in the community in which they can devote a few hours each week and give aid to people or programs in need. I wish you all the best!

RECOGNIZING THE CONTRIBUTIONS OF ANELA FREEMAN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. SOLIS. Mr. Speaker, I rise today to mark the departure of a key member of my staff, Anela Freeman. Anela is a Senior Field Representative/Grants Coordinator in my El Monte office who is leaving my staff this Friday to pursue graduate education.

Anela is an only child and was raised by a single mother. She became one of the first members of her family to earn a college degree when she graduated from the University of Southern California in 2001 with a Bachelor of Arts in International Relations.

Anela was hired as a Staff Assistant in my El Monte office on April 20, 2003. Anela accepted her role with great responsibility and maturity. She quickly learned the importance of providing high quality constituent services and her efforts undoubtedly helped to improve the quality of life of residents in my district.

Anela is a dedicated and capable individual. She is also a team player who has effectively established collaborative partnerships between my office and local community-based organizations. Through her efforts, I have been able to provide grant workshops, grant-writing seminars, and financial literacy forums for my constituents.

Although my staff and I will miss Anela, I wish her much success and know that she will flourish in her career goals and all aspects of her life.

TRIBUTE TO ROBERT A. DEMATTIA

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. MCCOTTER. Mr. Speaker, I rise today to congratulate Robert A. DeMattia upon his nomination to the Plymouth Community Hall of Fame.

DeMattia's tireless efforts on behalf of the people of Plymouth have brought him this well deserved recognition. Demonstrating his entrepreneurial acumen, DeMattia founded the DeMattia Group in 1978. The DeMattia Group has been involved in pioneering commercial and industrial business park development. By his design, development, and construction, DeMattia has been involved in creating hundreds of facilities in Plymouth Township. Mr. DeMattia's vision and leadership have helped lead Plymouth into a prosperous future.

Of equal import and impact are Mr. DeMattia's philanthropic efforts. Whether assisting with our local parks or working on the behalf of children through the Plymouth Kiwanis Club, DeMattia has donated his time and efforts to enrich the lives of others. Let us, then, commend Mr. DeMattia for his contributions to our community and his induction into the Plymouth Community Hall of Fame.

TRIBUTE TO ADOLFO E. GUTIERREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Adolfo E. Gutierrez for his induction as a laureate in the 2006 Laredo Business Hall of Fame, and for his incredible dedication to the City of Laredo, Texas.

Adolfo E. Gutierrez was born and raised in Laredo, Texas. He graduated from J.W. Nixon High School in 1974 and graduated from Texas A&M University in 1977. Shortly after graduation, he started his first four businesses, Melanie's Auto Sales, Clark Car Clinic, Fancy G Iron Works, and later, 3–G Electrical Supply which he opened using the money from his first three businesses, at age 21 in Laredo.

In 1979, Mr. Gutierrez married his high school sweetheart, Mary Alice York, and the couple have three children, Mary Kathryn, Adolfo Jr., and Amanda Leigh. At just thirty-nine years of age, Mr. Gutierrez joined Falcon National Bank as President and CEO.

Under his leadership, Falcon Bank grew from 20 employees and $52 million in assets to 245 employees and over $500 million in assets, and includes offices in San Antonio, Eagle Pass, Buda, McAllen, Del Rio, and offices in Guadalajara and Monterrey in Mexico.

Mr. Gutierrez has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations such as the Laredo Under Seven Flags Rotary Club, the Salvation Army, the March of Dimes, and the United Way. For his dedication and hard work in making the Laredo business community stronger and better, he will be honored by the Junior Achievement League in his induction into the 2006 Business Hall of Fame.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Adolfe E. Gutierrez, and I thank you for this time.

TRIBUTE TO JOHN HIGHTOWER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KILDEE. Mr. Speaker, I rise before you today with a heavy heart, as I ask my colleagues in the 109th Congress to join me in honoring the life and accomplishments of a remarkable man and a dear friend, Mr. John Hightower. Mr. Hightower passed away at the age of 80 on Tuesday, April 25, after a long illness. I am deeply saddened by this loss, for John and his family have been inspirations to many throughout the City of Flint, as well as the county, state and nation.

It is difficult to imagine what the landscape of my hometown of Flint, Michigan, would be like, had John Hightower not moved here from St. Louis in 1952. An Army veteran, John started working at the Buick Foundry, where he also served as committeeman at UAW Locals 599 and 659. His relationship with Buick was shortlived, as he lost his job after confronting a supervisor who had made a racial slur. For John, this became a new opportunity rather than a setback; following the incident, he opened Hightower Electronics and Construction Company. This also served as the catalyst to his becoming one of the area's foremost civil rights proponents. He joined others across the country in the March on Washington and the march from Selma to Montgomery, Alabama. He brought the lessons he learned from those experiences home and fought for racial equity in the local job market, against unfair housing practices, and increased funding for the Flint Public Library.

Mr. Speaker, the impact John Hightower made in the City of Flint is one that will be felt by its residents for generations to come. His loss will leave a great void, but his legacy will endure forever. I personally am grateful to have had the opportunity to call John my constituent, my colleague, and my friend. I am a better Congressman, a better citizen, and a better human being for having known him. I ask my colleagues in the House of Representatives to please join me in paying tribute to his legacy.

THE GREAT REVULSION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce into the CONGRESSIONAL RECORD a piece by New York Times columnist Paul Krugman because I believe it is well worth our reading and consideration because of its

thought- provoking attempt to discuss the discontent felt by the American people regarding the Bush Administration.

He mentions a point in time when Americans will realize that, ''their good will and patriotism have been abused, and put a stop to this drive to destroy much of what is best in our country''. Krugman rightly calls this hope of his, ''The Great Revulsion''. With Bush's poll numbers in constant decline, are Americans finally getting the picture, he asks? Bush, at the time after the September 11th attacks in New York and Washington, D.C., scored with the American people at a solid 70 percent approval. However, Bush's numbers are only at a declining 33 percent today according to the latest Fox News poll.

Some of the reasons for Bush's poor numbers are because of failure to adequately respond to the enormous need caused by Hurricane Katrina, the prescription drug debacle as Krugman called it and the disaster in Iraq. With the recent resignation of Scott McClellan as President Bush's Press Secretary, there is a sign that something terribly has gone wrong. It certainly is not surprising to see so many jumping ship from the embattled administration.

The piece also acknowledged the stark reality that the Bush Administration has no real policy on Social Security. His idea about privatizing Social Security was one issue that the American public put up strong opposition to and it failed. The American people are realizing the potential power that they have. There indeed is a need for a ''Great Revulsion'' to wake up this nation from its deep sleep of blind faith in President Bush and his Republican leadership team.

I enter into the RECORD the article published in the New York Times by Paul Krugman for its push to make the American people aware of their strength. To instill within them the understanding of the wrongs committed by the Bush Administration and his supporters. Krugman is calling for a move toward accountability, if not from the Congress, then from the American people as November approaches.

[From The New York Times April 21, 2006]

THE GREAT REVULSION

(By Paul Krugman)

''I have a vision—maybe just a hope—of a great revulsion: a moment in which the American people look at what is happening, realize how their good will and patriotism have been abused, and put a stop to this drive to destroy much of what is best in our country.''

I wrote those words three years ago in the introduction to my column collection, ''The Great Unraveling.'' It seemed a remote prospect at the time: Baghdad had just fallen to U.S. troops, and President Bush had a 70 percent approval rating.

Now the great revulsion has arrived. The latest Fox News poll puts Mr. Bush's approval at only 33 percent. According to the polling firm Survey USA, there are only four states in which significantly more people approve of Mr. Bush's performance than disapprove: Utah, Idaho, Wyoming and Nebraska. If we define red states as states where the public supports Mr. Bush, Red America now has a smaller population than New York City.

The proximate causes of Mr. Bush's plunge in the polls are familiar: the heck of a job he did responding to Katrina, the prescription drug debate and above all, the quagmire in Iraq.

But focusing too much on these proximate causes makes Mr. Bush's political fall from grace seem like an accident, or the result of specific missteps. That gets things backward. In fact, Mr. Bush's temporarily sky-high approval ratings were the aberration; the public never supported his real policy agenda.

Remembering, in 2000 Mr. Bush got within hanging-chad and felon-purge distance of the White House only by pretending to be moderate. In 2004 he ran on fear and smear, plus the pretense that victory in Iraq was just around the corner. (I've always thought that the turning point of the 2004 campaign was the September 2004 visit of the Iraqi Prime Minister Ayad Allawi, a figurehead appointed by the Bush Administration who rewarded his sponsors by presenting a falsely optimistic picture of the situation in Iraq.

The real test of the conservative agenda came up after the 2004 election, when Mr. Bush tried to sell the partial privatization of Social Security.

Social Security was for economic conservatives what Iraq was for the neocons; a soft target that they thought would pave the way for bigger conquests. And there couldn't have been a more favorable moment for privatization than the winter of 2004–2005: Mr. Bush loved to assert that he had a ''mandate'' from the election; Republicans held solid disciplined majorities in both houses of Congress; and many prominent political pundits were in favor of private accounts.

Yet Mr. Bush's drive on Social Security ran into a solid wall of public opposition, and collapsed within a few months. And if Social Security couldn't be partly privatized under these conditions, the conservative dream of dismantling the welfare state is nothing but a fantasy.

So what's left of the conservative agenda? Not much.

That's the prediction for the midterm elections. The Democrats will almost surely make gains, but the electoral system is rigged against them. The fewer than 8 millions residents of what's left of Red America are represented by eight U.S. senators; the more than eight million residents of New York City have to share two senators with the rest of New York State.

Meanwhile, a combination of accidents and design has left likely Democratic voters bunched together—I'm tempted to say ghettoized—in a minority of Congressional districts, while likely Republican voters are more widely spread out. As a result, Democrats would need a landslide in the popular vote—something like an advantage of 8 to 10 percentage points over Republicans—to take control of the House of Representatives. That's a real possibility, given the current polls, but by no means a certainty.

And there is also, of course, the real prospect that Mr. Bush will change the subject by bombing Iran.

Still, in the long run it may not matter that much. If the Democrats do gain control of either house of Congress, and with it the ability to issue subpoenas, a succession of scandals will be revealed in the final years of the Bush Administration. But even if the Republicans hang on to their ability to stonewall, it's hard to see how they can resurrect their agenda.

In retrospect, then, the 2004 election looks like the high-water mark of a conservative tide that is now receding.

IN HONOR OF THE 75TH ANNIVERSARY OF THE EMPIRE STATE BUILDING

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. NADLER. Mr. Speaker, I rise today to honor the 75th anniversary of the opening of the Empire State Building, one of New York City's most recognizable landmarks and an iconic fixture of the City's skyline. This landmark building, located in my district, stands as a testament to the indomitable spirit of New York and the capacity of mankind to achieve the extraordinary.

The Empire State Building, designed by the architectural firm Shreve, Lamb and Harmon, officially opened on May 1, 1931. Construction required 60,000 tons of steel and more than seven million man-hours, providing thousands of jobs in the midst of the Great Depression. Renowned pictures of the workers dangling above the city remain among the most striking photos of the era. Upon its completion, the Empire State Building became the tallest building in the world, measuring a staggering 1,454 feet.

Although taller buildings have since stripped it of its title, the 102-story structure continues to delight and amaze, and following the attacks of September 11, it is once again the tallest building in New York City. The Empire State Building has also become ingrained in the popular culture by its presence in such movies as King Kong, and An Affair to Remember. Last year, 3.7 million people flocked to the observation decks for their breathtaking views of New York.

True to its gritty roots, the Empire State Building remains a working building: Every day, more than 20,000 people report to work there, passing through the Art Deco lobby that portrays the Empire State Building as the eighth wonder of the world and the center of the universe. At dusk, the world famous tower lights come on to commemorate national holidays and special events of importance to New Yorkers.

The heart and soul of New York City is embodied in the Empire State Building. From those who fell in love there to those who have returned with their children and grandchildren, everyone recognizes the Empire State Building as an unparalleled emblem of the American spirit. I am proud to honor the Empire State Building on the occasion of its 75th anniversary.

CELEBRATING THE 150TH ANNIVERSARY OF ZION UNITED METHODIST CHURCH OF WEST WALWORTH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 150th Anniversary of Zion United Methodist Church of West Walworth, Wayne County, New York. For 150 years, the Zion United Methodist Church has offered a place of worship and services to the area in and around Wayne County.

Through its rich history, the church has served the community by providing a place to make great memories that range from baptisms to weddings. To honor the church's 150 year celebration Zionist Methodist has planned various events such as a church picnic, potluck suppers, and culminating with a special gala dinner in the fall.

This yearlong celebration will truly be a remarkable experience to the Zion Methodist congregation and all those who participate. A true prominent staple to the area, I wish the Zion Methodist Church of West Walworth many more years of service and success.

TRIBUTE TO JAMES VERMEULEN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. MCCOTTER. Mr. Speaker, I rise today to congratulate James Vermeulen, Sr. upon his nomination to the Plymouth Community Hall of Fame.

Having served as President of the Plymouth Kiwanis Club, and currently serving as a Kiwanis Foundation board member, Vermeulen has striven to help children. But he has done much more. Vermeulen has held the post of Director for the Salvation Army, in which capacity he has endeavored to assist all who are less fortunate than he. Indeed, every December, Vermeulen is instrumental in raising money through the Salvation Army's bell-ringing project. Whether serving with the Kiwanis Club, Salvation Army, or simply helping a neighbor in need, Vermeulen has demonstrated exemplary compassion and leadership.

Let us commend James Vermeulen, Sr. for his dedication to bettering our community and our country, and for his induction into the Plymouth Community Hall of Fame.

TRIBUTE TO IRVING GREENBLUM

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Irving Greenblum for his induction as a laureate in the 2006 Laredo Business Hall of Fame, and for his incredible dedication to the City of Laredo, Texas.

Irving Greenblum was born in 1929 in Nuevo Laredo, Mexico, and moved with his family as a young boy to the City of Laredo. He graduated from Martin High School in 1946 and later graduated from the University of Texas in 1950 with a degree in Latin-American economics.

Mr. Greenblum has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations such as the Banco BCH, Laredo Philharmonic, Children's Museum, San Antonio Manor Home for the Aged, Ruth B. Cowl Rehabilitation Center, Congregation Agudas Achim, and the DeMolay Masonic Children.

In addition to his community service, Mr. Greenblum has served on the boards of International Bancshares Corp. and International Bank of Commerce. He currently serves as president and founding member of the Laredo Area Community Foundation. For his dedication and hard work in making the Laredo business community stronger and better, he will be honored by the Junior Achievement League in his induction into the 2006 Business Hall of Fame.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Irving Greenblum, and I thank you for this time.

THE 50TH ANNIVERSARY OF THE NAACP BAY CITY BRANCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to honor the Bay City Branch of the National Association for the Advancement of Colored People as it celebrates 50 years as a dedicated champion of civil rights. On June 2, 2006 the members of the Bay City Branch will come together to revere its founding members and renew its commitment to justice for all.

Roy Wilkins chartered the first branch of the NAACP in Bay City in 1918. This was at a time when the NAACP was instrumental in convincing President Woodrow Wilson to publicly denounce lynching. The Branch was disbanded but it was re-chartered in 1938 by Attorney Oscar Baker Sr. and chartered a third time in 1946.

In 1955, NAACP member Rosa Parks was arrested for refusing to give up her seat on a Montgomery Alabama bus and one of the largest grassroots civil rights movements was born. The NAACP was at the forefront of this struggle and Reverend Obie Matthew, Pastor of the Second Baptist Church, organized the present Bay City Branch the following year on October 8, 1956. 50 years later the Branch is still fighting for equality of all citizens.

The Bay City Branch has led the fight against discrimination in housing, education, employment, healthcare, and the criminal justice system. Some of its notable fights were the Migrant Negroes from Georgia Case, the Bay County Skating Rink Case in the 1960s, the Woolworth 5 & 10 Store Sit-in, the hiring of the first African American teachers by the Bay City School District, and the inclusion of a Black History Class in the Bay City Central High School curriculum. The Branch has given away more than 70 scholarships to high school students. They have supported CORY Place, sponsored a summer USDA Food and Activity program for children, and worked with other local agencies to improve the living conditions in Bay City.

The hymn, ''Lift Every Voice and Sing,'' was written by James Weldon Johnson in 1900. In it he wrote, ''Sing a song full of hope that the present has brought us; Facing the rising sun of our new day begun, Let us march on till victory is won.'' Under the current leadership of President Idella White, the Bay City Branch is marching on in the fight to remove barriers to racial equality. The Bay City Branch remains committed to educating citizens about their constitutional rights, and the adverse effects of racial discrimination.

Mr. Speaker, I am asking the House of Representatives to join me in congratulating the Bay City Branch of the NAACP for 50 years of commitment to social justice. The members are to be commended for their steadfast fight against racial hatred and I pray that together we will eliminate this scourge from our nation and the world.

TRIBUTE TO MAYOR EDDIE O. REED

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. COLE of Oklahoma. Mr. Speaker, I rise to commend Mayor Eddie O. Reed, who is retiring as Mayor of Midwest City after many years of public service.

In this country we are fortunate to have public servants of Mayor Reed's caliber. All too often we take such individuals for granted. Most of the rest of the world is not so lucky, so I take this opportunity to praise a man who as Mayor of Midwest City has been an excellent public servant who has made life better for his community and its people.

Eddie Reed has been Mayor of Midwest City since 1993. As Mayor, he has improved public safety, city streets, and drainage in Midwest City. Indeed, building on the work of his father, who also served as Mayor of Midwest City, Eddie Reed has transformed his city, making it an engine of economic growth in our state. All of his many successes have resulted from his skill at building partnerships and bringing people together.

Mr. Speaker, under Mayor Reed's leadership, many quality of life improvement projects have been completed. These include the Marion C. Reed Baseball Complex, the new Senior Citizens Center opened in 1999, and the renovation of the John Conrad Regional Golf Course. Mayor Reed has also improved Midwest City's infrastructure including a new water tower, a widened Post Road between SE 29th Street and 15th Street, and a reconstructed intersection at East Reno and SE 15th Street.

Perhaps the most important accomplishment of Mayor Reed's, over the course of his distinguished career, was his successful role in the BRAC process. The importance of his work in protecting Tinker Air Force Base, and the impact that has for the economy of Midwest City and for all of central Oklahoma, simply cannot be overstated.

Mr. Speaker, I want to conclude by giving the Mayor the highest compliment anyone can ever give a public servant: After 13 years as Mayor, Midwest City is in even better shape at the end of his term than it was at the beginning. That is the best monument to his achievements. I wish him and his wife, Julie, the best in their new life.

INTRODUCTION OF ''NETWORK NEUTRALITY ACT OF 2006''

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. MARKEY. Mr. Speaker, I rise today to introduce the ''Network Neutrality Act of

2006." Joining me today as original cosponsors of this important legislation are Rep. RICK BOUCHER, Rep. ANNA ESHOO and Rep. JAY INSLEE.

Broadband networks, Mr. Speaker, are the lifeblood of our emerging digital economy. These broadband networks also hold the promise of promoting innovation in various markets and technologies, creating jobs, and furthering education. The worldwide leadership that the U.S. provides in high technology is directly related to the government-driven policies over decades which have ensured that telecommunications networks are open to all lawful uses and all users. The Internet, which is accessible to more and more Americans with every day that goes by on such broadband networks, was also founded upon an open architecture protocol and as a result it has provided low barriers to entry for web-based content, applications, and services.

Recent decisions by the Federal Communications Commission (FCC) and court interpretations, however, put these aspects of broadband networks and the Internet in jeopardy. The corrosion of historic policies of nondiscrimination by the imposition of bottlenecks by broadband network owners endanger economic growth, innovation, job creation, and First Amendment freedom of expression on such networks. Broadband network owners should not be able to determine who can and who cannot offer services over broadband networks or over the Internet. The detrimental effect to the digital economy would be quite severe if such conduct were permitted and became widespread.

This network neutrality bill has essentially three parts. The first part articulates overall broadband and network neutrality goals for the country, and spells out exactly what network neutrality means and puts it into the statute so that it will possess the force of law. The second part embodies reasonable exceptions to the general rules, such as to route emergency communications or offer consumer protection features, such as spam blocking technology. And the final part of the bill features an expedited complaint process to deal with grievances and violations within thirty days.

The legislation states that a broadband network provider may not block, impair, degrade or discriminate against the ability of any person to use a broadband connection to access the content, applications, and services available on broadband networks, including the Internet. It ensures that broadband network providers operate their networks in a nondiscriminatory manner. The bill also ensures that consumers can attach any device to the broadband operator's network, such as an Internet phone, or wi-fi router, or settop box, or any other innovative gadget invented in the coming years. Moreover, in order to prevent the warping of the World Wide Web into a system of ''tiered service,'' the legislation will prevent broadband providers from charging new bottleneck fees for enhanced quality of service or the prioritization of bits.

Finally, if a broadband provider chooses to prioritize data of any type, it requires that it do so for all data of that type and not charge a fee for such prioritization. For instance, if a broadband provider wants to prioritize the transmission of bits representing a VOIP phone call for its own VOIP service, it must do so for all VOIP services so as not to put its competitors at an arbitrary disadvantage.

Mr. Speaker, from the beginning of Internet time until August of 2005, the Internet's nondiscriminatory nature was safeguarded from being compromised by Federal Communications Commission rules that required nondiscriminatory treatment by telecommunications carriers. In other words, no commercial telecommunications carrier could engage in discriminatory conduct regarding Internet traffic and Internet access because it was prohibited by law.

In August of 2005, however, the Federal Communications Commission reclassified broadband access to the Internet in a way which removed such legal protections. And how did the industry respond to this change? Just a few weeks after the FCC removed the Internet's protections, the Chairman of then-SBC Communications made the following statement in a November 7th *Business Week* interview: ''Now what they [Google, Yahoo, MSN] would like to do is use my pipes free, but I ain't going to let them do that because we have spent this capital and we have to have a return on it. So there's going to have to be some mechanism for these people who use these pipes to pay for the portion they're using. . . .''

In a December 1, 2005 Washington Post article, a BellSouth executive indicated that his company wanted to strike deals to give certain Web sites priority treatment in reaching computer users. The article noted this would ''significantly change how the Internet operates'' and that the BellSouth executive said ''his company should be allowed to charge a rival voice-over-Internet firm so that its service can operate with the same quality as BellSouth's offering.'' Meaning, that if the rival firm did not pay, or was not permitted to pay for competitive reasons, its service presumably would not ''operate with the same quality'' as BellSouth's own product.

Finally, on January 6, 2006, the CEO of Verizon, in an address to the Consumer Electronics Show also indicated that Verizon would now be the corporate arbiter of how traffic would be treated when he said the following: ''We have to make sure [content providers] don't sit on our network and chew up our capacity.''

I think these statements should give pause to those who might argue that we shouldn't do anything to enact strong network neutrality provisions because currently no harm is being done.

Do we really have to wait till these corporate giants divide and conquer the open architecture of the Internet to make that against the law? These telephone company executives are telling us that they intend to discriminate in the prioritization of bits and to discriminate in the offering of ''quality of service'' functions—for a new fee, a new broadband bottleneck toll—to access high bandwidth customers, we cannot afford to wait until they actually start doing that before we step in to stop it.

Once they start making money by leveraging that bottleneck position in the marketplace, will a future Congress really stare them down and take that revenue stream away?

Mr. Speaker, if we don't protect the openness of the Internet for entrepreneurial activity, we're ruining a wonderful model for low barrier entry, innovation, and job creation. Broadband network owners should not be able to determine who can and who cannot offer services over broadband networks or over the Internet. The detrimental effect to the digital economy would be quite severe if such conduct were permitted and became widespread. The deterioration of significant policies of nondiscrimination by the imposition of artificial bottlenecks by broadband network owners imperil economic growth, innovation, job creation, and First Amendment freedom of expression on such networks.

The Network Neutrality Act of 2006 offers Members a clear choice. It is a choice between favoring the broadband designs of a small handful of very large companies, and safeguarding the dreams of thousands of inventors, entrepreneurs, and small businesses. This legislation is designed to save the Internet and thwart those who seek to fundamentally and detrimentally alter the Internet as we know it. Mr. Speaker, I urge Members to support this bill and urge the House to take a decisive stand in favor of network neutrality.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. DELAURO. Mr. Speaker, I rise today in support of the Darfur Peace and Accountability Act, and I thank my colleague from New Jersey, Mr. Payne, for his leadership on this issue—it is one of the critical moral issues of our times.

I am proud to be a cosponsor of this legislation. It is long overdue, and I hope that we remember that passing this bill is not the end of our country's moral obligation to Darfur—merely a starting point for our nation to begin addressing some of the serious problems in that part of the world.

This legislation arrives on the floor of this House not a moment too soon—at time when famine and war have already killed between 200,000 and 400,000 people and displaced over 2 million more Sudanese. It is nothing less than a humanitarian disaster—and unfortunately one that appears to be getting worse.

Among the many tragedies is that, put simply, it did not have to be this way. With the end of the civil war in southern Sudan, these last six months ought to have been an opportunity for progress in Darfur.

Instead, we have seen only more war, more famine, more despair. According to the latest reports, the latest wave of attacks has found thousands of people being chased from dozens of villages by government-backed militias, with death-squad attacks on civilians in Darfur and violence now spilling over into neighboring Chad as well.

And while the African Union forces—numbering only 7,000—are doing what they can, they simply do not have the resources to carry out such a broad mission—particularly with the Sudanese government appearing to be actively obstructing their work. Indeed, one senior U.N. official recently predicted ''massively increased mortality'' unless effective peacekeepers are installed.

And unfortunately, that has proven increasingly difficult. After two years of sanctions and countless resolutions adopted by this Congress and by the United Nations, the government of Sudan continues to defy the will of the

international community. That makes our action here today ever more important—extending the embargo against Sudan and giving the Treasury Department the authority to freeze the assets of known supporters of the genocide.

Also critical are this legislation's provisions to get the U.N. back into Darfur. Just last week, the government of Sudan blocked the United Nations' top emergency aid official from visiting the western Darfur region. That is why this bill directs the president to use our nation's position on the U.N. Security Council to resolve this matter.

In my view, the best way to end this bloodshed and this human suffering is for the government of Sudan to immediately let the U.N. in to safeguard the residents of Darfur. But should the U.N. not be allowed in, this bill also grants the president the authority to summon NATO and get it more involved—an authority we must not hesitate to use. NATO's readiness to provide more support to the African Union may well prove critical.

Mr. Speaker, we have arrived at a critical juncture. It has been 12 years since the world saw the horror of genocide in Rwanda—a half-century since we saw it on the European continent. Each time, the world has said ''never again,'' only to stand by as it happens again and again. Today, the House is giving the Administration the tools it needs to act to stop the killing in Darfur—it is a step forward, but certainly not be the last.

Let's pass this legislation and ensure that the people of Darfur can return to their homes and live their lives in peace.

TRIBUTE TO MR. NENAD RADOJA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I congratulate one of the most dedicated, hardworking citizens of Indiana's First Congressional District, Mr. Nenad Radoja. After working for the U.S. Steel, Gary Works Plant for over seven years, Nenad recently accepted the position of Director of Steel Shop at U.S. Steel in Smederevo, in the country of Serbia and Montenegro. Nenad began his new position on March 20, 2006.

Nenad Radoja was born on June 15, 1971, in East Chicago, Indiana. Nenad is one of two children born to Ray and Sandi Radoja. He is the great-grandson of turn-of-the-century Yugoslavian immigrants who came to United States in search of the American Dream. Nenad's grandparents, Risto and Marija Radoja, also immigrated to the United States in 1951 in search of what America had to offer. Upon his arrival, Risto began working at the steel mills in Northwest Indiana. Nenad, surely inspired by his grandfather's work ethic, chose to pursue a similar career in the steel mills.

A lifetime native of Lake County, Indiana, Nenad graduated from Merrillville High School in 1989. Furthering his education, Nenad went on to complete his Baccalaureate Degree in History at Purdue University-Calumet in Hammond, Indiana. He later earned his Master's Degree in Management from Indiana Wesleyan University in Marion, Indiana.

Prior to transferring to the U.S. Steel Plant in Serbia and Montenegro, Nenad worked at the U.S. Steel, Gary Works Plant for seven years, where he worked in several capacities. Over the years, he worked his way up from Melter to General Foreman to Desulfurization Coordinator, and finally, to Area Coordinator of Operation, a position he held until accepting his new position in Serbia and Montenegro. His exceptional knowledge and expertise in these areas will surely be missed in Northwest Indiana, but his acquisition in Serbia and Montenegro will be a definite improvement to their organization.

Though extremely dedicated to his work, Nenad selflessly gives much of his free time and energy to his community, his friends, and most importantly, his family. Nenad now resides in the capital city of Belgrade, Serbia and Montenegro, with his loving wife, Branka, his daughters, Katarina and Sanja, and his son, Stefan.

Also important to note, Nenad is an avid sports fan. In his spare time, Nenad enjoys playing basketball and watching football games.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending and congratulating Nenad Radoja on beginning his new position as Director of Steel Shop at U.S. Steel in Smederevo, Serbia and Montenegro. Nenad has improved the lives of many residents in Indiana's First Congressional District. Northwest Indiana will surely miss Nenad's loyal service and uncompromising dedication.

TRIBUTE TO SAMUEL ALEXANDER MEYER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the late Mr. Samuel Alexander Meyer for his induction as a laureate in the 2006 Laredo Business Hall of Fame, and for his incredible dedication to the City of Laredo, Texas.

Samuel Alexander Meyer was born on November 19th, 1917, the only child of the late Samuel Meyer of Rochester, New York, and Maryanne Alexander Meyer of Laredo, Texas. During his summers that he spent as a young boy with his Aunt Frances and Uncle Lewis Alexander on Victoria Street, he got to know the City of Laredo.

He graduated from the University of Rochester in 1940 with a bachelor's degree and attended graduate school at the University of Texas with a degree in Spanish and Latin-American civilization. After graduation, Mr. Meyer served in the United States Navy for four years in the South Pacific as an ensign from 1941 to 1946, and joined the faculty at Laredo Junior College in 1947 where he taught Latin-American history and economics for five years.

Mr. Meyer married Olga Rosenbaum, and had three children, Frances Carolyn, Miriam Alexis, and Alexander Samuel Meyer. In 1953, he became a co-owner of Laredo's only Studebaker automotive dealership, and then later assumed responsibility for one of Laredo's first men's stores, Alexander Fine Men's Wear. He also started Meyer Investments while running the family business.

Mr. Meyer has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations as chairman of the board of trustees at Laredo Community College, chairman of the board for the Laredo Public Library, member of the Child Welfare Board for Webb County, director of the Laredo Philharmonic Orchestra, a member of the Socratic Club, president of the Civic Music Association, president of the board of the Boys and Girls Club of Laredo, president of the Astronomy Club, a member of the Somosiete hunting lodge, a member of the French Club, and a member of the Stardusters.

For his dedication and hard work in making the Laredo business community stronger and better, he will be honored by the Junior Achievement League in his induction into the 2006 Business Hall of Fame.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Samuel Alexander Meyer, and I thank you for this time.

WILLIAM SLOAN COFFIN, JR.: A COURAGEOUS MAN

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. SANDERS. Mr. Speaker, Vermont has lost one of its finest, most ethical and courageous residents. The Reverend William Sloan Coffin, Jr., who lived in Strattford, Vermont, has died at the age of 81.

When the Civil Rights Movement began, when a brave coalition of black and white Americans brought the attention of the Nation to the injustice of segregation, Rev. Coffin was there, standing up for what was right. He was a Freedom Rider in Montgomery, Alabama in the early years of the Civil Rights struggle, and was arrested there in 1961. He was arrested in Baltimore two years later in an anti-segregation protest and again a year later in St. Augustine, Florida as he tried to integrate a lunch counter. He was one of those who, in the phrase of the day, ''put their bodies on the line'' to bring about a more equitable and just America.

When the United States entered Vietnam, and the war escalated, Rev. Coffin was an articulate voice for peace. As Chaplain at Yale University, he offered the chapel as a sanctuary for those who refused to serve in Vietnam. He delivered the draft cards of antiwar protesters to the Justice Department in an effort to mount a legal challenge to the draft. Instead, the government challenged him, arresting Rev. Coffin, Dr. Benjamin Spock and three others for counseling draft evasion. He was convicted but the verdict was subsequently overturned by an appellate court.

In his years at Yale and later at Riverside Church in New York, his was an eloquent voice for the disadvantaged and disinherited in America. He showed great courage in questioning the ethics of America's military decisions and unstintingly opposed the nuclear arms race. He was a foremost proponent of nuclear disarmament, calling for a nuclear

freeze. He opposed both the Persian Gulf War in 1991 under first President Bush, and the invasion of Iraq in 2003 by the current President Bush.

William Sloan Coffin, Jr. was a man of strong and passionate views. Needless to say, not everyone agreed with all of his positions. But whoever knew him—and I count myself fortunate to be among them—recognized his courage, his dedication to ethical reasoning, and his profound commitment to social justice. He served as a model of the engaged intellectual to generations of students and to countless Americans. The Nation will miss him, Vermont will miss him, and I will miss his strength and passion for justice.

IN HONOR AND REMEMBRANCE OF JOSEPH L. FORTUNA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Joseph L. Fortuna, devoted family man, United States Veteran, business leader, and friend and mentor to many.

As the founder of Fortuna Funeral Home on Fleet Avenue in Cleveland, Mr. Fortuna served the citizens of Slavic Village, Newburgh Heights and communities beyond with great care, compassion and professionalism, for more than 50 years. He grew up near Union Avenue, and held a lifelong commitment to family, faith and to the residents of southeast Cleveland that reflected throughout his lifetime.

Mr. Fortuna's generous spirit, kindness of heart and sense of civic responsibility had a positive impact on the lives of countless individuals and families. He was a lifelong member and leader at his parish, St. John Nepomucene, past President of the Laurentian Athletic Club, and remained proudly connected to his Slovenian heritage through his involvement with various Slovenian organizations. Mr. Fortuna was honored many times for his significant contribution to our community and was named ''Man of the Year'' in 1975 by the Slovenian National Home of Cleveland.

Mr. Speaker and Colleagues, please join me in honor and remembrance of my friend, Joseph L. Fortuna, whose kindness, compassion and generosity has served to uplift the people of Fleet Avenue and miles beyond. I offer my deepest condolences to Mr. Fortuna's beloved wife, Virginia; to his beloved children, Joseph; Mary Ann (Jim), John (Roberta), and Jane (Phillip); and to his grandchildren and extended family and many friends. Mr. Fortuna's life, framed by love and kindness, will always remain in the hearts and memories of his family and his community, and he will never be forgotten.

PAYING TRIBUTE TO SHERIFF'S DEPUTY KEITH HANSEN, THE AMERICAN RED CROSS AND THE CITIZENS OF CALEDONIA TOWNSHIP

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the efforts of Caledonia Township and the American Red Cross to save the life of Sheriff's Deputy Keith Hansen, who was severely injured while serving in the line of duty.

Deputy Keith Hansen was critically injured when a suspect crashed his vehicle into Hansen's patrol car during a high speed chase in Caledonia Township. He received multiple severe injuries in the crash.

To survive, Deputy Hansen required more units of blood than the hospital could provide. The American Red Cross and the citizens of the Caledonia Township responded with an immediate blood drive and fund-raiser. Within one day, the community donated more than fifty units of blood and collected a significant amount of money to help save the life of Deputy Keith Hansen.

The efforts to save Deputy Hansen's life reflect the best of the American spirit; neighbors uniting to save the life of an injured officer who is sworn to protect them.

Mr. Speaker, I ask my colleagues to join me in honoring Deputy Keith Hansen for his service, and the citizens of Caledonia Township and the American Red Cross for helping to save his life. They are truly deserving of our respect and admiration.

DEMANDING THAT JAPAN ACKNOWLEDGE ITS ENSLAVEMENT OF ''COMFORT WOMEN'' DURING WORLD WAR II

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. EVANS. Mr. Speaker, during World War II and the colonial occupation of Asia in the 1930s and 1940s, the Armed Forces of Imperial Japan, often in collusion with private traffickers, forced over 200,000 young women and girls into military brothels. These women were euphemistically known as ''comfort women.'' This despicable sexual enslavement of mostly Korean and Chinese women was officially commissioned and orchestrated by the Government of Japan.

In one of the most extensive cases of human trafficking in the 20th century, women and girls throughout Asia were recruited by force, coercion, or deception, transported across national borders, and kept at the mercy of the Japanese military in subhuman conditions. They were raped, beaten, and forced to have abortions.

However, the horror of this experience did not end with the cessation of hostilities. Many comfort women were killed by Japanese soldiers after Japan surrendered. Some of these women could not return to their homes, and found themselves abandoned in hostile lands where they were viewed as collaborators.

Those who survived live daily with the painful memories of their enslavement, and many still suffer serious health effects as a result of their ordeal. Due to the shame connected to their captivity, many comfort women chose to conceal their enslavement and many others have come forward about it only in recent years.

While the facts of these crimes are incontrovertible, the Government of Japan has not officially accepted responsibility for this atrocity. Some textbooks used in Japan minimize the comfort women tragedy and distort the Japanese role in these and other crimes committed during World War II. Moreover, as recently as June 2005, Japanese Government officials praised the removal of the term ''comfort women'' from Japanese textbooks.

The Government of Japan's disregard for correcting past wrongs has been further demonstrated by its leaders' frequent pilgrimages to the Yasukuni Shrine near the Imperial Palace in central Tokyo. The Yasukuni Shrine is dedicated to the 2.5 million people who died in Japan's conflicts between 1853 and 1945 but also memorializes 14 convicted Class A war criminals that committed many atrocities during World War II.

Despite international criticism, the current Japanese Prime Minister, Junichiro Koizumi, has made several visits to Yasukuni since he took office in 2001 and has stated that he will continue making the visits through the end of his term.

On April 4, 2006, Congressman CHRISTOPHER SMITH and I introduced H. Res. 759, legislation that calls on Japan to acknowledge and accept responsibility for forcing women and girls into sexual slavery during the World War II era. We hope that this bill will encourage Japan to be honest about its history and to educate current and future generations about this crime against humanity.

Mr. Speaker, for these reasons I urge my colleagues to support this important piece of legislation, in order to demonstrate that we do not forget the suffering of the comfort women and the criminality of those who enslaved them.

HONORING DR. MOSE TJITENDERO FORMER SPEAKER OF THE NATIONAL ASSEMBLY, NAMIBIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. LEE. Mr. Speaker, I rise today with a heavy heart to join my colleagues here in the U.S. and across the globe in commemorating and honoring the extraordinary life of Dr. Mose Tjitendero, Speaker of the National Assembly in Namibia and a man known for his dedication to the principle of One Namibia, One Nation. Highly regarded throughout his life as an outstanding leader and a true patriot, Dr. Tjitendero was dedicated to advancing justice, independence and self-determination for the people of Namibia and for others around the world. Dr. Tjitendero passed away on April 26, 2006 at the age of 63 following a short illness.

Born the son of a Herero slave, Dr. Tjitendero hailed from a small village called Okomakuara in the Ovitoto area of Namibia. He was expelled from Augustineum Training

College in 1963 after he attended a political rally in Windhoek, and left Namibia for exile in 1964 when he was only 20 years old. Upon his arrival in Dar es Salaam, Tanzania, he was appointed to be the student representative of the South West Africa People's Organization, SWAPO political movement. In that role he became a radio broadcaster for the liberation movement, and as a part of the Tanganyika club, was instrumental in propelling SWAPO into an international movement in the 1960s.

In 1967 Dr. Tjitendero received a scholarship to attend Lincoln University in Pennsylvania, where he completed a B.A. degree in History and Political Science, and in 1976 he completed his Ph.D. at the University of Massachusetts School of Education. In the mid-1970s, SWAPO called Dr. Tjitendero to Zambia to open the United Nations institute for Namibia in Lusaka, where he taught for 5 years.

Dr. Tjitendero served as the first Speaker of Namibia's National Assembly from 1990 until 2004, and had been a member of the SWAPO Central Committee since 1981. He was instrumental in teaching and motivating other leaders in his country, and at the 2004 SWAPO Extraordinary Congress, he nominated Hidipo Hamutenya, a fellow student from his days at Lincoln University, to be his party's presidential candidate.

Throughout his tenure in the National Assembly, Dr. Tjitendero was widely respected and viewed as an impartial chairperson of parliamentary proceedings and an advocate for popular participation in Namibia's democracy. Revered by his colleagues as honest, hard-working, and thoroughly dedicated to promoting peace, freedom and national unity, Dr. Tjitendero's contributions to the development of democracy, equality and economic opportunity in Namibia are truly immeasurable. Though his death is loss to the entire Namibian nation, the legacy of his work will continue to improve countless lives in throughout Namibia and beyond for generations to come. My thoughts and prayers are with Dr. Tjitendero's wife Sandy and his two children, as well as all of his friends, colleagues, and the people of Namibia as they mourn the loss of this exemplary leader.

PAYING TRIBUTE TO MILDRED RESNICK ON THE OCCASION OF HER 90TH BIRTHDAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to extend warm birthday wishes and to pay tribute to a dear friend and great woman, Mrs. Mildred Resnick.

Mrs. Resnick was born to Russian immigrant parents who migrated to Ulster County, New York around the time of World War I. She was raised in Kerhonkson, in the congressional district I represent, and continues to reside nearby in Ellenville. Together with her late husband Louis, Mildred has generously contributed to and nurtured the surrounding community.

The Resnicks have embodied the true meaning of philanthropy. Through their generous donations and personal involvement, they improved the material, social, and spiritual welfare of their community through thoughtful and charitable activities.

Lou and Mildred dedicated themselves to giving young people the opportunity to pursue higher education. Through generous scholarship assistance from the Resnicks, many students have been able to attend SUNY New Paltz to pursue their education. In addition, students' educations at New Paltz, SUNY Delhi and Cornell University have been enriched by the engineering school, gymnasium and library, respectively, that the Resnick family endowed.

The Resnick's impact on our region extends far beyond their support for higher education, however. Through their contributions to the Ulster County Mental Health Clinic in Ellenville, the Ellenville Community Hospital, and countless other institutions, the health and well being of the surrounding community has been greatly improved.

Together, Lou and Mildred also made their mark on the region's economy. The Channel Master Corporation, founded by Lou and his brothers, was a steady, faithful employer in Ulster County for decades. The Resnicks also invested in several other enterprises to boost the local economy, including the construction of the Joseph Y. Resnick airport, and support for the revival of the Catskill region's tourism industry.

Although Lou and Mildred worked together on so many important projects in Ulster County and the surrounding region, we must also commend Mildred's many accomplishments in her own right. She has chaired the March of Dimes fundraising campaign and has been an instrumental supporter of the Eleanor Roosevelt Institute for Cancer.

It is impossible for me to list here all of the wonderful and generous contributions Mildred has made to the lives of people in her community and all over the country, but this fact is clear: I, like so many others, am truly grateful to have known and worked with her. Mildred has been a dedicated and loving wife, a beloved mother and grandmother, and a faithful friend. Mr. Speaker, it is my honor to publicly say ''thank you'' and to wish her a very happy birthday.

COMMEMORATING THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. ROTHMAN. Mr. Speaker, today I join my colleagues in commemorating the 91st anniversary of the Armenian Genocide and remembering the death of 1.5 million Armenians during the years 1915–1923.

We have witnessed a reprehensible ninety-one years of denial by the international community of one of the most horrific crimes against humankind, the systematic and planned extermination of an entire ethnic group. The failure of the international community to hold the Ottoman Empire accountable for the Armenian Genocide initiated a cycle of genocide that continues to this day in Darfur, where an estimated 400,000 people have died and 2.5 million people have been displaced from their homes.

Turkey's persistent denial of their predecessor government's responsibility for the Armenian Genocide sets a dangerous precedent that makes future genocides more likely. In fact, many of the tactics employed by the Ottoman Empire against the defenseless Armenian population are now being used in Darfur today—forced exile, systematic deprivation of food and water, and murder through starvation. If the cycle is to end, there must be accountability for genocide. This is why it is critical that the U.S. government officially recognize the Armenian Genocide and also, pressure Turkey to end its campaign of genocide denial. Genocide denial is the last stage of genocide and what Elie Wiesel has termed to be a ''double killing.'' The United States cannot remain silent as this ''double killing'' continues every day through Turkey's multi-million dollar worldwide campaign to suppress the teaching of the Armenian Genocide.

I stand united with Armenians and Armenian-Americans in my district and around the country who continue to fight for recognition of the atrocities of the Armenian Genocide so the world will never forget the first crime against humanity in the 20th Century. And I promise to continue to stand firm against the efforts of those who deny the Armenian Genocide.

PAYING TRIBUTE TO TIMOTHY C. WILLIAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Timothy C. Williams, who has been appointed by Governor Kenny Guinn to replace retiring District Judge John McGroarty.

Timothy Williams has a distinguished record of service as an attorney in the Henderson, Nevada area. Mr. Williams has been a practicing attorney for the past 21 years representing physicians in medical lawsuits and accident victims in injury cases; Mr. Williams has also been a member of the Nevada bar since 1986. In recent years Mr. Williams has been heavily involved in alternate methods of dispute resolution, such as mediation and arbitration. He advocates these dispute resolution mechanisms as a means of decreasing court backlogs by increasing the likelihood that a case will be settled rather than going to trial.

Mr. Williams has a degree in business from Indiana University and received his law degree from Ohio Northern University. He will no doubt be an asset to the bench.

Mr. Speaker, I am proud to honor Timothy C. Williams for his distinguished legal career. I wish him the best with his new appointment and I am sure that he will serve the bench with honor.

HONORING STEPHAN L. WALTERS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to give well deserved recognition to Stephan Walters, an extraordinary soldier,

teacher and citizen from my Congressional District.

Stephan is currently serving on active duty with the U.S. Army Reserves at Fort Knox, Kentucky. As Captain, he is responsible for training and mentoring a full brigade. He also serves as an officer for community outreach, equal opportunity, safety and soldier retention. Prior to his current assignment, Captain Walters served for three years as a member of the 3rd U.S. Infantry, also known as the Presidential Honor Guard, performing a range of ceremonial duties at the White House, Pentagon, and Arlington National Cemetery.

Captain Walters has also distinguished himself in civilian life, earning a bachelor degree in social studies and a masters degree in secondary education from the University of Kentucky, graduating from both programs with honors. Walters was a five year member of the University of Kentucky's football team, earning numerous awards and honors for his academic and athletic achievements.

Upon graduation, he accepted a position at Jeffersontown High School in Louisville, KY teaching history and coaching football and track. In 2004, he was nominated by his colleagues for the History Teacher of the Year Award, a special honor he later received from the Kentucky Historical Society.

It is my great privilege to honor Stephan Walters today, before the entire U.S. House of Representatives, for his distinguished service to his country and his community. His unyielding sense of duty and sacrifice represent the very best of what it means to be an American soldier. His achievements as a civilian, especially his dedication to developing young minds in the classroom and on the athletic field, are further marks of personal greatness. He is a man of exemplary leadership and dedication worthy of our collective respect and appreciation.

IN CELEBRATION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. WU. Mr. Speaker, it is a great honor and pleasure to join with my fellow members of the Congressional Asian Pacific American Caucus to celebrate Asian Pacific American Heritage Month. This May marks the 28th time America has recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

America has reached greatness in part by the accumulation of ideas from those with varied heritage and backgrounds. In particular, Asian Pacific Americans have made profound contributions to the arts, education, science, technology, politics and athletics.

Asian Pacific Americans have played an active and crucial role in the development of this country, from knitting together this nation with the transcontinental railroad to bringing the world closer together through development of the latest Internet technology.

This year, Congress will be reauthorizing the Voting Rights Act, including provisions that provide bilingual assistance to voters who need it. These measures protect the ability of all voters to participate in our nation's political process. Toward this end, I, along with the Congressional Asian Pacific American Caucus, am reaching out to the Asian Pacific American community and speaking to the importance of civic participation and protecting the APA vote.

The Asian Pacific American community remains and always will be an integral and vibrant part of American society. As we take part in the celebration of Asian Pacific American Heritage Month, I urge everyone to participate more deeply in the civic life of our nation. The civic engagement of Asian Pacific American's will help define our collective future. By working together we can build bridges, and build upon our great nation's diverse communities. We move forward with determination and unity.

I encourage Congress and the American people to spend part of May absorbing the legacy, culture and achievements of the Asian Pacific American community.

TRIBUTE TO MR. WILLIAM ''BILL'' CARNEY ALFRED

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mrs. CAPITO. Mr. Speaker I rise today in honor of Mr. William ''Bill'' Carney Alfred who died at his residence following health complications on Monday, April 3, 2006.

Many were touched by Bill's dedication, concern for others, and enthusiasm for life. Bill was a proud member of St. Patrick's Catholic Church and the Loyal Order of Moose #1976 in Weston, West Virginia. For many years, Bill worked at the Kroger Company in Weston before retiring as head of the produce department. Bill truly made a difference in many lives and will be fondly remembered by the many people he touched with his kindness. We are fortunate to have had him as our friend.

I want to extend my thoughts and prayers to the Alfred, Rafferty, and Carney families during this difficult time. He is survived by one brother, John Kilker Carney of Springfield, VA, and by many loving cousins, nieces, nephews, grandnieces and grandnephews. We are never prepared for the loss of a loved one, but God is always prepared to help us through that loss. I pray your own faith and fondest memories will give you strength and comfort during such a trying time.

Mr. Speaker, I urge my colleagues to join me in recognition of the life of Mr. William Carney Alfred.

HONORING RICK CRANDALL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and honor a well-known and beloved voice in the Greater Denver community. Mr. Rick Crandall, host of ''The Breakfast Club'' on AM 1430 KEZW, is celebrating his 15th anniversary on the air on June 17, 2006. This occasion marks a long and storied career dedicated not only to his listeners and fans, but to the community in which he thrives. Rick deserves a moment of pause to reflect on his career, and I join him and his fans in doing so.

Rick Crandall got off to a shaky start on his first day on the air at KEZW when he confused Tommy Dorsey with Glenn Miller, much to the ire of his musically inclined listeners. Over time, though, Rick became as important to his fans' mornings as a cup of coffee, and he was soon the centerpiece of a community of listeners and friends that enjoy music, news, and personal stories throughout the morning hours. ''The Breakfast Club'' is no mere radio show; it is a collection of like-minded people enjoying one another's company through Rick's engaging personality and love of entertaining his fans.

As if his career in radio wasn't impressive enough, Rick Crandall is also well-known for his stunning devotion to community service and public well-being. Rick has raised enormous amounts of funding for charities and, as a result, has earned both the Colorado Broadcasters Association Citizen of the Year Award and The Colorado Broadcasters Association Harry Hoth Award for Public Service, among many others. Specifically, Rick's work with military veterans is second to none, as he works constantly to assist and honor veterans both with his radio show and by engaging in the veteran community. Rick has also put substantial effort into raising money for and building the Colorado Freedom Memorial, a monument to all Coloradans who have been killed in action. I look forward to seeing the completion of this project, and I honor Rick's efforts to make it happen.

It would be difficult to list all of Rick's accomplishments and projects, suffice it to say that his presence in Colorado has been a blessing for all who know him. I ask my colleagues to join me in honoring Mr. Rick Crandall as he celebrates the 15th anniversary of ''The Breakfast Club,'' and I look forward to many more years of great radio and community service.

NATIONAL HEALTH CARE: THE TIME IS NOW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CONYERS. Mr. Speaker, tonight I rise to address the serious health care crisis our Nation is facing today. The time is now for Congress to address health care in America. Too many of my constituents, like many other hard working Americans across the country, are suffering unnecessarily due to our flawed health care system. There are now more than 46 million Americans without health insurance. Our system of private health insurance that fails to provide coverage to so many of our citizens also contributes to the double-digit health care inflation that is making America less competitive in the global economy.

The only real solution to this crisis is National Health Care. In this most powerful nation in the world, lack of access to health care should not force local and state governments, companies and workers into bankruptcy, while

causing unnecessary illness and hospitalization. The sentiments that will be shared tonight have been echoed in citizen congressional town hall meetings my democratic colleagues and I have held in 93 cities across the country. The response to our call for stories was tremendous, and the uninsured turned out in great numbers. Colleagues, we must not forget that for every story we hear tonight, there are thousands, even millions of stories that will go unheard.

What follows are excerpts from letters I have received.

(1) Kate L. wrote: I was left with $70,000 in uncovered medical bills as a result of an episode of severe depression ten years ago. This coverage deficit was not the result of a miserly employer; I was the President of an environmental consulting firm and I chose the policy. I reviewed more than 10 policies and was surprised to find that they all severely limited mental health coverage through higher deductibles and co-pays and restrictive annual and lifetime maximums. The policy we purchased was great for everything except it had a separate $750 deductible, 50/50 co-pay, $1,500 annual outpatient maximum and $2,500 inpatient maximum for mental health treatment.

My bills started to pile up as my psychiatrist and I tried numerous medications and combinations of medications. Because my doctor was concerned about my suicidal behavior, he recommended that I be admitted to a hospital while we continued to experiment with medications. Although I was in the hospital for eight weeks, I spent my inpatient maximum after only several days. It took me over five years to pay of the $70,000 I owed and the stress of the financial burden slowed my recovery. In addition, the medication that I take to treat my illness costs approximately $800 per month. I was recently forced to leave a job I loved with a small consulting firm because they could not provide the insurance coverage I needed.

(2) Mrs. White wrote: I am an Army mom, who can't afford health insurance while my husband and I agonize over our son's precarious fate. The psychological and emotional toll on us both is paralyzing. While I frantically look for a job, I still must support my mother and sister financially. I pay $300 monthly for catastrophic health insurance, but cannot afford prescription drugs, lab tests, and specialist visits. I cannot survive with these stresses for much longer.

(3) Jo L. wrote: I have a brain tumor. Naturally, the health insurance industry has labeled me as having a ''pre-existing'' condition and will not provide my coverage. I pay $255 a month for 5 pills to subdue my tumor. For the time being, I am paying for this out of pocket, but I need a permanent solution.

Even health care providers in my District have written to express their concerns.

Dr. Scott wrote: As a physician in Michigan I see many patients with no health care and it saddens me. Many people who cannot afford health care will delay going to any health care provider if injured, or shorten treatment plans due to the lack of funds. Many insurance companies have raised premiums out of reach here and even Medicaid and Medicare have decreased coverage due to the lack of funding. We need to rally together to get every citizen health care. By doing this we can help eliminate discrimination in health care and this can lead to eliminating other forms of discrimination.

How many stories do we have to read before Congress realizes that it is time for change? We can do better for our citizens. My bill, H.R. 676 and National Health Care is the answer.

TRIBUTE TO JOHN MICHAEL CRILEY, MD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. HARMAN. Mr. Speaker, everyday, people's lives depend on the quick reaction and competent care of emergency medical technicians and paramedics. Whether it is an automobile accident, heart attack, drowning or gunshot wound, EMTs and paramedics provide vital attention as they care for and transport the sick or injured to a medical facility.

The modem EMT and paramedic programs across the nation would not exist without the significant contributions of Dr. Mike Criley.

Dr. Criley developed the Los Angeles County Paramedic Program in 1969. The program trains first responders to provide critical life support to heart attack victims. Pre-hospital advanced cardiac care was a major innovation in the field of emergency medical services. It was also controversial, as it placed firefighters in a medical role, something both firefighters and many in the health field resisted.

But the program showed its value when paramedics were dispatched to provide onsite medical services after the 1971 Sylmar earthquake. The next year, the television show 'Emergency!' followed the experiences of two fictional Los Angeles County Fire Department paramedics. This legitimized the effort and led to communities across the country instituting their own paramedic training programs modeled after Dr. Criley's innovation.

As a result of Dr. Criley's efforts, the Los Angeles County Paramedic Training Center is named in his honor.

Dr. Criley also discovered a valuable lifesaving technique known as cough CPR. He documented that coughing during cardiac arrest or life-threatening heath rhythm disorders pumps oxygenated blood to the brain and maintains consciousness while help is summoned.

Dr. Criley has also been instrumental in training over 100 cardiologists and has taught cardiology to over 6,000 medical students and residents throughout his career. He has developed interactive multimedia programs in three languages that are used around for medical and nursing education programs around the world.

Throughout his distinguished career, Dr. Criley has served on the faculty of two of the nation's most prestigious medical institutions. After serving as Director of Cardiac Catheterization Laboratories at Johns Hopkins Hospital, he returned to his native California to join the faculty at the UCLA School of Medicine. He is now Chief of Cardiology at Los Angeles County Harbor-UCLA Medical Center where he continues to care for patients, teach, and perform research.

Mr. Speaker, I appreciate this opportunity to share how proud I am to have Mike Criley working in one of my district's premier biomedical research facilities, the Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center. His contributions have saved many lives in Los Angeles, and across the Nation.

PAYING TRIBUTE TO LAWRENCE T. WONG

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Lawrence T. Wong and his associates at Arcata Associates, Incorporated for their being honored by the United States Small Business Association, as Prime Contractor of the Year for Region IX.

Under Mr. Wong's leadership, as President/CEO of Arcata Associates, the organization has maintained its commitment to quality and excellence. The Prime Contractor of the Year for Region IX award honors the organization for the outstanding goods and services that they have provided the government and industry as prime contractors. Arcata Associates being awarded the Small Business Association Prime Contractor of the Year for Region IX award is a testament to this commitment. Mr. Wong's hard work, innovative ideas, dedication to the community and professional excellence has led to his being celebrated by the Small Business Association.

Mr. Speaker, I am proud to honor Lawrence T. Wong and his associates at Arcata Associates, Incorporated for their outstanding success. I congratulate them for the recognition they have so rightly earned, and thank them for their contributions to our Nation's economy and communities.

HONORING COMMUNITY ALTERNATIVES KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize Community Alternatives Kentucky, an exceptional organization in my Congressional District that delivers community-based supportive services to persons with disabilities.

The noble mission of Community Alternatives Kentucky is to enhance the lives of the individuals they serve by helping them become active members of their communities and realize their personal goals. They provide a wide range of day-to-day residential and employment services to assist disabled individuals with health needs, personal care, physical and speech therapy, transportation, housekeeping, recreation and other personal management services.

Community Alternatives of Kentucky advocates self determination, civil rights, and community inclusion for people with special needs and developmental disabilities. They play an important role in local communities, promoting an inclusive quality of life that allows all people, regardless of personal challenges, to reach their potential as happy and productive members of society.

I applaud Community Alternatives Kentucky, particularly their wonderful support staff, for all that they do to assist disabled individuals and their families. On behalf of so many in Kentucky's Second Congressional District, I would like to express my profound appreciation for their service and for the many contributions to our communities from the people they serve. Together, they are a true inspiration to us all.

It is my great privilege to recognize Community Alternatives Kentucky today, before the entire U.S. House of Representatives, for their achievements as advocates for disabled citizens. Their unique compassion and dedication to the happiness and well-being of all people make them outstanding citizens worthy of our collective honor and respect.

HONORING OFFICER SCOTT SEVERNS

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CHOCOLA. Mr. Speaker, today I rise with a solemn heart to honor a hero. On April 21, 2006 Cpl. Scott Severns of the South Bend Police Department was shot during an attempted robbery. He succumbed to his wounds and passed early the next morning.

I have heard it said that at times like these, we should not focus on how someone dies, but on how they lived, but how Cpl. Severns died was a testament to how he lived. When two would-be robbers approached Cpl. Severns and a female companion, brandished a gun, and threatened them, Cpl. Severns instinctively stepped in between the gunman and his friend. Character like this cannot be taught through a police academy course, and it is not issued to every officer after their swearing in. This type of valor can only corne from an individual with the heart of a hero.

We oftentimes do not take enough time to appreciate the sacrifice that law enforcement officers make every single day so that we can live in safety. It is easy for us to go about our daily lives without a thought about those that stand in between us and those that would try to hurt us.

Cpl. Severns's sacrifices from the moment he first put on his uniform, until his tragic, premature end, exemplify the best of American law enforcement.

Mr. Speaker, we would be remiss if we did not take this time to honor his service, remember his sacrifice, and mourn his passing.

INTRODUCTION OF GENETICALLY ENGINEERED REGULATORY FRAMEWORK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KUCINICH. Mr. Speaker, I rise in support of six bills I introduced today that will provide a comprehensive regulatory framework for all genetically engineered plants, animals, bacteria, and other organisms. The bills will protect our food, environment, and health. They are a common sense precaution to ensure genetically engineered foods do no harm.

Genetic engineering is having a serious impact on the food we eat, on the environment, and on farmers. To ensure we can maximize benefits and minimize hazards, Congress must provide a comprehensive regulatory framework for all genetically engineered products.

Current laws, such as our food safety and environmental laws, were not written with this technology in mind. Clearer laws are necessary to ensure that these new scientific capabilities and the associated impacts are closely monitored.

The six bills include the Genetically Engineered Food Right to Know Act of 2006, which requires food companies to label all foods that contain or are produced with genetically engineered materials and instructs the Food and Drug Administration to conduct periodic tests to ensure compliance. This is a basic consumer rights and consumer safety issue. People have a right to know what is in the food they are eating, and that the food is safe.

Combined, these bills would ensure that consumers are protected, increase food safety, protect farmers rights, make biotech companies liable for their products, and help developing nations resolve hunger concerns

SUMMARY OF GENETICALLY ENGINEERED FOOD LEGISLATION

THE GENETICALLY ENGINEERED FOOD RIGHT TO KNOW ACT

Consumers wish to know whether the food they purchase and consume is a genetically engineered food. Concerns include the potential transfer of allergens into food and other health risks, potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions. Adoption and implementation of mandatory labeling requirements for genetically engineered food produced in the United States would facilitate international trade. It would allow American farmers and companies to export and appropriately market their products—both genetically engineered and non-genetically engineered—to foreign customers. This bill acknowledges consumers have a right to know what genetically engineered foods they are eating:

Requires food companies to label all foods that contain or are produced with genetically engineered material and requires the FDA to periodically test products to ensure compliance.

Voluntary, non-GE food labels are authorized.

A legal framework is established to ensure the accuracy of labeling without creating significant economic hardship on the food production system.

THE GENETICALLY ENGINEERED FOOD SAFETY ACT

Given the consensus among the scientific community that genetic engineering can potentially introduce hazards, such as allergens or toxins, genetically engineered foods need to be evaluated on a case-by-case basis and cannot be presumed to be generally recognized as safe. The possibility of such hazards dictates a cautious approach to genetically engineered food approvals. However, FDA has glossed over the food safety concerns of genetically engineered foods and not taken steps to ensure the safety of these genetically engineered foods. This bill requires that all genetically engineered foods follow a strenuous food safety review process:

Requires FDA to screen all genetically engineered foods through the current food additive process to ensure they are safe for human consumption, yet continues FDA discretion in applying the safety factors that are generally recognized as appropriate.

Requires that unique concerns be explicitly examined in the review process, a phase out of antibiotic resistance markers, and a prohibition on known allergens.

Requires the FDA to conduct a public comment period of at least 30 days

THE GENETICALLY ENGINEERED CROP AND ANIMAL FARMER PROTECTION ACT

Agribusiness and biotechnology companies have rapidly consolidated market power at the same time as the average farmer's profits and viability have significantly declined. Policies promoted by biotech corporations have systematically acted to remove basic farmer rights enjoyed since the beginning of agriculture. These policies include unreasonable seed contracts, the intrusion into everyday farm operations, and liability burdens. The introduction of genetically engineered crops has also created obstacles for farmers, including the loss of markets and increased liability concerns. To mitigate the abuses upon farmers, a clear set of farmer rights must be established. This bill provides several farmer rights and protections to maintain the opportunity to farm:

Farmers may save seeds and seek compensation for failed genetically engineered crops.

Biotech companies may not: shift liability to farmers; nor require access to farmer's property; nor mandate arbitration; nor mandate court of jurisdiction; nor require damages beyond actual fees; nor charge more to American farmers for use of this technology, than they charge farmers in other nations, or any other unfair condition.

Seed companies must: ensure seeds labeled non-GE are accurate; provide clear instructions to reduce cross-pollination, which contaminates other fields; and inform fanners of the risks of using genetically engineered crops.

The EPA is required to evaluate the concern of Bt resistant pests and take actions necessary to prevent resistance to Bt, an important organic pesticide.

The bill prohibits genetic engineering designed to produce sterile seeds and loan discrimination based on the choice of seeds an agricultural producer uses.

THE GENETICALLY ENGINEERED ORGANISM LIABILITY ACT

Biotech companies are selling a technology that is being commercialized far in advance of the new and unknown science of genetic engineering. Farmers may suffer from crop failures, neighboring farmers may suffer from cross pollination, increased insect resistance, and unwanted ''volunteer'' genetically engineered plants, and consumers may suffer from health and environmental impacts. Therefore, biotech companies should be found liable for the failures of genetically engineered crops. This bill ensures that the creator of the technology assumes all liability:

The bill places all liability from negative impacts of genetically engineered organisms squarely upon the biotechnology companies that created the genetically engineered organism.

Farmers are granted indemnification to protect them from the liabilities of biotech companies.

The bill prohibits any transfer of liability away from the biotechnology companies that created the genetically engineered organism.

REAL SOLUTIONS TO WORLD HUNGER ACT

The demand for mandatory labeling, safety testing, and farmer protections do not constitute obstacles to the cessation of world hunger. Economics remain the significant

barrier to a consistent food supply, and the development of expensive genetically engineered foods may only exacerbate this trend. Almost all research funding for the development of genetically engineered food target the developed nation's agriculture and consumers. However, agroecological interventions have had significantly more success in helping developing nations feed themselves with higher yields and improved environmental practices, all within reasonable costs for developing countries. This bill offers several new initiatives and protections to help developing nations resolve their hunger concerns:

To protect developing nations, genetically engineered exports are restricted to those already approved in the U.S. and approved by the importing nation.

The bill creates an international research fund for sustainable agriculture research paid for the Sustainable Agriculture Trust Fund, a small tax on biotechnology company profits.

THE GENETICALLY ENGINEERED PHARMACEUTICAL AND INDUSTRIAL CROP SAFETY ACT

A pharmaceutical crop or industrial crop is a plant that has been genetically engineered to produce a medical or industrial product, including human and veterinary drugs. Many of the novel substances produced in pharmaceutical crops and industrial crops are for particular medical or industrial purposes only. These substances are not intended to be incorporated in food or to be spread into the environment. That would be equivalent to allowing a prescription drug in the food supply. Experts acknowledge that contamination of human food and animal feed is inevitable due to the inherent imprecision of biological and agricultural systems. This contamination by pharmaceutical crops and industrial crops pose substantial liability and other economic risks to farmers, grain handlers, and food companies. This bill attempts to prevent contamination of our food supply by pharmaceutical crops and industrial crops.

The bill places a temporary moratorium on pharmaceutical crops and industrial crops until all regulations required in this bill are in effect.

The bill places a permanent moratorium on pharmaceutical crops and industrial crops grown in an open-air environment and on pharmaceutical crops and industrial crops grown in a commonly used food source.

The United States Department of Agriculture shall establish a tracking system to regulate the growing, handling, transportation, and disposal of all pharmaceutical and industrial crops and their byproducts to prevent contamination.

The National Academy of Sciences shall submit to Congress a report that explores alternatives methods to produce pharmaceuticals or industrial chemicals that have the advantage of being conducted in controlled production facilities and do not present the risk of contamination.

STATEMENT ON COVER THE UNINSURED WEEK

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. HONDA. Mr. Speaker, I rise today in recognition of ''Cover the Uninsured Week,'' which runs from May 1–7, 2006. This annual nationwide campaign asks Americans from all walks of life to demand that health coverage for Americans be a top priority. I look forward to the day when we will no longer need such a week because all Americans would have the coverage they need.

Mr. Speaker, as it stands, nearly 46 million Americans—8 million of whom are children—have no health care coverage. The health insurance and health care crisis in this country is worsening each year. As health care costs continue to rise, every family's health care coverage is at risk. Job-based health insurance continues to decline, and for millions of low-income workers, health care coverage is not even an option.

I am particularly dismayed about the high rates of uninsurance for certain populations. Californians have among the highest rates of uninsurance in the Nation. More than one in five Californians—nearly 6.6 million children and adults under age 65—were uninsured for all or part of the year. Racial and ethnic minorities also have high rates of uninsurance. Racial and ethnic minorities comprise about one-third of the U.S. population but disproportionately comprise 52 percent of the uninsured. One in five African Americans are uninsured, one in three Latino Americans is uninsured, and nearly one in three Native Americans and Alaska Natives are uninsured.

As Chair of the Congressional Asian Pacific American Caucus (CAPAC), I want to highlight the fact that one out of every five Asian Pacific Islander Americans does not have health insurance. Overall, Asian Pacific Islander Americans are far more likely to be uninsured than non-Latino Whites (21 percent vs. 14 percent). Uninsurance rates vary significantly by subgroup. For example, 34 percent of Korean Americans, 27 percent of Southeast Asian Americans, and about 20 percent of Chinese Americans, Filipino Americans, and South Asian Americans do not have health insurance.

The health of our Nation is dependent upon the health of our citizens. We need a healthy society if we are to remain globally competitive in education, technology, business, and other areas. Our top priority in Congress should be to find solutions to transform our healthcare system into one that is comprehensive, universal, and sustainable.

Our Federal investment must reflect this priority to provide coverage for the 46 million Americans across the country who deserve a guaranteed health insurance system. We must expand our Federal safety net, stop slashing Medicare and Medicaid, and work to eliminate racial and ethnic health disparities. We owe it to our parents, children, and future generations to solve this problem.

HONORING GOVERNOR JOHN ANDERSON

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to honor the work of Governor John Anderson, a man who chose a life of public service. His service to Kansas and the United States was spread across the middle part of this century and spread across the three branches of our government.

After being educated by both Kansas State University and the University of Kansas he began his career as a public servant by joining the staff of U.S. District Court Judge Walter Huxman. Continuing with the judicial branch, Governor Anderson was elected as Johnson County Attorney in 1947. His election to Kansas State Senate in 1953 gave him the opportunity to serve as one of Kansas' state legislators for three years. Governor Anderson was appointed as Kansas Attorney General in 1956 and was then elected Governor in 1960.

During his two years in the state's top position, Governor Anderson used his diverse government experiences to help reform and restructure several institutions, including: the state's pardon and parole systems; the public welfare system; and the state's public school system.

I would encourage my colleagues in the House to join me in honoring this public servant by passing H.R. 4674, to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the ''Governor John Anderson, Jr. Post Office Building.''

HONORING NOTRE DAME SCHOOL IN MICHIGAN CITY, IN

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CHOCOLA. Mr. Speaker, today I have the privilege of honoring an academic institution that should stand as an example of what is good and right about our education system in America. All too often we rush to give a speech about what we feel is wrong in this country, but I believe that it is much more admirable to have that same intensity with what is right about our great country.

Notre Dame School has provided an excellent education for preschoolers all the way through 8th graders for 50 years. They have built and strengthened the characters of thousands of students instilling in them an appreciation of service and the discipline of excellence.

Notre Dame School students have consistently scored in the 95th percentile on Indiana's statewide standardized tests, and have continually produced leaders for this country, most notably our current Chief Justice of the Supreme Court John Roberts.

Mr. Speaker, words cannot convey how privileged I feel to have such a school within the 2nd Congressional District. I congratulate Principal Karen Breen, all of the teachers, administrators, staff and students of Notre Dame School on 50 years of excellence, and I look forward to 50 more years of great achievements.

A TAX CUT FOR THE REST OF US

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. FILNER. Mr. Speaker, the ''Tax Cut for the Rest of Us'' Act of 2006 (H.R. 5257) transforms the standard income tax deduction into a ''refundable'' standard tax credit. Doing so will not only simplify the tax code, but put

more money into the pockets of poor Americans.

For 25 years, refundable tax credits—such as the Earned Income Tax Credit and the ''additional child tax credit''—have proven to be simple, effective ways to help the poor.

The logical next step is to transform the standard deduction and personal exemptions into a refundable standard tax credit (STC) of $2,000 for each adult and $1,000 for each child. The STC will provide all the poor with a small but badly needed tax credit, and give a tax cut to virtually everyone who chooses not to itemize their deductions.

Transforming the standard deduction into a refundable tax credit will not eliminate poverty, but it will be an enormous benefit to the poor who were completely overlooked by the Bush tax cuts. The poor pay sales taxes, property taxes, and many other taxes, but because they do not pay very much in income tax, they have little to gain from tax simplification unless it includes something like the STC.

Transforming the standard deduction into a standard tax credit will give a tax cut to those who need it most. Now is the time to pass a ''Tax Cut for the Rest of Us.''

RECOGNIZING MEADOW HEIGHTS HIGH SCHOOL BOYS BASKETBALL TEAM

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to recognize the accomplishments of the Meadow Heights High School boys basketball team in Patton, Missouri. They broke the state and national record for three point goals in a single game. On February 11, 2006, the Panthers made 36 three point goals in a 131–66 win against visiting Marquand.

The Panthers, who average about 21 three point goal attempts a game, made 16 in the first half. They broke the state record of 24 three point goals with 1:26 left in the third quarter. The basketball team scored one more three point goal in the quarter and 10 additional three point goals in the fourth quarter.

The feat surpassed the national record of 34 three point goals set by Juniata Valley High School of Alexandria, PA, according to the National Federation of High Schools, NFHS. NFHS certified the new school record on February 25, 2006.

This accomplishment was made possible by the hard work and cooperative effort of the Meadow Heights High School boys basketball team. These young men are a great example of teamwork and sportsmanship for the youth of Southern Missouri.

I extend my sincere congratulations to Head Coach Tom Brown, as well as the members of the Meadow Heights High School boys basketball team.

RECOGNIZING THE 35TH ANNIVERSARY OF AMTRAK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. HOLT. Mr. Speaker, I rise today to recognize Amtrak on its 35th Anniversary. Yesterday, Amtrak celebrated 35 years of committed service to America by providing reliable and safe transportation.

Rail service has integrated small communities with large cities across the country providing opportunity for economic expansion, increased mobility, and environmentally sound transit. With the creation of Amtrak in 1971, our country has benefited from organized, reliable and safe service to individuals commuting to and from work and individuals using rail service for extended travel. With the rising cost of airline flights, exceptionally high gas prices and bus stations being closed across the country, individuals are relying more and more on rail service.

In New Jersey, employers rely on an integrated rail operation to enable many of their employees to get to and from work. As a regular Amtrak rider, I appreciate the professionalism and service that customers enjoy every day. The continued operation of Amtrak is an essential component of easing traffic congestion, reducing wear and tear on roads, protecting our environment and preserving open space in New Jersey and across the country.

Amtrak needs the support of Congress. Funding cuts for Amtrak would have crippling effects on transit in New Jersey and many other states along the Northeast Corridor. In 2005, ridership reached a record level of more than 25 million riders, a 29 percent increase since 1996. We must meet the needs of millions of Amtrak riders through continued funding for this essential American service. We must help Amtrak maintain key infrastructure on the 650 route miles that Amtrak owns (out of 22,000 miles on which Amtrak operates), repair or replace old equipment, and encourage local and state investment.

I have always been a strong advocate for increased Amtrak funding and greater federal support for passenger rail service in New Jersey and throughout the country. I am a cosponsor of the Amtrak Reauthorization Act, which would authorize funding through Fiscal Year 2008 for Amtrak operations and capital investment. We must show our commitment to Amtrak by reauthorizing funding instead of fighting every year to keep funding at a steady level.

Again, I congratulate Amtrak for its 35 years of service to our nation. Rail service is a fundamental component of our nation's continually growing transportation system, and Amtrak has demonstrated the capacity of integrated rail service to expand economic opportunity, commuter options, and make vital contributions to the fabric of our communities.

HONORING DANIEL AND CHRISTINA FINN OF THE PATRIOTIC PILLOW PROJECT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Daniel and Christina Finn, founders of the Patriotic Pillow Project, also known as Operation Comfort.

Daniel T. Finn is a Vietnam veteran who proudly served his country during the years of 1966 and 1967. Upon return to the United States, Mr. Finn received a teaching degree and currently teaches at Carver, the Nation's largest public military academy in Chicago.

Christina Finn serves as a medical health professional. In this career, she has observed that the healing process includes both emotional and psychological healing, as well as physical repair. For this reason, when Dan and Christina's oldest son was deployed to Iraq, the Finn's founded the Patriotic Pillow Project This project lovingly and respectfully collects pillows to send to wounded GIs to lift their spirits and honor the recipient.

United Airlines and an organization called C.A.R.C. in Chicago have provided the pillows. Then, anyone who can stitch a straight line and follow the pattern provided is encouraged to handcraft a pillow cover. The pillow covers are quilted replicas of our Nation's Flag.

Since September 2004, the Patriotic Pillow Project has received 4,350 pillows and delivered more than 2,350 finished gifts of gratitude. This is quite an accomplishment for a project that started out as a single page document distributed to friends and various organizations.

It is my honor to recognize Dan and Christina Finn, founders of the Patriotic Pillow Project for their many achievements in supporting our heroic American GIs.

RECOGNIZING FRESNO COUNTY'S SESQUICENTENNIAL CELEBRATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. RADANOVICH. Mr. Speaker, I rise to recognize the county of Fresno upon the celebration of its 150th birthday which was on April 19, 2006. Since 1856, 6 years after California became a State, Fresno County has created a rich history mired in agricultural ingenuity, pride and immigrant perseverance. I was pleased to recently help Fresno County celebrate its storied journey with a gathering at its historic Santa Fe depot.

As we celebrate this occasion, it is only fitting that we go back to one of our county's beginning points, the Santa Fe depot. As a major hub for the valley's newly arrived, the depot marks the commencement of agricultural prosperity, serving as the location where many of the county's goods were transported to vast markets. Whether their arrival was by covered wagon, stagecoach or train, we celebrate the westward journey of the early settlers with the example set by our valley's student pioneers.

Mr. Speaker, I rise to recognize the 150th birthday of Fresno County. A story rich with tradition, I urge my colleagues to join me in celebrating Fresno County's journey and future success.

HONORING THE SERVICE OF LANCE CORPORAL ERIC ANTHONY PALMISANO TO OUR COUNTRY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. MICA. Mr. Speaker, I rise today to honor and pay tribute to Lance Corporal Eric Anthony Palmisano, who died in a tragic accident while serving our Nation in Al Asad, Iraq.

Prior to joining the Marine Corps, Eric spent much of his early childhood living in Chicago and eventually moved to Tampa, Florida with his family. Eric had lived in central Florida since 1996, and attended the University of Central Florida where he was active in sports and studied criminal justice.

Eric enlisted in the Marine Corps and attended Basic Training in Camp Pendleton, California last year. He stood out both in training and during his service and quickly became one of the best Marines in his unit. Proud of his achievements, Eric once wrote to his fiancee, "This is an opportunity to prove—mostly to myself—that when I give something all my effort, I cannot fail."

We should all remember Eric's courage and his ultimate sacrifice for our Nation. The freedom we enjoy and the liberty in the world for which he fought are part of the great legacy that Lance Corporal Eric Anthony Palmisano leaves behind.

To Eric's fiancee and his entire family, we extend our deepest sympathy.

Mr. Speaker, because of Lance Corporal Eric Anthony Palmisano's sacrifice for our country, I ask all Members of the U.S. House of Representatives to join me in recognizing his service in our Nation's Armed Forces and remembering both his life and his dedication to the United States of America.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3851–S3931

Measures Introduced: Eleven bills and four resolutions were introduced, as follows: S. 2690–2700, S. Res. 459–461, and S. Con. Res. 92. **Pages S3893–94**

Measures Passed:

Jefferson Public Service Awards: Senate agreed to S. Res. 461, supporting and commending the supporters of the Jefferson Awards for Public Service for encouraging all citizens of the United States to embark on a life of public service and recognizing those citizens who have already performed extraordinary deeds for their community and country. **Pages S3916–17**

Presidential Medal of Freedom to Satchel Paige: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 91, expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige, and the resolution was then agreed to. **Pages S3917–18**

Greater Washington Soap Box Derby: Senate agreed to H. Con. Res. 349, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby. **Page S3918**

Lung Cancer Mortality Reduction: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 408, expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program that will reduce lung cancer mortality by at least 50 percent by 2015, and the resolution was then agreed to. **Page S3918**

Navajo-Hopi Land Settlement Amendments: Senate passed S. 1003, to amend the Act of December 22, 1974, after agreeing to the committee amendments, and the following amendments proposed thereto: **Pages S3918–30**

Ensign (for McCain) Amendment No. 3858, in the nature of a substitute. **Page S3924**

Ensign (for McCain) Amendment No. 3859 (to Amendment No. 3858), to modify a provision relating to the authorization of appropriations. **Page S3924**

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 S3858–90**

Adopted:

Domenici/Reid Amendment No. 3769, to provide additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration. **Page S3859**

Cochran (for Hutchison) Amendment No. 3789, to ensure states impacted by Hurricane Rita are treated equally with regard to cost-share adjustments for damage resulting from that hurricane. **Page S3859**

Vitter/Landrieu Modified Amendment No. 3626, to increase the limits on community disaster loans. **Pages S3858, S3864**

Lott/Dodd Amendment No. 3727, to provide funding for the Election Assistance Commission to make discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season. **Pages S3870–72**

Vitter Modified 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. **Pages S3858, S3873**

Salazar Amendment No. 3736, to provide funding for critical National Forest System projects to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, reduce the risk of catastrophic fires, and mitigate the effects of widespread insect infestations throughout the National Forest System. **Pages S3878–79**

By a unanimous vote of 98 yeas (Vote No. 106), Obama Amendment No. 3810, to provide that none of the funds appropriated by this Act may be made available for hurricane relief and recovery contracts

exceeding $500,000 that are awarded using procedures other than competitive procedures.

Pages S3879–80

Rejected:

By 40 yeas to 59 nays (Vote No. 104), 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.

Pages S3858, S3860–63

By 48 yeas to 51 nays (Vote No. 105), Coburn Amendment No. 3641 (Division IV), relative to Navy shipbuilding cost adjustments.

Pages S3858, S3864–69

Withdrawn:

Coburn Amendment No. 3641 (Division V), relative to highway emergency relief funds.

Pages S3858, S3873

Coburn Amendment No. 3641 (Division VI), relative to shrimp and reef fish fisheries.

Pages S3858, S3873

Coburn Amendment No. 3641 (Division VII), relative to AmeriCorps National Civilian Community Corps. **Pages S3858, S3873**

Coburn Amendment No. 3641 (Division VIII), relative to the procurement of V–22 aircraft.

Pages S3858, S3874

Coburn Amendment No. 3641 (Division IX), relative to the American River (Common Features) project in California. **Pages S3858, S3874**

Coburn Amendment No. 3641 (Division X), relative to fishing vessels with logbooks to record haul-by-haul catch data. **Pages S3858, S3874**

Coburn Amendment No. 3641 (Division XI), relative to the Armed Forces Retirement Home.

Pages S3858, S3874–75, S3876–78

Coburn Amendment No. 3641 (Division XII), relative to off-shore shrimp and reef fishery with electronic vessel monitoring systems. **Pages S3858, S3880**

Coburn Amendment No. 3641 (Division XIII), relative to New England red tide outbreak assistance.

Pages S3858, S3880

Coburn Amendment No. 3641 (Division XIV), relative to the South Sacramento Streams project in California. **Pages S3858, S3880**

Coburn Amendment No. 3641 (Division XV), relative to temporary marine services centers.

Pages S3858, S3880

Coburn Amendment No. 3641 (Division XVI), relative to the replacement of private fisheries infrastructure. **Pages S3858, S3880**

Coburn Amendment No. 3641 (Division XVII), relative to the employment of fishers and vessel owners. **Pages S3858, S3880**

Coburn Amendment No. 3641 (Division XVIII), relative to the replacement of damaged fishing gear.

Pages S3858, S3880

Pending:

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 S3858**

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 S3858**

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 S3858**

Warner Amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy. **Page S3858**

Coburn Amendment No. 3641 (Division XIX), relative to the construction of the Sacramento Riverbank Protection Project in California.

Pages S3858, S3880–86

Vitter Modified Amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Page S3858

Wyden Amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas. **Page S3858**

Santorum Modified Amendment No. 3640, to increase by $12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by $12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset. **Page S3858**

Salazar/Baucus Amendment No. 3645, to provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Pages S3858–59

Vitter Amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Page S3859

Burr Amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza. **Pages S3859, S3875–76**

Coburn (for Obama/Coburn) Amendment No. 3693, to reduce wasteful spending by limiting to the

reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts. **Page S3859**

Coburn (for Obama/Coburn) Amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures. **Page S3859**

Coburn (for Obama/Coburn) Amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available. **Page S3859**

Coburn (for Obama/Coburn) Amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts. **Page S3859**

Menendez Amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies. **Page S3859**

Murray (for Harkin) Amendment No. 3714, to increase by $8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset. **Page S3859**

Conrad/Clinton Amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation. **Page S3859**

Levin Amendment No. 3710, to require reports on policy and political developments in Iraq. **Page S3859**

Schumer/Reid Amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers. **Page S3859**

Schumer Amendment No. 3724, to improve maritime container security. **Page S3859**

Murray (for Kennedy) Amendment No. 3716, to provide funds to promote democracy in Iraq. **Page S3859**

Murray (for Kennedy) Modified Amendment No. 3688, to provide funding to compensate individuals harmed by pandemic influenza vaccine. **Page S3859**

Cornyn Amendment No. 3722, to provide for immigration injunction reform. **Page S3859**

Cornyn Amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG program. **Page S3859**

Cornyn Amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita. **Page S3859**

Murray (for Byrd) Amendment No. 3708, to provide additional amounts for emergency management performance grants. **Page S3859**

Thune Amendment No. 3704, to provide, with an offset, $20,000,000 for the Department of Veterans Affairs for Medical Facilities. **Pages S3873–74**

Menendez Amendment No. 3777, to fund a United Nations Peacekeeping force in Darfur and to address the shortfall in the United States Contributions to the United Nations for international peacekeeping missions in 13 countries. **Pages S3886–88**

During consideration of this measure today, Senate also took the following action:

By 92 yeas to 4 nays (Vote No. 103), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S3859–60**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Wednesday, May 3, 2006, with 1 hour for debate, followed by a vote on Coburn Amendment No. 3641 (Division XIX), listed above, with no amendments in order to the division prior to the vote; provided further, that notwithstanding the adjournment of the Senate, the time consumed in the adjournment count against the 30 hours for consideration of the measure under rule XXII. **Page S3930**

Nominations Received: Senate received the following nominations:

Sheila C. Bair, of Kansas, to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term of five years.

Sheila C. Bair, of Kansas, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term expiring July 15, 2013.

Sheila C. Bair, of Kansas, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring July 15, 2007. **Page S3931**

Measures Read First Time: **Page S3891**

Enrolled Bills Presented: **Page S3891**

Executive Communications: **Pages S3891–93**

Executive Reports of Committees: **Page S3893**

Additional Cosponsors: **Pages S3894–96**

Statements on Introduced Bills/Resolutions: **Pages S3896–S3903**

Additional Statements: Pages S3890–91

Amendments Submitted: Pages S3903–15

Authorities for Committees to Meet: Pages S3915–16

Record Votes: Four record votes were taken today. (Total—106) Pages S3859–60, S3862–63, S3869, S3880

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:33 p.m., until 9:30 a.m., on Wednesday, May 3, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3930.)

Committee Meetings

(Committees not listed did not meet)

FARM BILL: PEANUT PROVISIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the implementation of the peanut provisions of the Farm Security and Rural Investment Act of 2002, after receiving testimony from Floyd Gaibler, Deputy Under Secretary of Agriculture for Farm and Foreign Agriculture Services; Stanley M. Fletcher, University of Georgia, Griffin, on behalf of the National Center for Peanut Competitiveness; Evans J. Plowden, Jr., American Peanut Shellers Association, Inc., Albany, Georgia; and Gary Rasor, American Peanut Product Manufacturers, Inc., Rittman, Ohio.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Personnel met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2007.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Readiness and Management Support met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2007.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2007.

LINE-ITEM RESCISSION AUTHORITY

Committee on the Budget: Committee concluded a hearing to examine S. 2381, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line-item rescission authority, after receiving testimony from Senator Byrd; Austin Smythe, Acting Deputy Director, Office of Management and Budget; Donald B. Marron, Acting Director, Congressional Budget Office; Louis Fisher, Specialist at the Law Library, Library of Congress; and Charles J. Cooper, Cooper and Kirk, PLLC, Washington, D.C.

BUDGET: NATIONAL SCIENCE FOUNDATION

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine fiscal year 2007 budget request, programs and science priorities of the National Science Foundation, after receiving testimony from Arden L. Bement, Jr., Director, National Science Foundation; Warren M. Washington, Chairman, National Science Board; Alan I. Leshner, American Association for the Advancement of Science, Washington, D.C.; and Jerome D. Odom, University of South Carolina Foundations, Columbia, on behalf of EPSCoR/IDeA Foundation.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 2459, to improve cargo security, with an amendment in the nature of a substitute;

H.R. 2066, to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, with amendments;

An original resolution thanking Joyce Rechtschaffen for her service to the Senate and to the Committee on Homeland Security and Governmental Affairs; and

The nominations of Uttam Dhillon, of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security, and Mark D. Acton, of Kentucky, to be a Commissioner of the Postal Rate Commission.

Also, committee approved a committee report entitled "Hurricane Katrina: A Nation Still Unprepared."

FBI OVERSIGHT

Committee on the Judiciary: Committee held an oversight hearing to examine the current state of the Federal Bureau of Investigation (FBI), focusing on the National Security Branch, human resources, and the Trilogy Project information technology system

and the payment of questionable contractor costs and missing assets, receiving testimony from Robert S. Mueller III, Director, FBI, and Glenn A. Fine, Inspector General, both of the Department of Justice; Linda M. Calbom, Director, Financial Management and Assurance, Government Accountability Office; and John C. Gannon, BAE Systems Information Technology, McLean, Virginia.

Hearing recessed subject to the call.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit, Sean F. Cox and Thomas L. Ludington, each to be United States District Judge for the Eastern District of Michigan, who were introduced by Senators Levin and Stabenow and Representative Camp, and Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General, Department of Justice, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 9, 5253–5277; and 6 resolutions, H. Con. Res. 397; and H. Res. 788, 790–793, were introduced. **Pages H1979–80**

Additional Cosponsors: **Pages H1980–81**

Reports Filed: Reports were filed today as follows:

H. Con. Res. 359, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (H. Rept. 109–448);

S. 1736, to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies (H. Rept. 109–449); and

H. Res. 789, providing for consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses (H. Rept. 109–450). **Pages H1978–79**

Speaker: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. **Page H1923**

Recess: The House recessed at 12:37 p.m. and reconvened at 2 p.m. **Page H1924**

Private Calendar: On the call of the Private calendar, the House passed S. 584, to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park—clearing the measure for the President. **Pages H1924–25**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Earl D. Hutto Post Office Building Designation Act: H.R. 5107, to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the ''Earl D. Hutto Post Office Building''; **Pages H1927–28**

John Paul Hammerschmidt Post Office Building Designation Act: H.R. 4811, to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the ''John Paul Hammerschmidt Post Office Building''; **Pages H1928–30**

Governor John Anderson, Jr. Post Office Building Designation Act: H.R. 4674, to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the ''Governor John Anderson, Jr. Post Office Building''; **Pages H1930–31**

Ronald Bucca Post Office Designation Act: H.R. 4995, to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the ''Ronald Bucca Post Office''; **Pages H1931–32**

Lieutenant Michael P. Murphy Post Office Building Designation Act: H.R. 4101, to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building''; **Pages H1932–33**

Native American Technical Corrections Act of 2006: H.R. 3351, concur in the Senate amendment, to make technical corrections to laws relating to Native Americans—clearing the measure for the President; **Pages H1933–36**

Salt Cedar and Russian Olive Control Demonstration Act: H.R. 2720, amended, to further the purposes of the Reclamation Projects Authorization

and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive; **Pages H1936–38**

Dana Point Desalination Project Authorization Act: H.R. 3929, amended, to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California; **Pages H1938–39**

Central Texas Water Recycling Act of 2005: H.R. 3418, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project; **Pages H1939–40**

Congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy: H.R. 697, amended, to congratulate the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy, by a yea-and-nay vote of 409 yeas with none voting "nay", Roll No. 111; **Pages H1940–41, S1950**

Agreed to amend the title so as to read: "Congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic and Paralympic Teams, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy". **Pages H1950–51**

Recognizing the 58th anniversary of the independence of the State of Israel: H. Con. Res. 392, amended, to recognize the 58th anniversary of the independence of the State of Israel, by a yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 112; **Pages H1941–44, S1951**

Conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes: H. Con. Res. 90, amended, to convey the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes; and **Pages H1944–48**

Supporting the goals and ideals of World Water Day: H. Res. 658, amended, to support the goals and ideals of World Water Day, by a yea-and-nay vote of 397 yeas to 14 nays, Roll No. 113. **Pages H1948–50, H1951–52**

Senate Message: Message received from the Senate today appears on page H1970.

Senate Referrals: S. 1003 and S. Con. Res. 91 were held at the desk.

Quorum Calls—Votes: 3 yea-and-nay votes developed during the proceedings today and appear on pages H1950, H1951, and H1951–52. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:18 p.m.

Committee Meetings

SENIORS INDEPENDENCE ACT

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing on the Seniors Independence Act of 2006. Testimony was heard from Josefina Carbonell, Assistant Secretary, Aging, Department of Health and Human Services; Mason Bishop, Deputy Assistant Secretary, Employment Training Administration, Department of Labor; Lt. Gov. Andre Bauer, State of South Carolina; and public witnesses.

U.N. SANCTIONS AFTER OIL-FOR-FOOD

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled "U.N. Sanctions After Oil-for-Food: Still a Viable Diplomatic Tool?" Testimony was heard from Ambassador John R. Bolton, Permanent United States Representative to the United Nations, Department of State; Joseph A. Christoff, Director, International Affairs and Trade Team, GAO; and public witnesses.

REDUCING VULNERABILITIES TO WEAPONS OF MASS DESTRUCTION

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack met in executive session to receive a briefing on the Defense Science Board's 2005 study "Reducing Vulnerabilities to Weapons of Mass Destruction." The Subcommittee was briefed by the following Co-

Chairs of the study: Larry Lynn, Independent Consultant to the Department of Defense, member of the Defense Science Board and the Threat Reduction Advisory Council; and Robert Nesbit, Senior Vice President and General Manager, Center for Integrated Intelligence Systems, DOD C31 Federally Funded Research and Development Center.

SAFE PORT ACT

Committee on Rules: Granted, by a vote of 7 to 3, a structured role providing one hour of general debate on H.R. 4954, SAFE Port Act, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Homeland Security. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report accompanying the resolution may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides on motion to recommit with or without instructions. Testimony was heard from Chairman King of New York and Representatives Daniel E. Lungren of California, Shays Rohrabacher, Thompson of Mississippi, Loretta Sanchez of California, Markey, Christensen, Oberstar, Nadler, Stupak, Millender-McDonald, Sherman, and Weiner.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 3, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Health and Human Services, 9 a.m., SD–226.

Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2007 for Defense Medical Health Program, 10 a.m., SD–192.

Subcommittee on District of Columbia, to hold hearings to examine ways to eliminate penalties for marriage for low income families, 10 a.m., SD–124.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Office of Compliance, Government Printing Office and Congressional Budget Office, 10:30 a.m., SD–138.

Subcommittee on Commerce, Justice, Science and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Commerce, 2 p.m., S–146, Capitol.

Committee on Armed Services: Subcommittee on SeaPower, closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007, 9 a.m., SR–222.

Subcommittee on Airland, closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007, 10 a.m., SR–232A.

Subcommittee on Strategic Forces, closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007, 11:30 a.m., SR–222.

Full Committee, closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2007, 3:30 p.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Product Safety, and Insurance, to hold hearings to examine pool safety issues, 2:30 p.m., SD–562.

Committee on Foreign Relations: to hold hearings to examine the nominations of Robert F. Godec, of Virginia, to be Ambassador to the Republic of Tunisia, and Robert S. Ford, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria, 3:30 p.m., SD–419.

Select Committee on Intelligence: closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine the future of social services for older Americans, 10 a.m., SD–106.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, to mark up the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for Fiscal Year 2007, 11:30 a.m., 2362A Rayburn.

Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on State Department, Public Diplomacy, 10 a.m., 2359 Rayburn.

Committee on Armed Services, to mark up H.R. 5122, National Defense Authorization Act for Fiscal Year 2007, 10:30 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing entitled "Building American Competitiveness: Examining the Scope and Success of Existing Federal Math and Science Programs," 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, hearing on a measure to authorize the National Highway Traffic Safety Administration to set passenger car fuel economy standards, 10 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade, and Consumer Protection, to continue hearings entitled "Digital Content and Enabling Technology: Satisfying the 21st Century Consumer," 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to continue hearings entitled "Sexual Exploitation of Children Over the Internet: What Parents, Kids and Congress Need To Know About Child Predators," 2 p.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled "Protecting Investors and Fostering Efficient Markets: A Review of the S.E.C. Agenda," 10 a.m., 2128 Rayburn.

Committee on International Relations, Subcommittee on Europe and Emerging Threats, hearing on The United States and NATO: Transformation and the Riga Summit, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, to mark up the following bills: H.R. 4777, Internet Gambling Prohibition Act; and H.R. 5077, Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) Modernization and Reform Act; followed by a hearing on the following bills: H.R. 1384, Firearm Commerce Modernization Act; and H.R. 1415, NICS Improvement Act, 10 a.m., 2141 Rayburn.

Committee on Resources, hearing on the following bills; H.R. 5018, American Fisheries Management and Maine Life Enhancement Act; and H.R. 1431, Fisheries Science and Management Enhancement Act of 2005, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power and the Subcommittee on Forests and Forest Health, joint oversight hearing on The Need for Proper Forest Management on Federal Rights of Way to Ensure Reliable Electricity Service, 10 a.m., 1334 Longworth.

Committee on Science, hearing on the Role of the National Science Foundation in K–12 Science and Math Education, 10 a.m.; and to mark up H.R. 5143, H–Prize Act of 2006, 3:30 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "Sarbanes-Oxley Section 404: What Is the Proper Balance Between Investor Protection and Capital Formation for Smaller Public Companies?" 2 p.m., 2360 Rayburn.

Subcommittee on Rural Enterprises, Agriculture and Technology, hearing entitled "The Future of Rural Telecommunications: Is Universal Service Reform Needed?" 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on Mishandled Baggage: Problems and Solutions, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on Implementation of the Medicare Drug Benefit, 2 p.m., 1100 Longworth.

Next Meeting of the **SENATE**
9:30 a.m., Wednesday, May 3

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of H.R. 4939, Emergency Supplemental Appropriations, with a vote on Coburn Amendment No. 3641 (Division XIX) following 1 hour of debate.

Next Meeting of the **HOUSE OF REPRESENTATIVES**
10 a.m., Wednesday, May 3

House Chamber

Program for Wednesday: Consideration of suspensions as follows: (1) H. Res. 781—Congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education; (2) H. Con. Res. 359—Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; (3) H.R. 4700—To provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan; (4) H.R. 5253—To prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil; (5) H.R. 5254—Refinery Permit Process Schedule Act; (6) H. Con. Res. 99—Expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; and (7) H. Res. 245—Supporting the goals and ideals of National Nurses Week. Consideration of H.R. 4975—Lobbying Accountability and Transparency Act of 2006 (Structured Rule).

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