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No. 58

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
May 12, 2006.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

### PRAYER

The Reverend Dr. Barry C. Black, Chaplain, United States Senate, offered the following prayer:

Our gracious Redeemer, we have loved You, but not enough. We have sought You, but not diligently. We have seen, but not perceived. We have heard, but not understood. We have desired things heavenly, but clung to the things on earth.

Strengthen the Members of this body to do Your will. As they learn to love, seek, perceive, desire, and understand Your will, give them the peace that comes from trusting You.

We pray in Your holy name. 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. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER 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.

### REPORT ON H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. LEWIS of California, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109-463) on the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2006.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 12, 2006, at 10:50 a.m.:

That the Senate passed S. 2245.

With best wishes, I am,

Sincerely,

MARJORIE C. KELAHER,  
*Deputy Clerk of the House.*

### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2245. An act to establish an Indian youth telemental health demonstration project; to the Committee on Resources, 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.

### ADJOURNMENT

Mr. LEWIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, May 15, 2006, at 2 p.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7485. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a Report on Activities and Programs for Countering Proliferation and NBC Terrorism, pursuant to Public Law 107-314, section 1208; to the Committee on Armed Services.

7486. A letter from the Attorney, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Lighters and Lighter Refills [Docket No. RSPA-2004-18795 (HM-237)] (RIN: 2120-AD88) received April 27, 2006, pursuant to 5 U.S.C.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7487. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Gothenburg, Quinn Field, NE [Docket No. FAA-2006-23545; Airspace Docket No. 06-ACE-1] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7488. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; and Revision of Class E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK [Docket No. FAA-2005-20643; Airspace Docket No. 05-AAL-13] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7489. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Koliganek, AK [Docket No. FAA-2005-22538; Airspace Docket No. 05-AAL-30] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7490. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of High Altitude Area Navigation Routes; South Central United States [Docket No. FAA-2005-22398; Airspace Docket No. 05-ASO-7] (RIN: 2120-AA66) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7491. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Minneapolis Class B Airspace Area; MN [Docket No. FAA-2003-15471; Airspace Docket No. 03-AWA-6] (RIN: 2120-AA66) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7492. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Section 338 to Insurance Companies [TD 9257] (RIN: 1545-AY49) received April 17, 2006, pursuant to 26 U.S.C. 5704 Public Law 106-476, section 4002(e); to the Committee on Ways and Means.

7493. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gulf Opportunity Zone Bonds, Gulf Opportunity Zone Advance Refunding Bonds, and Gulf Tax Credit Bonds [Notice 2006-41] received April 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7494. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Statutory Mergers and Consolidations [TD 9259] (RIN: 1545-BF36) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7495. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Separate Limitations to Dividends from Noncontrolled Section 902 Corporations [TD 9260] (RIN: 1545-BF46) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7496. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2006-23) received May 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA: Committee on Appropriations. H.R. 5384. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109-463). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. COSTELLO introduced a resolution (H. Res. 814) providing for consideration of the bill (H.R. 4755) to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes; which was referred to the Committee on Rules.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 952: Mr. THOMPSON of California.  
H.R. 1652: Mr. INSLEE.  
H.R. 2812: Mr. CONYERS.  
H.R. 4197: Mrs. MCCARTHY.  
H.R. 4215: Mr. CASE.  
H.R. 4229: Mr. SANDERS.  
H.R. 4313: Mr. DOOLITTLE.  
H.R. 4932: Mr. LANTOS.  
H.R. 5052: Mr. VAN HOLLEN.  
H.R. 5148: Mr. RAHALL and Mr. BISHOP of Georgia.  
H.R. 5336: Ms. GINNY BROWN-WAITE of Florida.  
H. Con. Res. 390: Mr. SENSENBRENNER, Mr. RYUN of Kansas, and Mr. SOUDER.

## DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Darlene Hooley.  
Petition 7 by Ms. HERSETH on House Resolution 568: Darlene Hooley and Rosa L. DeLauro.  
Petition 12 by Mr. MARKEY on H.R. 4263: Tom Lantos and Wm. Lacy Clay.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4200

OFFERED BY Mr. POMBO

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as “Forest Emergency Recovery and Research Act”.

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

Sec. 1. Short title and table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

### TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL LANDS

Sec. 101. Development of research protocols and use in catastrophic event research projects.

Sec. 102. Catastrophic event recovery evaluations.

Sec. 103. Compliance with National Environmental Policy Act.

Sec. 104. Availability and use of pre-approved management practices.

Sec. 105. Availability and use of emergency procedures.

Sec. 106. Administrative and judicial review.

Sec. 107. Guidance regarding reforestation in response to catastrophic events.

Sec. 108. Effect of title.

Sec. 109. Standards for tree retention.

### TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATA- STROPHIC EVENTS

#### Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 201. Assistance under Cooperative Forestry Assistance Act of 1978 to restore landscapes and communities affected by catastrophic events.

#### Subtitle B—Department of the Interior Assistance

Sec. 211. Restoring landscapes.

Sec. 212. Restoring communities.

### TITLE III—EXPERIMENTAL FORESTS

Sec. 301. Findings.

Sec. 302. Availability and use of pre-approved management practices on National Forest experimental forests.

Sec. 303. Limited consideration of alternatives for projects on National Forest experimental forests.

### TITLE IV—GENERAL PROVISIONS

Sec. 401. Regulations.

Sec. 402. Dedicated source of funds for research and monitoring.

Sec. 403. Other funding sources.

Sec. 404. Effect of declaration of major disaster or emergency.

### SEC. 2. FINDINGS.

Congress finds the following:

(1) The number and severity of catastrophic events causing resource damage to Federal land has significantly increased over the last 20 years, and such catastrophic events also create serious adverse environmental, social, and economic consequences for Federal land and adjacent non-Federal land and communities.

(2) Catastrophic events often devastate forest or rangeland ecosystems and eliminate sources of seed for desired tree and plant species, which—

(A) delays or even precludes the reestablishment of appropriate forest or plant cover on millions of acres of Federal land;

(B) increases the susceptibility of the damaged land to wildfire and noxious or harmful species and reduces the economic value of the damaged land's resources;

(C) increases the susceptibility of adjacent undamaged land to insect infestations, disease, and noxious weeds;

(D) pollutes municipal water supplies and damages water delivery infrastructure;

(E) exacerbates sediment production that adversely impacts native fish habitat and soil productivity;

(F) results in unsafe campgrounds, trails, roads, and other infrastructure; and

(G) adversely impacts the sustainability of ecosystems and the well-being of adjacent communities.

(3) Program authorities and funding mechanisms currently available to the Secretary of Agriculture and the Secretary of the Interior to respond to catastrophic events on forested Federal land do not provide for consistent and timely response activities.

(4) The Council on Environmental Quality has approved on an infrequent basis the use of alternative arrangements to respond to catastrophic events on forested Federal land, but, when used in the past, such alternative arrangements have encouraged expedited and successful recovery outcomes.

(5) A prompt and standardized management response to a catastrophic event, which is also adaptive to the unique characteristics of each catastrophic event, is needed—

(A) to effectively recover the area damaged by the catastrophic event,

(B) to minimize the impact on the resources of the area and adjacent communities adversely affected by the catastrophic event; and

(C) to recover damaged, but still merchantable, material before it loses its economic value.

(6) Reforestation treatments on forested Federal land after a catastrophic event helps to restore appropriate forest cover, which provides multiple renewable resource benefits, including—

(A) protecting soil and water resources;

(B) providing habitat for wildlife and fish;

(C) contributing to aesthetics and enhancing the recreational experience for visitors;

(D) providing a future source of timber for domestic use; and

(E) ensuring the health and resiliency of affected ecosystems for present and future generations.

(7) According to the Comptroller General, the reforestation backlog for Federal land has increased since 2000 as a result of natural disturbances, such as wildland fires, insect infestations, and diseases.

(8) Additional scientific and monitoring information is needed regarding the effectiveness of recovery treatments to improve subsequent recovery proposals in response to future catastrophic events.

(9) State, tribal, and local governments, local communities, and other entities play a critical role in restoring landscapes damaged by a catastrophic event and in reducing the risks associated with the catastrophic event.

(10) Greater resources and adaptive arrangements must be made available to land managers to facilitate the prompt implementation of recovery treatments, including reforestation, following catastrophic events.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **BURNED AREA EMERGENCY RESPONSE.**—The term “burned area emergency response” means the process used by the Secretary concerned to plan and implement emergency stabilization actions on Federal land in response to a catastrophic event in order to minimize threats to life or property or to stabilize and prevent unacceptable degradation to natural and cultural resources resulting from the effects of the catastrophic event.

(2) **CATASTROPHIC EVENT.**—The term “catastrophic event” means any natural disaster or any fire, flood, or explosion, regardless of cause, that the Secretary concerned determines has caused or will cause damage of significant severity and magnitude to Federal land or, in the case of title II, non-Federal land. A natural disaster may include a hurricane, tornado, windstorm, snow or ice storm, rain storm, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, or insect or disease outbreak.

(3) **CATASTROPHIC EVENT RECOVERY.**—The term “catastrophic event recovery”, with re-

spect to an area of Federal land damaged by a catastrophic event, means—

(A) if the catastrophic event involved fire, the rehabilitation and restoration activities (other than any emergency stabilization treatments undertaken as part of the burned area emergency response) that are undertaken on the damaged Federal land, including any infrastructure or facilities thereon, in response to the catastrophic event;

(B) if the catastrophic event did not involve fire, the emergency stabilization and rehabilitation and restoration activities that are undertaken on the damaged Federal land, including infrastructure or facilities thereon, in response to the catastrophic event; or

(C) the reforestation or revegetation, consistent with the applicable land and resource management plan, of the damaged Federal land in response to the catastrophic event using, to the extent practicable and preferable, native or beneficial plants to avoid creation of plantation forests and the recovery of trees on the damaged Federal land, through the use of timber harvesting and other appropriate methods of forest regeneration.

(4) **CATASTROPHIC EVENT RECOVERY EVALUATION.**—The term “catastrophic event recovery evaluation”, with respect to an area of Federal land damaged by a catastrophic event, means an evaluation of the damaged Federal land that is conducted in accordance with section 102.

(5) **CATASTROPHIC EVENT RECOVERY PROPOSAL.**—The term “catastrophic event recovery proposal” means the list and brief description of catastrophic event recovery projects, catastrophic event research projects, and pre-approved management practices that are—

(A) identified as part of the catastrophic event recovery evaluation of an area of Federal land damaged by a catastrophic event; and

(B) proposed to be undertaken to facilitate the catastrophic event recovery of the area or evaluate the effects and effectiveness of such recovery efforts.

(6) **CATASTROPHIC EVENT RECOVERY PROJECT.**—The term “catastrophic event recovery project” means an individual activity or a series of activities identified in a catastrophic event recovery proposal for an area of Federal land damaged by a catastrophic event and proposed to be undertaken in response to the catastrophic event to promote catastrophic event recovery.

(7) **CATASTROPHIC EVENT RESEARCH PROJECT.**—The term “catastrophic event research project” means a scientifically designed study of the effects and effectiveness of—

(A) any catastrophic event recovery projects undertaken in an area of land damaged by a catastrophic event; and

(B) any emergency stabilization treatments undertaken as part of a burned area emergency response in the area of land damaged by a catastrophic event.

(8) **COMMUNITY WILDFIRE PROTECTION PLAN.**—The term “community wildfire protection plan” has the meaning given that term in section 101(3) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6511(3)).

(9) **ELIGIBLE ENTITY.**—The term “eligible entity”, for purposes of providing assistance under subtitle B of title II, means a State, Federal or equivalent State official, an Indian tribe, local government, community-based organization, or other person.

(10) **FEDERAL LAND.**—The term “Federal land” means land in the National Forest System and public lands. The term does not include any land contained in a component of the National Wilderness Preservation System or designated as a national monument.

(11) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(12) **LAND AND RESOURCE MANAGEMENT PLAN.**—The term “land and resource management plan” means—

(A) a land and resource management plan developed for a unit of the National Forest System under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan developed for an area of the public lands under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(13) **LAND-GRANT COLLEGES AND UNIVERSITIES.**—The term “land-grant colleges and universities” has the meaning given that term in section 1404(11) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(11)).

(14) **LANDSCAPE ASSESSMENT.**—The term “landscape assessment” means an assessment describing catastrophic event conditions and recovery needs and opportunities on non-Federal land affected by a catastrophic event and including a list of proposed special recovery projects to address those needs and opportunities.

(15) **NATIONAL FOREST SYSTEM.**—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(16) **PRE-APPROVED MANAGEMENT PRACTICE.**—The term “pre-approved management practice” means a management practice identified by the Secretary concerned under section 104(a) that may be immediately implemented as part of a catastrophic event recovery project or catastrophic event research project to facilitate the catastrophic event recovery of an area of Federal land damaged by a catastrophic event.

(17) **PUBLIC LANDS.**—The term “public lands” has the meaning given that term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(18) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public lands.

(19) **SPECIAL RECOVERY PROJECT.**—The term “special recovery project” means an individual activity or a series of activities proposed to be undertaken to rehabilitate, repair, and restore non-Federal land damaged by a catastrophic event, community infrastructure and facilities on the land, and economic, social, and cultural conditions affected by the catastrophic event.

## TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL LANDS

### SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND USE IN CATASTROPHIC EVENT RESEARCH PROJECTS.

(a) **DEVELOPMENT OF PROTOCOLS; PURPOSE.**—For the purpose of conducting and evaluating the effectiveness and effects of a catastrophic event recovery project and of emergency stabilization treatments undertaken as part of a burned area emergency response, the Secretary concerned shall develop research protocols consisting of—

(1) a research approach that is specifically designed to improve knowledge, understanding, and predictive capabilities—

(A) to increase the long-term benefits of management activities, including natural and artificial regeneration of vegetation; and

(B) to decrease the short-term impacts of such management activities;

(2) an appropriate and scientifically sound experimental design or set of sampling procedures; and

(3) accompanying methods of data analysis and interpretation.

(b) **PEER REVIEW.**—The research protocols developed under subsection (a), and any subsequent modification thereof, shall be subject to peer review, including independent, third-party peer review, by scientific and land management experts.

(c) **TIME FOR COMPLETION; MODIFICATION.**—The research protocols required by this section shall be submitted to Congress not later than 180 days after the date of the enactment of this Act. The Secretary concerned may modify the research protocols, as the Secretary determines necessary, after their submission to Congress. The Secretary concerned shall notify Congress regarding any such modification.

(d) **CATASTROPHIC EVENT RESEARCH PROJECTS.**—In accordance with the research protocols developed under this section, the Secretary concerned may conduct one or more catastrophic event research projects in an area of land damaged by a catastrophic event. The Secretary may develop a proposed catastrophic event research project as part of a catastrophic event recovery proposal or develop a catastrophic event research project independently of the catastrophic event recovery proposal during the catastrophic event recovery in response to changing conditions in the area damaged by the catastrophic event.

(e) **PUBLIC ACCESS.**—

(1) **PROTOCOLS.**—The Secretary concerned shall make the research protocols developed under subsection (a), including any modification thereof, publicly available, in a form determined to be appropriate by the Secretary.

(2) **RESEARCH RESULTS.**—After completion of the peer review required by subsection (b), the Secretary concerned shall make the results of catastrophic event research projects publicly available, in a form determined to be appropriate by the Secretary.

(f) **FOREST HEALTH PARTNERSHIPS.**—In developing and using the research protocols required by this section, the Secretary concerned shall enter into cooperative agreements with land-grant colleges and universities and other institutions of higher education to form forest health partnerships, including regional institutes, to utilize their education, research, and outreach capacity to address the catastrophic event recovery of forested land. A forest health partnership may be aligned with the current network of Cooperative Ecosystem Studies Units.

## SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.

(a) **COMMENCEMENT.**—

(1) **EVALUATION REQUIRED.**—In response to a catastrophic event affecting 1,000 or more acres of Federal land, the Secretary concerned shall conduct a catastrophic event recovery evaluation of the damaged Federal land.

(2) **EVALUATION AUTHORIZED.**—If a catastrophic event affects more than 250 acres of Federal land, but less than 1,000 acres, the Secretary concerned is authorized, but not required, to conduct a catastrophic event recovery evaluation of the damaged Federal land.

(b) **TIME FOR COMMENCEMENT.**—

(1) **WHEN EVALUATION REQUIRED.**—When a catastrophic event recovery evaluation is required under subsection (a)(1), the Secretary concerned shall commence the catastrophic event recovery evaluation for the Federal land damaged by the catastrophic event—

(A) as soon as practicable during or after the conclusion of the catastrophic event to facilitate prompt decision-making with regard to the catastrophic event recovery of the damaged Federal land; but

(B) in no event later than 30 days after the conclusion of the catastrophic event.

(2) **WHEN EVALUATION DISCRETIONARY.**—When a catastrophic event recovery evaluation is simply discretionary under subsection (a)(2), the Secretary concerned shall make a final decision whether to commence a catastrophic event recovery evaluation for the Federal land damaged by the catastrophic event, and, if the final decision is to commence a catastrophic event recovery evaluation, actually commence the evaluation—

(A) as soon as practicable during or after the conclusion of the catastrophic event to facilitate prompt decision-making with regard to the catastrophic event recovery of the damaged Federal land; but

(B) in no event later than 30 days after the conclusion of the catastrophic event.

(c) **COMPLETION.**—

(1) **TIME FOR COMPLETION.**—To facilitate prompt implementation of catastrophic event recovery projects on Federal land damaged by a catastrophic event when a catastrophic event recovery evaluation is undertaken under subsection (a), whether because the evaluation is required under paragraph (1) of such subsection or because the Secretary concerned makes a decision to conduct an evaluation under paragraph (2) of such subsection, the Secretary concerned shall complete the catastrophic event recovery evaluation for the damaged Federal land not later than 30 days after the date on which Secretary commenced the catastrophic event recovery evaluation.

(2) **EXTENSION.**—The Secretary concerned may extend the completion date for a catastrophic event recovery evaluation, on a case-by-case basis, when the Secretary concerned determines that additional time is necessary to evaluate a complex catastrophic event, an on-going catastrophic event, or a series of catastrophic events. Only a single extension may be provided for any catastrophic event recovery evaluation, and the extension shall not be longer than 60 days after the date on which the evaluation was otherwise required to be completed under paragraph (1).

(d) **ELEMENTS OF CATASTROPHIC EVENT EVALUATION.**—In conducting the catastrophic event recovery evaluation for an area of Federal land damaged by a catastrophic event, the Secretary concerned shall prepare the following:

(1) A description of catastrophic event conditions on the damaged Federal land, recovery needs and opportunities, and the areas where management intervention would be helpful to achieve the catastrophic event recovery of the damaged Federal land.

(2) A preliminary determination of any catastrophic event research projects that best fit the circumstances of the particular catastrophic event environment or would enhance scientific understanding relevant to the damaged area.

(3) A catastrophic event recovery proposal containing possible catastrophic event recovery projects and catastrophic event research projects for the damaged area and describing the anticipated size and scope of these projects.

(4) One or more maps detailing the area of damaged Federal land and the location of catastrophic event recovery proposals.

(5) A preliminary estimate of the funding that would be needed to complete the catastrophic event recovery projects and catastrophic event research projects contained in the catastrophic event recovery proposal.

(6) A preliminary estimate of the receipts, including receipts from biomass and other forest products, to be derived from the catastrophic event recovery projects and catastrophic event research projects contained in the catastrophic event recovery proposal,

and, to the maximum extent practicable, an estimate of revenues likely to be lost if action is not taken in a timely manner.

(7) A preliminary schedule showing the timing of possible catastrophic event recovery projects and catastrophic event research projects by fiscal year, assuming funding is available to undertake the projects.

(e) **USE OF PRE-APPROVED MANAGEMENT PRACTICES OR EMERGENCY PROCEDURES.**—

(1) **DETERMINATION.**—In addition to complying with the requirements specified in subsection (d) for each catastrophic event recovery evaluation, the Secretary concerned shall make a determination of—

(A) whether or not any pre-approved management practices should be immediately implemented under section 104 to facilitate the catastrophic event recovery of the area covered by the catastrophic event recovery evaluation; and

(B) whether or not any catastrophic event recovery project or catastrophic event research project, or portion of such a project, contained in the catastrophic event recovery proposal should be developed and carried out using the emergency procedures authorized by section 105.

(2) **FACTORS.**—In making any determination under paragraph (1)(B) to develop and carry out a catastrophic event recovery project or catastrophic event research project, or portion of such a project, using emergency procedures under section 105, the Secretary concerned shall consider at a minimum the following:

(A) The necessity of promptly responding to the catastrophic event on the damaged Federal land.

(B) The recovery needs and opportunities identified under subsection (d)(1) with respect to the damaged Federal land.

(C) The lack of pre-approved management practices authorized by section 104 applicable to the damaged Federal land.

(D) The threat to public health and safety.

(E) The likelihood of substantial loss of adjacent private and public property or other substantial economic losses.

(3) **CEQ NOTIFICATION.**—The Secretary concerned shall make the determination under paragraph (1) after notification of the Council on Environmental Quality, but the determination remains in the sole discretion of the Secretary.

(f) **INTERDISCIPLINARY APPROACH.**—To conduct the catastrophic event recovery evaluation of an area of Federal land damaged by a catastrophic event, the Secretary concerned shall use a systematic, interdisciplinary approach that insures the integrated use of appropriate natural and social sciences.

(g) **COORDINATION WITH OTHER ACTIVITIES.**—

(1) **RELATED ASSESSMENT OF NON-FEDERAL LAND.**—The Secretary concerned may combine the preparation of a catastrophic event recovery evaluation of Federal land with the preparation of a landscape assessment for non-Federal land in the vicinity of the damaged Federal land prepared under subtitle B of title II or subsection (c) of section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c), as added by section 201.

(2) **RELATED COMMUNITY WILDFIRE PROTECTION PLANS.**—During preparation of a catastrophic event recovery evaluation for an area of Federal land damaged by a catastrophic event involving wildfire, the Secretary concerned shall consider post-fire management recommendations, if any, contained in any community wildfire protection plan addressing the damaged Federal land.

(h) **PUBLIC COLLABORATION.**—To encourage meaningful participation during the preparation of catastrophic event recovery projects, the Secretary concerned shall facilitate collaboration among State and local governments, Indian tribes, land-grant colleges and

universities, and interested persons during the preparation of catastrophic event recovery evaluations and catastrophic event recovery proposals.

(1) PUBLIC NOTICE.—

(1) NOTICE OF EVALUATION.—The Secretary concerned shall provide public notice of each catastrophic event recovery evaluation, including the catastrophic event recovery proposal prepared as part of the evaluation. The notice shall be provided in a form determined to be appropriate by the Secretary concerned.

(2) NOTICE OF PUBLIC MEETINGS.—The Secretary concerned shall provide notice of public meetings conducted in connection with a catastrophic event recovery evaluation and the availability of preliminary analyses or documents prepared as part of the evaluation. The notice shall be provided at such times and in such a manner as the Secretary concerned considers appropriate.

**SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.**

(a) COMPLIANCE REQUIRED.—Except as provided in subsection (b), the Secretary concerned shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.), its implementing regulations, and other applicable laws in designing and conducting catastrophic event recovery projects and catastrophic event research projects.

(b) SATISFACTION OF NEPA REQUIREMENTS.—The following activities are deemed to satisfy the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 et seq.) and its implementing regulations:

(1) The preparation of the list of pre-approved management practices under section 104.

(2) The use of pre-approved management practices on the list in the manner provided in section 104.

(3) The use of emergency procedures in the manner provided in section 105.

**SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MANAGEMENT PRACTICES.**

(a) LIST OF AVAILABLE PRE-APPROVED MANAGEMENT PRACTICES.—The Secretary concerned shall prepare a list of management practices, by forest type or plant association group, that may be immediately implemented as part of a catastrophic event recovery project or catastrophic event research project to facilitate the catastrophic event recovery of an area of Federal land damaged by a catastrophic event. The list of pre-approved management practices shall be prepared using notice and comment rule making under section 553 of title 5, United States Code.

(b) PEER REVIEW.—Before a management practice may be included on the list of pre-approved management practices, the management practice shall be subject to peer review, including independent, third-party peer review, by scientific and land management experts. The results of the peer review shall be available to the public during the comment period.

(c) REVISION OR AMENDMENT OF LIST.—The Secretary concerned may amend or revise the list of pre-approved management practices as necessary whenever new scientific and managerial information becomes available. Subsections (a) and (b) shall apply to the amendment or revision process.

(d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

(1) ROAD CONSTRUCTION.—A pre-approved management practice may not authorize any permanent road building. Any temporary road constructed as part of a pre-approved management practice shall be obliterated upon conclusion of the practice and the road area restored to the extent practicable.

(2) TIMBER HARVESTING.—Timber harvesting carried out as part of a pre-approved management practice shall be limited to trees—

(A) that are already down, dead, broken, or severely root sprung;

(B) regarding which mortality is highly probable within five years after the end of the catastrophic event; or

(C) that are required to be removed for worker or public safety.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) ESA CONSULTATION.—In the case of the proposed use of a pre-approved management practice included on the list prepared under subsection (a), the Secretary concerned may use the emergency procedures described in section 402.05 of title 50, Code of Federal Regulations, to comply with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536). At the conclusion of the consultation, the statement required by subsection (b)(4) of such section shall be issued for any incidental taking that may occur while using the pre-approved management practice, which shall be effective beginning on the date the Secretary concerned initiates the practice and shall apply to all persons assisting or cooperating with the Secretary in using the practice.

(2) OTHER REQUIRED CONSULTATION.—Any consultation required under other laws, such as the National Historic Preservation Act (16 U.S.C. 470 et seq.), may proceed simultaneously with the implementation of a pre-approved management practice. Results of consultation shall be immediately incorporated into the practice, to the extent feasible, practical, and consistent with the response, recovery, and rehabilitation objectives of the project.

(3) FEDERAL WATER POLLUTION CONTROL ACT COMPLIANCE.—Compliance with any applicable requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) may proceed simultaneously with the implementation of a pre-approved management practice.

(f) ISSUANCE OF DECISION DOCUMENT.—Not later than 30 days after the date on which the Secretary concerned makes the determination under section 102(e) to use a pre-approved management practice to facilitate the catastrophic event recovery of an area of Federal land damaged by a catastrophic event, the Secretary concerned shall issue a concise decision document that contains the following:

(1) A description of the pre-approved management practice to be implemented.

(2) The rationale for the agency decision.

(3) An economic analysis and justification.

(4) An analysis of the environmental effects of the pre-approved management practice and how such effects will be minimized or mitigated consistent with the applicable land and resource management plan. As part of this analysis, the Secretary concerned shall consider, to the extent the Secretary concerned determines appropriate, forest type or plant association group, standing and down-dead wood, watershed, water quality, wildlife habitat, and soils applicable to the damaged Federal land.

(g) IMMEDIATE IMPLEMENTATION.—The Secretary concerned shall implement a pre-approved management practice immediately after the issuance of the decision document under subsection (f), subject only to the availability of funds for the practice.

(h) MONITORING.—To monitor the implementation of a pre-approved management practice, the Secretary concerned may establish a third-party monitoring group, as determined to be appropriate by the Secretary.

**SEC. 105. AVAILABILITY AND USE OF EMERGENCY PROCEDURES.**

(a) LIMITED CONSIDERATION OF ALTERNATIVES.—If the Secretary concerned determines under section 102(e) to utilize emergency procedures to conduct a catastrophic event recovery project or catastrophic event research project, or portion of such a project, the Secretary concerned is not required to study, develop, or describe more than the proposed agency action and the alternative of no action in designing that project or the portion of the project for which the emergency procedures are utilized.

(b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

(1) ROAD CONSTRUCTION.—Emergency procedures under this section may not be used to design or conduct a catastrophic event recovery project or catastrophic event research project, or portion of such a project, that provides for any permanent road building. Any temporary road constructed as part of the project shall be obliterated upon completion of the project and the road area restored to the extent practicable.

(2) TIMBER HARVESTING.—Timber harvesting carried out as part of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which emergency procedures under this section were used shall be limited to trees—

(A) that are already down, dead, broken, or severely root sprung;

(B) regarding which mortality is highly probable within five years after the end of the catastrophic event; or

(C) that are required to be removed for worker or public safety.

(c) COMPLIANCE WITH OTHER LAWS.—

(1) ESA CONSULTATION.—In the case of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which emergency procedures under this section are used, the Secretary concerned may use the procedures described in section 402.05 of title 50, Code of Federal Regulations, to comply with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536). At the conclusion of the consultation, the statement required by subsection (b)(4) of such section shall be issued for any incidental taking that may occur under the project, which shall be effective beginning on the date the Secretary concerned initiates action under the project and shall apply to all persons assisting or cooperating with the Secretary under the project.

(2) OTHER REQUIRED CONSULTATION.—Any consultation required under other laws, such as the National Historic Preservation Act (16 U.S.C. 470 et seq.), may proceed simultaneously with the design of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which emergency procedures under this section are used. Results of consultation shall be immediately incorporated into the project, to the extent feasible, practical, and consistent with the response, recovery, and rehabilitation objectives of the project.

(3) FEDERAL WATER POLLUTION CONTROL ACT COMPLIANCE.—Compliance with any applicable requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) may proceed simultaneously with the design of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which emergency procedures under this section are used.

(d) COMPLETION OF EMERGENCY PROCEDURES AND ISSUANCE OF DECISION DOCUMENT.—Not later than 90 days after the date on which the Secretary concerned makes the determination under section 102(e) to develop and carry out a catastrophic event recovery project or catastrophic event research project, or portion of such a project, using

emergency procedures, the Secretary concerned shall—

(1) complete the emergency procedures for that catastrophic event recovery project or catastrophic event research project, or portion thereof, under this section; and

(2) issue a concise decision document that contains the following:

(A) The rationale for the agency decision.

(B) An economic analysis and justification.

(C) An analysis of the environmental effects of the project and how such effects will be minimized or mitigated consistent with the applicable land and resource management plan. As part of this analysis, the Secretary concerned shall consider, to the extent the Secretary concerned determines appropriate, forest type or plant association group, standing- and down-dead wood, watershed, water quality, wildlife habitat, and soils applicable to the damaged Federal land.

(e) IMMEDIATE IMPLEMENTATION.—In the case of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which the emergency procedures authorized by this section are used, the Secretary concerned shall implement the project, or portion of the project, immediately after the issuance of the decision document under subsection (d), subject only to the availability of funds for the project.

(f) MONITORING.—To monitor a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which the emergency procedures authorized by this section were used, the Secretary concerned may establish a third-party monitoring group, as determined to be appropriate by the Secretary.

#### SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE REVIEW GENERALLY.—Except as provided in subsection (b), nothing in this title affects—

(1) the notice, comment, and appeal requirements of section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public 102-381; 16 U.S.C. 1612 note); and

(2) section 215 of title 36, Code of Federal Regulations.

(b) PREDECISIONAL ADMINISTRATIVE NOTICE, COMMENT, AND REVIEW.—

(1) INTERIM FINAL REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process that will serve as the sole means by which—

(A) the Secretary of Agriculture will provide notice of and solicit comments regarding—

(i) the proposed use of a pre-approved management practice under section 104 on National Forest System land; and

(ii) a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which the emergency procedures under section 105 are used on National Forest System land; and

(B) a person can seek administrative review regarding—

(i) the proposed use of a pre-approved management practice under section 104 on National Forest System land; and

(ii) a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which the emergency procedures under section 105 are used on National Forest System land.

(2) PERIOD COVERED BY REVIEW PROCESS.—The review portion of the predecisional administrative review process described in paragraph (1)(B) shall occur during the period—

(A) beginning on the date on which the Secretary of Agriculture makes a determination to use pre-approved management practices or emergency procedures under section 102(e); and

(B) ending not later than the date of the issuance of applicable decision document under section 104 or 105.

(3) EFFECTIVE DATE.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.

(4) FINAL REGULATIONS.—The Secretary of Agriculture shall promulgate final regulations to establish the predecisional administrative review process described in paragraph (1) as soon as practicable after the interim final regulations have been promulgated and a reasonable period of time has been provided for public comment.

(c) JUDICIAL REVIEW.—Section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516) shall apply with respect to the implementation of a pre-approved management practice under section 104 or a catastrophic event recovery project or catastrophic event research project regarding which the applicable administrative review process has been exhausted. In any proceeding for judicial review of agency action under this subsection, attorney fees awarded to a prevailing party may not exceed the hourly rates established in section 3006A of title 18, United States Code.

#### SEC. 107. GUIDANCE REGARDING REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall—

(1) standardize the collection, reporting, and review procedures for data regarding more aggressive, expedited, and comprehensive reforestation in response to catastrophic events by clarifying agency-wide guidance and developing standard protocols for determining when and how reforestation can be best achieved as part of the response to catastrophic events;

(2) clarify agency-wide guidance regarding reforestation in response to catastrophic events to ensure that such guidance is consistent with agency goals and budget constraints; and

(3) clarify agency-wide guidance regarding the development, during the revision of a land and resource management plan, of goals and objectives for catastrophic event recovery to ensure that such guidance addresses catastrophic event recovery objectives, by forest type or plant association group, related to standing- and down-dead wood, soil and watershed protection, wildlife habitat, and other resource values.

#### SEC. 108. EFFECT OF TITLE.

(a) USE OF OTHER AUTHORITIES.—Nothing in this title affects the use by the Secretary concerned of other statutory or administrative authority, including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), to conduct a catastrophic event recovery project or catastrophic event research project, or portion of such a project, that is not conducted using the emergency procedures authorized by section 105.

(b) PREFERENCE FOR LOCAL OPERATORS.—In the manner provided in section 420 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 553), the Secretary concerned may give consideration to local contractors in awarding a Federal contract to implement—

(1) a pre-approved management practice under section 104; or

(2) a catastrophic event recovery project or catastrophic event research project, or por-

tions of such a project, for which the emergency procedures under section 105 are used.

(c) ADVISORY COMMITTEES.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to—

(1) the peer review provided by scientific and land management experts under section 101(b) or 104(b);

(2) the monitoring process under section 104(h) or 105(f); and

(3) the preparation of a catastrophic event recovery evaluation or catastrophic event recovery proposal.

#### SEC. 109. STANDARDS FOR TREE RETENTION.

(a) STANDING DEAD TREES AND DOWNED WOOD.—In planning or conducting any catastrophic event recovery project or catastrophic event research project, the Secretary concerned shall ensure that—

(1) standing dead tree and downed wood retention guidelines contained in the applicable land and resource management plan are applied; or

(2) if the applicable land and resource management plan does not contain standing dead tree and downed wood retention guidelines, adequate standing dead trees and downed wood of the oldest age class are retained in the project area—

(A) to provide habitat for associated species through various stages of forest development;

(B) to provide a long-term nutrient source; and

(C) to retain, to the extent practicable and appropriate for forest type and plant association group, the more decay-resistant species.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary concerned determines that science from land-grant colleges and universities or a Forest Service Research Station provides more appropriate standing dead tree and downed wood retention guidelines for a particular catastrophic event recovery project or catastrophic event research project.

(c) PLAN AMENDMENT.—The Secretary concerned may amend a land and resource management plan to incorporate standing dead tree and downed wood retention guidelines, specific to forest type or plant association group.

#### TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATASTROPHIC EVENTS

##### Subtitle A—Cooperative Forestry Assistance Act of 1978

#### SEC. 201. ASSISTANCE UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978 TO RESTORE LANDSCAPES AND COMMUNITIES AFFECTED BY CATASTROPHIC EVENTS.

(a) ASSISTANCE AUTHORIZED.—Section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) RESPONSE TO CATASTROPHIC EVENTS AFFECTING NON-FEDERAL LANDS.—

“(1) LANDSCAPE ASSESSMENTS.—At the request of an eligible entity, the Secretary may cooperate with the eligible entity in the preparation of a landscape assessment for non-Federal lands affected by a catastrophic event. The Secretary may combine the preparation of a landscape assessment with the preparation of a catastrophic event recovery evaluation under title I of the Forest Emergency Recovery and Research Act regarding Federal land in the vicinity of the damaged non-Federal land.

“(2) COMMUNITY ASSESSMENTS.—At the request of an eligible entity affected by a catastrophic event, the Secretary may cooperate

with the eligible entity in the preparation of a community wildfire protection plan or related plan.

“(3) **DECISION TO PROVIDE ASSESSMENT ASSISTANCE.**—In response to the request of an eligible entity for assistance under paragraph (1) or (2), the Secretary shall make a decision, within 30 days after receiving the request, whether or not to provide such assistance. The decision rests in the sole discretion of the Secretary, but, if the Secretary rejects the request for assistance, the Secretary shall provide the eligible entity with an explanation of the reasons for the rejection.

“(4) **TYPES OF ASSISTANCE.**—The Secretary concerned may provide technical and financial cost-share assistance to an eligible entity—

“(A) to assist in the preparation of a landscape assessment under paragraph (1) or a community wildfire protection plan, community assessment, or community action plan under paragraph (2); and

“(B) to implement special recovery projects identified in the landscape assessment or community wildfire protection plan, community assessment, or community action plan.

“(5) **SPECIAL RECOVERY PROJECTS.**—Special recovery projects supported under paragraph (4)(B) may include projects involving—

“(A) revegetation, tree planting, and other management practices the Secretary determines to be appropriate;

“(B) developing products from and markets for timber harvested in response to a catastrophic event and remaining forest resources;

“(C) training for the local populace for work in connection with catastrophic event recovery;

“(D) repair of forest roads, bridges, and trails and water supply areas affected by a catastrophic event; and

“(E) such other activities as the Secretary determines to be necessary to undertake the special recovery project.

“(6) **ADDITIONAL FUNDING SOURCES.**—Amounts appropriated to the Secretary to carry out sections 8 and 10 may be used to provide assistance under this subsection.

“(7) **DEFINITIONS.**—In this subsection:

“(A) The term ‘eligible entity’ means a State Forester or equivalent State official, an Indian tribe, or local government. The term may include community-based organizations and other persons working in conjunction with a State Forester or equivalent State official, an Indian tribe, or local government.

“(B) The terms ‘catastrophic event’, ‘landscape assessment’, and ‘special recovery project’ have the meanings given those terms in section 3 of the Forest Emergency Recovery and Research Act.

“(C) The term ‘community wildfire protection plan’ has the meaning given that term in section 101(3) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6511(3)).”

(b) **CLERICAL AMENDMENT.**—The heading of such section is amended by inserting before the period at the end the following: “**AND RESPONSE TO CATASTROPHIC EVENTS**”.

#### Subtitle B—Department of the Interior Assistance

##### SEC. 211. RESTORING LANDSCAPES.

(a) **LANDSCAPE ASSESSMENTS.**—At the request of an eligible entity, the Secretary of the Interior may cooperate with the eligible entity in the preparation of a landscape assessment for non-Federal lands affected by a catastrophic event. The Secretary may combine the preparation of a landscape assessment with the preparation of a catastrophic event recovery evaluation under title I regarding Federal land in the vicinity of the damaged non-Federal land.

(b) **DECISION TO PROVIDE ASSESSMENT ASSISTANCE.**—In response to the request of an eligible entity for assistance under subsection (a), the Secretary of the Interior shall make a decision, within 30 days after receiving the request, whether or not to provide such assistance. The decision rests in the sole discretion of the Secretary, but, if the Secretary rejects the request for assistance, the Secretary shall provide the eligible entity with an explanation of the reasons for the rejection.

(c) **TYPES OF ASSISTANCE.**—The Secretary of the Interior may provide technical and financial cost-share assistance to an eligible entity—

(1) to assist in the preparation of a landscape assessment; and

(2) to implement special recovery projects identified in the landscape assessment.

(d) **SPECIAL RECOVERY PROJECTS.**—The Secretary of the Interior may provide assistance under subsection (c)(2) for special recovery projects, including revegetation, tree planting, and other practices the Secretary determines to be appropriate.

##### SEC. 212. RESTORING COMMUNITIES.

(a) **COMMUNITY ASSESSMENTS.**—At the request of an eligible entity affected by a catastrophic event, the Secretary of the Interior may cooperate with the eligible entity in the preparation of a community wildfire protection plan or related plan.

(b) **DECISION TO PROVIDE ASSESSMENT ASSISTANCE.**—In response to the request of an eligible entity for assistance under subsection (a), the Secretary of the Interior shall make a decision, within 30 days after receiving the request, whether or not to provide such assistance. The decision rests in the sole discretion of the Secretary, but, if the Secretary rejects the request for assistance, the Secretary shall provide the eligible entity with an explanation of the reasons for the rejection.

(c) **TYPES OF ASSISTANCE.**—The Secretary of the Interior may provide technical and financial cost-share assistance to an eligible entity—

(1) to assist in the preparation of development of a community wildfire protection plan, a community assessment, or a community action plan; and

(2) to implement special recovery projects identified in a community wildfire protection plan, a community assessment, or a community action plan.

(d) **SPECIAL RECOVERY PROJECTS.**—Special recovery projects supported under subsection (c)(2) may include projects involving—

(1) developing products from and markets for timber harvested in response to a catastrophic event and remaining forest resources;

(2) training for the local populace for work in connection with catastrophic event recovery;

(3) repair of forest roads, bridges, and trails and water supply areas affected by a catastrophic event; and

(4) such other activities as the Secretary determines to be necessary to undertake the special recovery project.

#### TITLE III—EXPERIMENTAL FORESTS

##### SEC. 301. FINDINGS.

Congress finds the following:

(1) The experimental forests established pursuant to section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) or the organic administrative authorities of the Secretary of Agriculture (16 U.S.C. 551) serve as a natural laboratory for the Forest Service to evaluate management practices generally and specific responses to catastrophic events that can be eventually used throughout the National Forest System.

(2) To build upon the knowledge base to be developed using catastrophic events research projects conducted under title I, the Secretary of Agriculture should be authorized to use the same authorities provided under sections 104 and 105 to design and carry out projects in the experimental forests.

##### SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MANAGEMENT PRACTICES ON NATIONAL FOREST EXPERIMENTAL FORESTS.

Management practices included on the list of pre-approved management practices prepared under subsection (a) of section 104 may be implemented, in the manner provided by such section, in an experimental forest established pursuant to section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) or the organic administrative authorities of the Secretary of Agriculture (16 U.S.C. 551).

##### SEC. 303. LIMITED CONSIDERATION OF ALTERNATIVES FOR PROJECTS ON NATIONAL FOREST EXPERIMENTAL FORESTS.

Section 105(a) shall apply with respect to any individual activity or a series of activities proposed to be undertaken in an experimental forest established pursuant to section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) or the organic administrative authorities of the Secretary of Agriculture (16 U.S.C. 551).

#### TITLE IV—GENERAL PROVISIONS

##### SEC. 401. REGULATIONS.

Except as provided in section 106(b), the Secretary concerned is not required to promulgate regulations to implement this Act.

##### SEC. 402. DEDICATED SOURCE OF FUNDS FOR RESEARCH AND MONITORING.

(a) **SPECIAL ACCOUNT.**—The Secretary of the Treasury shall establish a special account in the Treasury for each Secretary concerned.

(b) **DEPOSITS.**—Ten percent of the gross proceeds derived by the Secretary concerned from catastrophic event recovery projects and catastrophic event research projects conducted by the Secretary concerned under title I shall—

(1) be deposited in the special account established for that Secretary; and

(2) remain available, without further appropriation and until expended, for expenditure as provided in subsection (c).

(c) **RESEARCH-RELATED USE OF SPECIAL ACCOUNTS.**—The Secretary concerned shall use amounts in the special account established for that Secretary—

(1) to develop research protocols under section 101;

(2) to prepare and implement catastrophic event research projects; and

(3) to provide for monitoring under sections 104 and 105.

(d) **RELATION TO OTHER FUNDS.**—Amounts in the special account established for the Secretary concerned are in addition to other amounts available to that Secretary for the purposes described in subsection (c).

##### SEC. 403. OTHER FUNDING SOURCES.

(a) **AVAILABILITY OF KNUTSON-VANDENBERG FUNDS.**—Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking “Such deposits shall be covered” and inserting the following:

“(b) Amounts deposited under subsection (a) shall be covered”;

(2) by inserting after “national park.” the following new sentence: “The Secretary of Agriculture may also use excess amounts to cover the costs of activities of the Secretary under title I of the Forest Emergency Recovery and Research Act.”; and

(3) in subsection (c)—



(A) in paragraph (1), by striking “and”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) the excess amounts will not be needed for activities of the Secretary under title I of the Forest Emergency Recovery and Research Act during the fiscal year in which the transfer would be made; and”.

(b) AVAILABILITY OF FOREST SERVICE SALVAGE SALE FUNDS.—Section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) is amended—

(1) in the fourth sentence, by inserting after “the purposes for which deposited” the following: “and to cover the costs of activities of the Secretary under title I of the Forest Emergency Recovery and Research Act”; and

(2) in last proviso, by striking “for which deposited on any national forest” and insert-

ing “for which deposits of money are available under this subsection”.

(c) AVAILABILITY OF BLM REVOLVING FUND DERIVED FROM DISPOSAL OF SALVAGE TIMBER.—The first paragraph under the headings “FOREST ECOSYSTEMS HEALTH AND RECOVERY” and “REVOLVING FUND, SPECIAL ACCOUNT” in title I of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 106 Stat. 1376; 43 U.S.C. 1736a), is amended by adding at the end the following new sentence: “The money in this fund shall likewise be immediately available to cover the costs of activities of the Bureau of Land Management under title I of the Forest Emergency Recovery and Research Act.”.

**SEC. 404. EFFECT OF DECLARATION OF MAJOR DISASTER OR EMERGENCY.**

(a) AVAILABILITY OF FUNDS.—If an area of non-Federal land damaged by a catastrophic event is also covered by a declaration by the

President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) that a major disaster or emergency exists, the Director of Federal Emergency Management Agency may use funds available for activities under that Act to reimburse the Secretary concerned for assistance in that area provided under—

(1) subtitle B of title II; or

(2) subsection (c) of section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c), as added by section 201.

(b) LIMITATION.—Reimbursements under subsection (a) shall be limited to those activities authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.) for which assistance under paragraph (1) or (2) of such subsection is provided.





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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God, whom to know is life eternal, speak Your transforming words to us. Speak words of encouragement to lift us from pessimism. Speak words of strength to prepare us for temptation. Speak words of warning to keep us from evil. Speak words of comfort to heal our hurts. Speak words of guidance to lead us on the right path.

Speak words of power to our Senators today to equip them to meet challenges and to lift burdens. Remove from us everything that prevents us from hearing Your voice.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today we will be in a period of morning business in order for Senators to make statements. Yesterday we completed our work on the Tax Relief Act with a vote of 54 to 44. We had a good debate—a great debate—on the importance of this extended tax relief, this progrowth policy put forth by the President and supported by this body yesterday. We had a lot of Senators participate on both sides of that important debate of the direction of the country to continue this strong economic growth with the creation of over 5.3 million jobs in the last 30 or so months. I congratulate Chairman GRASSLEY for his tremendous work in helping bring that tax relief package to the floor which will ensure continued economic growth and job creation.

Yesterday, unfortunately, we missed an opportunity to assist small businesses across this Nation. We all know it is in those small businesses that we find the engine of economic growth and the creation of new jobs. We had an opportunity to assist them with lowering their health care costs by allowing them to group together, to band together to capture marketing clout, which would lower prices for health care for their employees. We were unsuccessful in that particular effort, although it is one that will come back again and again because the cost of health care is skyrocketing and is getting increasingly out of the reach of everyday working Americans.

I wish to thank Chairman ENZI, who has worked tirelessly on this bipartisan bill which would attempt to do just that and would have accomplished that if we had been able to pass it yesterday. Chairman ENZI has done a tremendous job in pulling people together and in educating people broadly on it. I thank him for his work.

As we stated yesterday, we will return on Monday to a very important bill, the importance of which is cap-

tured by the passion expressed across the country, whether it is on television or in newspapers, on talk shows or on the streets or at the workplace, and that is the immigration debate. As we all know, we need to tighten our borders and we need to focus on our borders. But we also need to approach the issue in a comprehensive way because we are a magnet attracting people across that border, and then people are hiring them illegally, so many employers are breaking the law. We need to tighten up there and address the temporary worker program, as well as the people who have come here illegally in the past.

As we talked about yesterday morning, we will have a robust debate, an open debate, and Senators will have ample opportunity to offer their amendments. But as the Democratic leader and I said on the floor 24 hours ago, it is important for people to bring their amendments right now to the leadership in language so we can start the process and so that process, with debate and amendment, is not pushed off for a few days but literally starts on Monday. We should consider several amendments on Monday and then begin voting on those on Tuesday. So I do encourage our colleagues to come forward.

On Tuesday morning, we have locked in a vote on a circuit court nomination that will begin around 10 o'clock in the morning, and I expect we will have votes on the immigration bill shortly thereafter. It is my hope that we will have votes over the course of Tuesday and, indeed, on each day next week. We may be working into the evenings because we will finish this bill prior to the Memorial Day recess.

With that, Mr. President, over the course of the day, I expect there will be a number of Senators coming down to make statements, reflecting on what has occurred over the past week and celebrating the great victory for the American people in the bill that passed

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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yesterday in terms of tax relief. The passage of that bill yesterday will affect about 7 million people who report on capital gains each year, about 20 million people who report on dividends each year, and another 7 million, almost 8 million people who would otherwise see their taxes go up because of the alternative minimum tax.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### TRADE WITH CUBA

Mr. MARTINEZ. Mr. President, yesterday, I introduced a measure which is a companion to one introduced in the House of Representatives by Congresswoman ROS-LEHTINEN relating to the business of trade with Cuba. This morning, I wanted to speak a little on the issue of my bill as well as on the overall need for us to file this bill.

Many years ago, perhaps too long for some in this Chamber to remember, as a result of hostile acts by the state of Cuba, under the government of Fidel Castro, who today continues to terrorize his people and to be a very negative influence on the world and is one of the longest reigning dictatorships in the history of the world—certainly the modern history of the world—because of hostile acts by the Cuban Government against the United States and against the interests of the United States in Cuba, the Government of the United States felt it necessary to begin trade sanctions against the Cuban Government. These trade sanctions were designed as retaliation for the actions of the Cuban Government.

Those actions included, among other hostile actions, the expropriation without adequate compensation of properties of citizens of the United States on the island of Cuba. They included the property of oil companies such as Texaco and Standard Oil and other interests of the United States that had large refineries in Cuba, that had oil exploration interests, and that also had, of course, retail outlets on the island.

As a result of Cuba's action, the United States imposed the sanctions. The sanctions were designed to help the Cuban Government understand that it had to live by international law and by international standards, which were to pay just compensation, fair compensation, for the expropriated properties. Unfortunately, the Cuban Government chose not to do so, and to this day these claims of the nationals of the United States for the unfair, unlawful, and uncompensated expropriation by the Cuban Government continues unsettled. The Cuban Govern-

ment has never taken steps to recognize allegations under international law or obligations under international law or obligations to a neighbor with whom it purports to want better and improved relations.

So the United States began a policy of an embargo or trade sanctions against Cuba. It really wasn't an embargo, it was simply: We will not trade with Cuba. The Government of the United States will not trade with Cuba. That has been in effect even until today. It was done by Executive order for many years, but then many years ago, with the Helms-Burton Act, it was codified into legislation. It became part of the law of the land as a result of congressional action.

That legislation also provided a path by which these sanctions could be ended. It provided a path by which more normal trade and other relations could be had, and they had to do with the issue of something simple, something this President has so eloquently spoken about: democracy, rule of law, elections—a quaint thought, that the people of a country ought to elect their leader. The thought that the people of a country would have an opportunity on a given day in life to go to a booth and in private exercise that universal right to vote, to say whom they want their leader to be—Cuba doesn't permit that.

There might be a free press. Wouldn't that be a nice thing? People could speak their mind. Folks would have an opportunity to go into a public square and debate the issues of the day. Cubans are denied that. That is no longer an opportunity and continues not to be so.

In addition to those problems, the actions of the Cuban Government over its history have been anything but benign. They have been quite hostile to the interests of the United States.

This is to not go into all of the details of the actions of the Cuban Government toward its own people—human rights and its denial of the most basic human rights—but as we look to other issues such as the issues of actions in the world, Cuba has tried to export revolution, to foment and foster revolutions throughout the world. They were very active in Africa as a surrogate for the Soviet Union in Angola, working hostile to the interests of the United States. In addition to that, they proceeded to encourage and foster wars in Central America which caused countless thousands of deaths in the 1980s.

Thanks to the determined and decided action of the United States, it was possible for these countries to live in peace and for these countries to have Democratic and normal elections.

Fast forwarding to now, even as recently as a few days ago, the U.S. State Department continues to have Cuba on the list of States that are sponsors of terrorism. There are probably 180-some nation states in the United Nations. Of those, there are only a half dozen that are on the list of terrorist states around the world. Cuba is one of them.

In addition to that, Cuba now is part of an axis, an axis that works in partnership with Hugo Chavez, the somewhat democratically elected President of Venezuela but someone who increasingly governs as an autocrat. This is someone who, in partnership with Fidel Castro, has encouraged and helped Evo Morales to be elected as President of Bolivia. What have these countries under the tutelage of Castro done? Morales, in the past few days, has shown or expressed his intentions to nationalize the gas industry, to nationalize the natural resources of his country, beginning with gas. Yet in Europe he made some very clear statements that he believed that for 500 years Europeans have pillaged his country and that all natural resources ought to belong to the people of Bolivia, and therefore more expropriations are sure to come of the natural resources as defined by Mr. Morales, President Morales, and they include natural gas, and he will move on to others.

Yesterday as well, or the day before, the Congress in Venezuela said that they also believe they should be nationalizing all the natural resources of Venezuela. This includes, of course, the investment that the U.S. oil companies have had in Venezuela for a number of years.

So what is the suggestion and answer that some would have to our dependence on foreign sources of oil, to our dependence on unstable foreign governments, to our dependence on foreign governments that are hostile to the United States? To enter into business with the country of Cuba in order to partner with them in oil exploration, a little less than 50 miles off the shores of Florida. Why is this not a good idea? Simply for the fact that to enter into a partnership with a government that does not observe the rule of law, to enter into a partnership and encourage American companies to invest in a country where we have very strained, if any, diplomatic relations, is not only not a good idea—to enter into a partnership for oil exploration with a country that has in the past expropriated American oil companies' properties in Cuba would be only to repeat a cycle of mistakes made in the past. It would be only to come back into the fold of a dictator who does not observe or understand the rule of law. To go into a business in a country that does not have a judicial system that is independent, to go into business with a country that does not recognize the fact that foreign investors have a right to their property when they purchase it, who will not honor the rule of law, will not honor private property rights? With this kind of country, it is suggested we go into a partnership in order for us to have sufficient energy, in order for us to be independent in our resources.

These efforts are sadly misguided. What we must do is do things such as explore for oil—and I know the Presiding Officer, our President pro tempore, so passionately cares about this—

in the ANWR, an area that is totally under the control of the United States, that is part of the United States. We can also drill in the Gulf of Mexico, an area that is so sensitive to Floridians and where we have acquiesced to drilling in 2 to 3 million acres of the gulf.

To conclude, I suggest the bill we have filed, which tries to reenact and speak to the Cuban embargo that has been in place for many years, with good reason. That embargo would be stringently enforced with those who seek to invest in partnership with this illegitimate government, a government that continues to be a threat to its neighbors, continues to be a hostile government to the United States.

In September of this year, the President of Iran, Mahmud Ahmadi-Nejad, is going to be visiting Castro in Cuba. This is a return visit for one that Fidel Castro paid to Iran a year or so ago. At that time, Castro said to the people in Iran: Working together and in partnership we will bring the United States to its knees. It is with this government that some would suggest we should enter into a partnership in order to solve our energy woes. I would say those efforts are misguided, and I look forward to further debate on my proposal which seeks to reassert the long-held position of the United States that trade with Cuba today would not be in the best interests of this country.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Hawaii is recognized.

#### S. 147, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

Mr. AKAKA. Mr. President, I rise again to talk about legislation of critical importance to me and the people of Hawaii, S. 147, the Native Hawaiian Government Reorganization Act. As my colleagues are aware, we have been trying to schedule this bill for a debate and vote on the Senate floor. Unfortunately, the bill has been blocked by a handful of my colleagues who fail to understand the importance of this issue to the people of Hawaii.

S. 147 is a bipartisan bill. It is supported by members on both sides of the aisle. I want to thank my colleagues who have cosponsored this legislation: Senators CANTWELL, COLEMAN, DODD, DORGAN, GRAHAM, INOUE, MURKOWSKI, SMITH and STEVENS. Your support for the people of Hawaii has not gone unnoticed.

I want to talk about what we did to draft this legislation. I want to explain the broad and inclusive process that we used. My colleagues should know that in drafting this legislation we consulted a broad array of individuals, both native and non-native.

In 1999, Hawaii's Congressional delegation formed the Task Force on Native Hawaiian Issues. The Task Force was composed of myself, the senior Senator from Hawaii, and our colleagues in the House of Representa-

tives, Representative NEIL ABERCROMBIE and Patsy Mink. It was determined that I would serve as the head of the Task Force.

My colleagues need to understand that the issue of political status for Native Hawaiians is not a new issue. It has been a hot topic for many, many years and in fact has been a topic of contention since Hawaii became a State in 1959. Given its history, I wanted to tap into the experience of the many individuals who have addressed this issue and who would be impacted by Federal recognition for Native Hawaiians. I decided to establish five working groups: the Native Hawaiian Community working group, the State officials working group, the Federal officials working group, the Native American and Constitutional Scholars working group, and the Congressional members and caucuses working group. Overall, more than 100 individuals were involved in meeting and advising Hawaii's Congressional delegation on what should and should not be included in this legislation.

The Native Hawaiian Community working group's role was to advise us as to the views of the Native Hawaiian community. The membership of the working group was balanced to include a broad variety of individuals from different islands, professions and backgrounds.

The State officials working group was composed of State legislators as well as the heads of State agencies who would be directly impacted by a Native Hawaiian governing entity participating in a government-to-government relationship with the United States. This group advised us on the impact of such a policy on State programs and agencies.

The Federal officials working group was composed of Federal officials from agencies currently administering services and programs impacting Native Hawaiians. The role of this working group was to advise us of how best to extend the Federal policy of self-governance and self-determination to Hawaii's indigenous peoples.

The Native American and constitutional scholars working group was composed of a number of tribal leaders and key constitutional scholars in Indian law. We benefited from the advice provided by tribal leaders who were willing to share lessons learned and from constitutional scholars well-versed in Federal Indian law.

The Congressional members and caucus group was composed of our colleagues who sought to help us at the member level to move this legislation.

We held several public meetings in Hawaii with the members of the Native Hawaiian community working group and the State working group. Individuals who were not members of the working group, and many who opposed our efforts, were allowed to attend and participate in the meetings. Overall, we had over 100 individuals provide initial input to the drafting of the legislation.

The bill was first considered by the 106th Congress. Five days of hearings were held in Hawaii in August 2000. While the bill passed the House, the Senate failed to take action. The bill was subsequently considered by the 107th and 108th Congresses. In Each Congress, the bill has been favorably reported by the Senate Committee on Indian Affairs and its companion measure has been favorably reported by the House Committee on Resources.

Despite the many modifications to the legislation over the past 7 years, I have ensured that the process authorized in this bill has always retained the appropriate balance between the structure necessary to comply with Federal law and the flexibility necessary to ensure that Native Hawaiians can make the critical decisions necessary to form their governing entity.

I want all of my colleagues to know that when the Senate considers this bill, I will offer a substitute amendment. The substitute amendment has been widely distributed since September 2005 and is the result of successful negotiations between the executive branch officials and our Congressional delegation and Governor. I thank the chairman and vice chairman of the Senate Committee on Indian Affairs for helping to facilitate the negotiations process.

The substitute amendment satisfactorily addresses the concerns raised in a letter from the Department of Justice to the chairman of the Senate Committee on Indian Affairs. The letter addressed 4 concerns with the legislation: liability of the United States, civil and criminal jurisdiction, military readiness, and gaming. The legislative language in the substitute amendment has been cleared by the executive branch and addresses the practical concerns expressed in the July 13, 2005 letter.

I look forward to the debate on the substitute amendment.

My colleagues can see from the process that I have just outlined that this legislation is based on the collective thoughts of a wide array of individuals, native and non-native, from Hawaii and across the entire Nation. It is based on the contributions of individuals well-versed in the Federal policies dealing with indigenous peoples—by those who understand the legal and political relationship the United States has with its indigenous peoples. It is based on Federal law and is substantiated by the many judicial rulings on the political and legal relationship between the United States and its indigenous peoples. It reflects the respect that the people of Hawaii have for the preservation of the culture and traditions of Hawaii's indigenous peoples—the culture and traditions which form the basis of the spirit of Aloha—which all citizens of Hawaii are proud to demonstrate.

This bill is supported by Hawaii's Governor, Linda Lingle, the Hawaii State Legislature, Office of Hawaiian

Affairs and Department of Hawaiian Home Lands. The National Congress of American Indians and the Alaska Federation of Natives have passed resolutions in support of this bill. The bill is also supported by a number of organizations, native and non-native, including the American Bar Association, Japanese American Citizens' League, Inter Tribal Council of Arizona, and the Hawaii State Teachers Association.

I want to express my sincerest appreciation to our majority and minority leaders for working with me and Hawaii's senior Senator on scheduling the Senate's consideration of S. 147, the Native Hawaiian Government Reorganization Act of 2005. It is my understanding that the motion to invoke cloture on the motion to proceed to S. 147 will be filed on June 6, 2006, with the vote on the motion to occur on June 8, 2006.

I look forward to this opportunity to finally discuss S. 147. As my colleagues have heard over the past week, this is an issue of importance to all of the people of Hawaii, and this is not a native versus non-native issue in Hawaii. Rather, this is about authorizing a process for the people of Hawaii to be able to address longstanding issues resulting from a tragic, poignant period in our history. This is about establishing parity for Hawaii's indigenous peoples in Federal policies. This is about clarifying the existing political and legal relationship between native Hawaiians and the United States.

Again, I express my deep appreciation to our majority and Democratic leaders, to the cosponsors of this legislation, and to the senator from Arizona for helping to work out this agreement. I want to express my deep appreciation to Hawaii's senior Senator who has stood firm with me as we have sought to do what is right for the people of Hawaii.

Passing this legislation will make it right.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IMMIGRATION

Mr. SESSIONS. Mr. President, I want to share some thoughts about the immigration legislation that we will be dealing with next week. The bill before us is a massive piece of legislation—over 600 pages, as I recall, and deals with a number of extremely important issues. Little, if any, thought has been given, and certainly no debate and discussion or seeking of economic and scientific information to help us decide what our future immigration policies should be.

I have studied that legislation in some depth. I am a member of the Ju-

diciary Committee, and have some fine lawyers on my staff. We have been digging into it, and have become more and more troubled as we studied what the legislation actually means and says. It does not do what it purports to do, which is to create a guest worker or temporary working policy for America. It has a number of other problems with it that I think deserve the most serious consideration.

Few, if any, issues that we face in this Senate have greater long-term consequences for our country than immigration. That is a fact.

Why are the American people so interested in this? Why have they expressed such concern about it? Because it is very important. We are responsible for them, and we have an obligation to them to think about this very carefully. Unfortunately, we have not done so. It is an idea that we have to do something. Yes, we need to do something. Let us all agree on that.

I have suggested that we should first proceed, as the House of Representatives did in a bipartisan, substantial majority vote decided, to deal with enforcement first, and establish some credibility with the American people that we can and will enforce whatever laws we have. To pass a new law and enforce it no better than the one that we have enforced in the past is no good.

That is the biggest frustration out there with anyone in our country who believes in law and order, policy and fairness and decency. You don't allow people to break in line ahead of others. How much more basic can it be than that? That is what we learned in elementary school. That is what we follow as adults in this country, but that is not what we are doing at the border.

We all know the system is broken. It has made a mockery of the law, and it is a terrible challenge for us, but one that we need to confront.

We decided in the Senate, and the President believes, we can't fix the law enforcement system first—we need to fix the entire scheme of immigration.

We have not had enough serious hearings on the fundamentals of what we are doing. I have asked for five hearings in the Senate on the Judiciary Committee on the economic and social implication of immigration. We were given one. It was a very valuable hearing but not enough, in my view. Certainly, I do not think the average Senator is fully engaged and aware of the serious concerns this legislation raises.

I will take a few minutes to go back over what I called in a speech a few weeks ago loopholes in the legislation. Some of that speech was based on the original Kennedy-McCain bill. I made that speech right after a compromise, the so-called Hagel-Martinez bill, hit the Senate. I will go back over these fundamental problems with the legislation. It indicates the weaknesses that exist today under the bill which will be in the Senate beginning next week.

As we go forward into the week, I will be discussing, and perhaps others

will as well, deeper flaws in the legislation that deal with the fundamental guiding principles of this legislation: What should we be doing? How many people should be allowed into this country? What skill sets should they bring? How should those decisions be made? How can we create a system which is enforceable, which will work to allow the country to decide what is in its best interests with regard to those who come here?

They say we are not supposed to talk too much next week. We are just supposed to come to the floor, offer amendments and maybe ask for 30 minutes of debate. We can have 20 amendments, and we will talk for just 30 minutes on those amendments on each side. We have been told: Don't talk too much, Senator, because we have to move this bill and get it off our plate. They do not want to talk about it too much because people back home might find out what is actually in the bill. That is the honest truth. On both sides, Republican leadership and Democratic leadership want to move something through. But "something" is not good enough. We ought to do the right thing.

Now I will talk about some of the flaws that continue to exist in this bill. I begin with loophole No. 1, illegal aliens. People here illegally are going to be part of this mass amnesty. We have discussed amnesty and whether the provisions in this bill are amnesty. I have to say I spent 30 minutes in the Senate going back to the immigration laws passed in 1986, and everyone admitted 1986 was amnesty when they passed it. They promised they would enforce the law in the future. They got the amnesty, and they didn't enforce the law. In 1986, they said there would be 1.5 million people claiming amnesty, yet over 3 million people claimed amnesty. They claimed we would have lawful immigration in the future, and now we have 11 million people here illegally. Why should the American people not have some doubts about the promises of Congress and the President to carry out a legal system that will work?

Let me point out a few of the things we are dealing with. "Blacks Law Dictionary," which is the premiere dictionary that virtually every lawyer in America has on his desk, has a definition in its section on amnesty, and it is defined as the 1986 Immigration Act. It is included as one of the definitions of what amnesty is.

What I suggest, essentially this current bill is probably less tight, less enforceable than the 1986 act. If amnesty has any meaning, this bill is amnesty. I don't want to get into any more debate about it, but I do not back down on the fundamental concept that the legislation before the Senate today is basically an amnesty for the people who came here illegally in violation of our law. They have to do a few things, they have to take some steps, but in no way will they be denied the fundamental things they sought when they came here illegally.

We are a generous nation. We know we have a real problem. We are not intending in any way to make all of these people who have come illegally leave the country. We will have to work through this in some generous and humane way to make sure we treat this sensitively and justly, but it is a difficult problem when we reward people who violate the law, for their very violation of that law. It is not a principle that should be lightly traversed.

Now here are just some of the loopholes.

Loophole No. 1: Illegal aliens with felonies or three or more misdemeanors will not be barred from getting amnesty under the Immigration and Nationality Act.

Different crimes make different aliens inadmissible and deportable or ineligible for benefits. As written in this bill, on page 347, it only requires an alien to show they are not inadmissible to qualify for the amnesty. However, some felonies make an alien inadmissible under the act and others do not.

The Kyl-Cornyn amendment that we will deal with next week that was blocked by the other side previously was designed to fix this loophole. Senator REID refused to allow these amendments to be voted on when the bill came up before because he did not want to have his Members recorded as voting for anything. I am not sure too many on our side want to have any votes, either, but it was clear that the Democratic leader was intent on moving this bill forward without any votes or as few votes as possible so we would not have to deal with some of these issues. This was a hot issue. We tried to get a vote on it, and we could not get a vote. So the Kyl-Cornyn amendment which was blocked was designed to fix this loophole. It will keep aliens with felony convictions or three misdemeanors from being eligible for amnesty.

Why do we want to give amnesty to felons? The United States ought to decide who it wants to be part of its citizenry. Since we cannot accept everyone in the world who would like to come here, why in the world would we not want to say: If you have a felony conviction, you are not one of them. We will invite someone who is honest and decent who will contribute positively to our country's growth, development, and culture. We could not even get a vote on this to fix it.

We have to make this change. Hopefully, we will get a vote on it this week to fix it. I believe we will have a vote in favor of not allowing felons to be given amnesty, but I am not sure, given the mood of the Senate today.

Loophole No. 2: Aliens previously barred from receiving immigration benefits for life because they filed frivolous asylum applications will be able to receive amnesty.

This is an interesting reversal of existing law. If you come in and make some bogus claim that you are entitled

to asylum, you can still get amnesty. We have had a lot of problems with people coming from a country, where maybe they were arrested for a legitimate crime and fled to the United States, saying they are being persecuted back home, and they want asylum. After looking into their claim, we find out it is bogus and they were actually an armed robber in their home country. We barred them from being able to get an application for any benefits under the immigration laws. It is a form of saying: We are not going to tolerate that. This bill reverses that.

Under INA section 208(d)(6), if the Attorney General of the United States determines an alien knowingly filed a frivolous asylum application, he is to be permanently ineligible for any benefits under the INA. This bill would change that. On page 345, it says:

Notwithstanding any other provision of law, the secretary shall adjust an alien who meets the requirements for amnesty.

No provision of the bill states that the alien is ineligible for amnesty if they previously committed immigration fraud by filing a frivolous asylum application. The bill gives benefits to aliens previously barred from all immigration benefits. We give amnesty to them. If we want to keep those who have committed immigration fraud in the past from getting amnesty, we have to change that. We need to change that by closing this loophole.

Why did they put that in there? Who wrote this bill, I keep asking. I am sure the sponsors of the bill do not know the implications of all of these provisions. I don't know who put this together.

Loophole No. 3: All aliens who are subject to a final order of removal who fail to leave pursuant to a voluntary departure agreement, or who are subject to the reinstatement of a final order of removal because they illegally reentered after being once removed from the United States are eligible for amnesty.

Pages 358 to 359 of the bill clearly state that certain grounds of inadmissibility in the act will not apply to aliens who apply for amnesty under the bill. The current inadmissibility provisions that are waived include aliens with final orders of removal for document fraud. If you file a false claim to the Government as an American citizen, that is a felony. These charges are providing false documents, offenses that are felony offenses.

I repeat, the current inadmissibility provisions that are waived under this bill that will be in the Senate this week include aliens with final orders of removal for document fraud. They have been apprehended, caught, found to be here as a result of making false claims to the Government, failed to attend removal proceedings, were allowed to be out on bail, asked to come to court and answer the charges, and did not show up. They violated a court order to show up. They did not attend their removal proceedings. We call them absconders.

And aliens who already have final orders of removal and many other categories are exempted.

This means aliens who have already received their day in court, they have had their cases fully tried and have failed to depart the United States unlawfully, will now be rewarded for not leaving. They will qualify for amnesty. They will be able to become citizens of the United States. This will include many of the 37,000 Chinese nationals China has refused to take back whom we have ordered deported. If we want to enforce the laws against illegal aliens who already had their day in court, this loophole must be closed.

Loophole No. 4: Aliens who illegally entered multiple times, which is a felony, qualify for amnesty.

The first time you come into the country illegally, it is a misdemeanor. If you are apprehended and deported and you come back the second time, it is a felony. Aliens who have illegally entered multiple times—that is, chargeable with felonies—are eligible for amnesty. The bill, on pages 12–23, requires that the illegal alien be continuously present in the United States since 2001 to qualify for amnesty. However, the bill allows the alien to have left the United States for “brief, casual, and innocent departures.”

Let us remind ourselves that criminal laws are being broken each time an illegal alien crosses the border of the United States. Title 8, section 1325, of the United States Code says that illegal entry into the United States is a misdemeanor the first time and a felony thereafter. I don't think multiple illegal felonies are casual, brief, or innocent. It rewards those who have not followed the law.

Loophole No. 5: The bill allows aliens who have persecuted anyone—a persecutor on account of race, religion, national membership in a particular social group, or political opinion—to get amnesty. It fails to make persecutors ineligible for amnesty.

I would have thought this was an oversight until we noticed that on page 375—there are a lot of pages in this bill, over 600—line 22 makes these heinous acts bar aliens here between 2 and 5 years from amnesty. The same bar is left out for the 8.8 million aliens who have been here for more than 5 years. This can only be interpreted by any court as an intentional decision that Congress has made to allow persecutors who have been in the country more than 5 years to be able to stay here. I do not think we want to do that. Let's close that loophole.

We are told that people who come here come here to work, and for many that is certainly true. And many are fine, decent, good workers. Loophole No. 6, however, is that there is no continuous work requirement for this amnesty. We have been told that you have to earn your citizenship, earn your amnesty by working. But there is no real requirement for that.

To be eligible to adjust from illegal to legal status under the bill, the alien

must simply have been “physically present in the United States on or before the date that is 5 years before April 5, 2006,” and have been employed “in the aggregate” for “at least 3 years during the 5-year period ending on April 5, 2006,” and employed for “at least 6 years after the date of enactment” of this bill.

But it does not say—on pages 346, 347—that the alien must be employed continuously or that the requirement of employment be full-time employment.

The bill will be interpreted to allow the alien to be eligible if they have been employed in the United States either full time, part time, seasonally, or self-employed. It also allows the time of employment to be shortened if the alien is in attendance at a school or is under 20 years of age.

The employment requirement under the language as written is as broad as possible. Essentially, any alien who worked in the United States for 3 out of 5 years at any time prior to April 5, 2006, will fulfill these requirements. This is not any kind of rigorous standard. It is designed to let everybody qualify. It is so broad that if the Immigration Service were to try to go to court and challenge it, almost any alien would be able to meet and defeat the challenge and be able to have a judge—who is required to enforce the law as we write it—not enforce that law.

Loophole No. 7: The bill tells the Department of Homeland Security to accept “just and reasonable inferences” from day labor centers and the alien’s “sworn declaration” as evidence that the alien has met the amnesty’s work requirement.

Under the bill, the alien would meet the “burden of proving by a preponderance of the evidence”—that is all the burden is, a preponderance of the evidence—that [he] has satisfied the [work] requirements” if the alien can demonstrate employment “as a matter of just and reasonable inference.”

An alien can present “conclusive evidence” of employment in the United States by presenting documents from Social Security, the Internal Revenue Service, employers, or a “union or day labor center.”

The bill then states:

[I]t is the intent of Congress that the [work] requirement . . . be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

What does that mean? It means it is unenforceable, if you want to know the truth. I was a prosecutor for 15 years, a Federal prosecutor. How are you going to enforce the language? What kind of prosecutor is going to go to court when the Congress has basically said: “It is our policy that anything goes. Any documents they present, any inference that is raised would be sufficient to allow this to occur?”

Then it goes on to say that even if the lax standards I mentioned cannot be met, in order to make sure everybody meets the standard of being allowed to work here, it allows them to self-submit affidavits, “sworn declarations for each period of employment.”

The invitation for fraud cannot be clearer. Congress is telling the Department of Homeland Security to take the illegal aliens’ word for it, to accept pretty much anything as proof of work.

These provisions are all contained on pages 349 and 350. If we want to make sure the fraud that occurred in the 1986 amnesty does not occur again in the 2006 amnesty, these loopholes have to be closed. Why do we have these standards? Because politicians want to say that everybody here are workers, and we are not going to give amnesty to people who are not workers. OK. That sounds good. But when you read the bill, it does not require that. There is no way this can be enforced. And the authors of the legislation know it. They know it cannot be enforced. That is why they wrote it the way they wrote it, to let everybody qualify. So it is not true that this is a bill that requires earned amnesty by work. It does not.

Loophole 8: The bill benefits only those who broke the law and not those who followed it and got work visas to come to the United States or those who left when their visas expired.

I want you to understand this, colleagues. It is important to point out the unfairness that is inherent in the bill. Page 346 lays out the requirement that you must have been “not legally present in the United States on April 5, 2001.” So to qualify for the benefits here, you had to be illegally present in the United States on April 5, 2001. Illegal presence allows people to qualify for the amnesty and the pathway to citizenship that the amnesty provides.

The bill goes on to define “not . . . legally present” to include visa overstay—an “alien who has violated any conditions of his or her visa”—making sure that illegal alien visa overstay qualify for amnesty.

So if you were here legally on April 5, 2001, meaning you followed the rules, and you got a work visa to come here, you will not get any benefits from this amnesty. If you had a visa in 2001, but it expired before April 5, and you, therefore, followed the law and left the United States before April 5, you will not get the benefit of this amnesty. This amnesty benefits you only if you did not leave the United States, as the visa required, and you stayed here illegally or you came here illegally.

Another loophole, No. 9, deals with this guest worker concept. The bill’s future flow “guest worker” program in title IV of the legislation leaves no illegal alien behind. It is not limited to the people outside the United States who want to come here to work in the future, but includes illegal aliens currently present in the United States who do not qualify for the amnesty

programs in title VI, including aliens here for less than 2 years.

Now, we are told if you have been here for less than 2 years—you came since we started talking about this legislation in 2004—that you do not qualify for the benefits of the program, and have to go home. That has been part of the mantra. You have heard that debate: If you have been here for less than 2 years—and the reason for that is, We are giving notice to people around the world who might want to come here: Don’t rush into our country while we are considering this amnesty, to take advantage of it, because if you come in after we started discussing it, then you are not going to get the benefits of it—a fairly legitimate approach to things, I would suggest. And we are told the legislation does that. But it does not do that, I have to tell you.

Under the language, you can qualify for the new H-2C program to work as a low-skilled, permanent immigrant even if you are unlawfully present in the United States today. The bill specifically says:

In determining the alien’s admissibility as an H-2C nonimmigrant . . . paragraphs (5), (6)(A), 7, (9)(B), and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date. . . .

By waiving these grounds of inadmissibility, the new H-2C program is specifically intended, I submit, to apply to, No. 1, absconders—those are people who were apprehended, ordered to leave the country or ordered to come to court, and they have skipped and did not leave and did not come to court; 400,000 of those we are trying to find this very day to deport them to enforce the law—No. 2, it applies to illegal aliens who were in removal proceedings and signed a voluntary departure agreement but violated that agreement and did not leave, and, No. 3, it applies to illegal aliens who were already removed from the United States but who illegally reentered.

The bill covers everybody. No illegal alien will be left behind. No illegal alien will have to go home—not this 2-year group, as has been said. So once again, the rhetoric about the legislation does not match the reality.

Loophole No. 10: The annual numerical cap on this program is completely artificial. The bill’s sponsors say that the new H-2C guest worker program is limited to 325,000 people and their families per year.

However, the cap has a built-in automatic escalator. If the 325,000 limit per year—the cap on the number who can come here legally—is reached, the cap automatically adjusts itself to make more room, by adding an additional 20 percent, which is 65,000 more visas the first year. So if somewhere in the year the cap limits are being met by people who want to come here, that very year the cap goes up by 20 percent. And then, the next year, automatically the cap will not be 325,000, it will be that number increased by 20-percent. And if that cap number is met, it goes up that



year 20 percent. And the next year, that additional 20-percent increase will be the cap.

It is an utterly escalating cap, without any thought whatsoever as to how many people this country needs in our workplace or otherwise in the Nation. They can be readily assimilated and made a part of this glorious and wonderful country. What kind of language is that?

We calculate if this cap is reached each year, the number of people allowed under this one program to enter this country legally, 10 years from passage—hold your hat—would be 2,012,314. I am not kidding. That is an automatic provision in the act. We have given no thought, no serious evaluation, whatsoever, to how many people ought to be brought into this country.

And even if the cap never increases and stays at the 325,000 per year, we will have a minimum of 1,950,000—almost 2 million—low-skilled workers who are permanent immigrants in the first 6 years of the program, which is the length of an H-2C visa if the individual does not file for a green card.

In 10 years, we will have immigrated 3,250,000 low-skilled workers and their families. Understand, each and every one of these 3 million people who would enter under this provision alone—and there are others where the impact is large—all of these workers will be eligible for green cards.

What does that mean? A green card means you are a permanent resident. They say these are temporary workers and guest workers. Within the first year, they can obtain a green card if their employer requests it. After 4 years, if their employer doesn't and they don't have an employer, they can self-petition for a green card. This is a big change in our policy since immigrants under this provision were supposed to be workers and it allows them to petition for a greencard even though they are not working for anybody. They can self-petition under this bill. That is a big change. This is pretty thunderous in its impact.

Loophole No. 11, a new H-2C guest worker does not have to prove they are essential to the economy to come to the United States or to stay or to apply for a green card once they are here. Nothing about the H-2C "temporary guest worker program" is temporary. They can say it is temporary until they are blue in the face, and it is just not so. That is why we need to be talking about this legislation. To be eligible for an H-2C visa, an alien merely has to establish that they are "capable of performing the labor or services" they have an intent to perform in the United States. So page 250 of the bill only makes them prove they are capable of performing a labor they have an intent to perform when they come here, and they have received a job offer from an employer who has complied with the requirements.

To stay in the United States once they enter, the H-2C holder simply can-

not be "unemployed for 60 or more consecutive days." If they are unemployed for that period of time, they are supposed to leave. Such a requirement, of course, is absolutely and utterly unenforceable. Who is going to be checking on this? They will say: It is not enforceable. If a guest worker is out of work for 60 days, 2 months, it is obvious that the economy does not depend on them. The fact that H-2C status only terminates after 60 consecutive days of unemployment means an alien is still essential to the economy and able to stay in the United States if they are working for as little as 1 or 2 days every 2 months. That is what it means. If somebody has to try to enforce this law, that is the kind of thing they would be dealing with when they go to court.

More importantly, no Government entity is going to spend their time searching over the country to determine if aliens have been out of work for 55 or 65 consecutive days, because the bill allows the alien worker to move from employer to employer and then, as noted on page 263, specifically exempts employers from having to notify the Department of Homeland Security when the alien is fired or voluntarily quits. This will ensure that the Government will never have the information it needs to enforce the 60-day requirement. Employers are not required to notify. If they bring in somebody, they certify they need them to work, they have them work for 6 months, they no longer need them and lay them off, there is no requirement that they notify the Department of Homeland Security or Labor or Commerce that they are no longer needed.

The bill contains, more importantly, no economic trigger enabling us to send workers home when the economy dips. This has been a matter of some dispute. I hear it asked by Senators. I have been asked several times. Some have stated publicly to the contrary. We have read the bill. This is what the bill says about the economy. What if we go into a recession and have brought in these 3 million workers. Now we have 40 million workers in the next 3 or 4 years, 5 years, 8 years, and we go into a recession. They are temporary workers. What is the deal? They go home? Do we not use those workers? We don't need them any longer and they have to go home? No, there is no trigger that reduces the number of workers here if the economy goes into recession. It is not in this legislation. There is an automatic increase every year, as I noted, if the applicants reach that level. It can go up to as much as 3 million a year, but there is no way to reduce it unless we pass a bill in Congress.

More importantly, once the H-2C worker is in the United States, they will be here permanently. On day one, when the alien begins to work in the United States, their employer can sponsor them for a green card. If they come here under this program, the em-

ployer can sponsor them for a green card that first day. That means 5 years later, they can be a citizen entitled to all the benefits. As a green card holder, they are entitled to bring their wife and children immediately. Five years later, they can become a citizen. Five years later, the wife can become a citizen. Do you know what the wife can do then? She can bring her children in as a green card holder. He can bring in his brothers and sisters, and she can bring in her brothers and sisters, once they become a citizen under the chain migration rules. It has tremendous implications for us.

Those are matters that are very important. I have a couple more points. I see my distinguished colleague from West Virginia. I think I can wrap up in about 3 or 4 minutes, if that is OK with him.

I would also say, I am honored to have worked with Senator BYRD, the senior Senator from West Virginia, former Democratic leader and majority leader of the Senate, on a realistic approach to immigration. I asked, are we able to enforce our borders, are we able to do things together. We had Senator BEN NELSON of Nebraska, Senator BYRD of West Virginia, both Democrats. We worked together. We presented some very good proposals. Not enough of them have been accepted and made part of this legislation, unfortunately. But there is a genuine bipartisan concern here that we are moving too fast and getting the cart before the horse in a lot of different ways.

Loophole No. 12, a work requirement for a blue card can be satisfied in a matter of hours, under the AgJOBS portion that was added in committee with about 30 minutes of debate. Under the AgJOBS component of this substitute bill, illegal alien agricultural workers who worked 150 workdays in agriculture over the last 2 years will receive a blue card allowing them to live and work permanently in the United States. Let's get that straight. We keep talking about the guest worker program, the seasonal worker program. Why we don't have that in the bill, I can't understand. Almost every provision puts people on the route to permanent citizenship.

So under the AgJOBS portion that was adopted in committee without debate, agricultural workers who have worked 150 workdays—that is not a full day—over the last 2 years, less than half time, will receive a blue card, and that will allow them to live and work permanently in the United States. However, because current law defines an agricultural workday as 1 hour of work per day—that definition is reinstated in the bill on page 397—an alien who has worked for as little as 150 hours in agriculture over the last 2 years will qualify for a blue card.

Loophole No. 13: Once an illegal alien worker receives a blue card, the blue card never expires. Blue cards, the new category of cards given to aliens who are amnestied under the AgJOBS provision of this bill,



never expire. The blue card holder can choose to pursue a green card, legal permanent resident status, by working for more hours in agriculture, but that is not a requirement to stay in the United States.

Page 399 specifically states:

An alien in blue card status shall be provided an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

This means that once the illegal alien has a blue card, he or she can live in the United States and work in any job permanently. They can adjust to a green card status and move on the path of citizenship, bringing in their aging parents and have them receive the great benefits of health care in America.

Loophole No. 14, free legal counsel: The AgJOBS amendment goes as far as to provide free legal counsel to illegal aliens who want to receive amnesty, page 421. In a paragraph entitled "eligibility for legal services," the bill lays out that recipients of funds under the Legal Services Corporation Act can "provide legal assistance directly related to an application for adjustment of status under this section." So not only will AgJOBS give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bills for filling out the applications of those 1 million illegal aliens.

Finally, I will mention loophole No. 15. There are a lot of other provisions that concern me. I will only mention 15. It deals with the DREAM Act. The bill makes in-State tuition and other higher education benefits available to illegal aliens. Current law, some years ago, was passed to deal with a perceived abuse in the system.

So the current law that is in effect today says:

[A]n alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any posteducation benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

The DREAM Act portion of this bill, page 503 through 520, eliminates this provision and will allow a benefit to those who came here illegally even when all United States citizens are not afforded those same privileges. The bill goes further making other types of higher education assistance available through the illegal aliens that receive amnesty under the bill, student loans, Federal work study programs and Federal services to access this assistance.

One of the first things you want to do if you want to reduce illegal immigration is not provide benefits to people who come illegally. How much more commonsensical can it get than that? You don't provide inducements, generous social benefits that we would like to provide to more people in the country but can't, to people who come here illegally. That does not make sense and it is not a principled position.

I will conclude by saying, I urge my colleagues, with the greatest sincerity, to look at this legislation and to think about these loopholes I have mentioned. While they are very real and evidence an intent by whoever drafted the legislation to go far beyond what they are publicly saying the bill does, read it carefully and make sure that you feel comfortable supporting it. When amendments come up, we will fix some of these things, although there will not be sufficient time in the debate or sufficient amendments allowed to fix all the problems. They need to vote for those amendments to make the bill better. More importantly, we have continued to study the legislation. My concerns have deepened that we have an unprincipled, not well thought out policy for future immigration that increases legal immigration to an extraordinary degree, far beyond what those people think is part of this legislation.

It is permanent and it allows those who are outside our Nation to decide when they come. It is similar to an entitlement. If you are a veteran, you walk up and you get your entitled benefit. If 10 times as many people showed up for that benefit as we expected, all of them get that benefit—American citizens, veterans. That is an entitlement.

In this legislation, we basically create an entitlement to let people who are noncitizens of the country decide how many are going to come in, without this Nation making those decisions. Canada has a point system. They limit immigration, and they review it based on what their needs are. The more the immigrant has qualities and education and training that meet what they need, the better chance they have of entering. If you don't have qualifications and abilities that are relevant to Canada's needs, you don't get in. Our bill does none of that. I urge my colleagues to be more focused on the actual wording of the legislation.

I thank the Senator from West Virginia for showing leadership and recognizing that we need to do better in this legislation on immigration.

I suspect that the Senator from West Virginia might talk about Mother's Day. I have had the honor to be in the chair—and I see Senator ISAKSON—when Senator BYRD in previous years has spoken about his mother on Mother's Day. I think we are all in for a treat.

I yield the floor.

#### MOTHER'S DAY

Mr. BYRD. Mr. President, I thank my distinguished and able friend from Alabama. I thank him for his reference to Mother's Day. I do indeed have some remarks that I want to make in reference to Mother's Day.

Mr. President, the irises are blooming, their beauty as refined as a Japanese print. Roses are spilling their sweet perfume into the air. A bountiful

harvest of sweet, red strawberries is making its way into pies and shortcakes. The phones are busy at the florists around the country. The signs are clear that this coming Sunday the Nation will again observe the annual celebration of that great day, Mother's Day. Mother's Day is beloved by florists, by candy makers, by greeting card producers, by phone companies, and by restaurants, for it is a busy day indeed for them. But the day is also beloved by mothers, for it is on this one day, more than any other day, that they receive credit for their favorite and most important job. This coming Sunday, mothers will be showered with affection, waited upon, called upon, and honored. They deserve all of it, every bit of it.

It is the little things that count

And give a mother pleasure—

The things her children bring to her

Which they so richly treasure . . .

The picture that is smudged a bit

With tiny fingerprints,

The colored rock, the lightning bugs,

The sticky peppermints;

The ragged, bright bouquet of flowers

A child brings, roots and all—

These things delight a mother's heart

Although they seem quite small.

A mother can see beauty

In the very smallest thing

For there's a little bit of heaven

In a small child's offering.

A mother stays with you throughout your life. Her words and her actions resonate. Yes, we can hear her voice echoing across time when we repeat to our children the lessons that mother taught us: "Sit up straight," "use your napkin," "stop fidgeting and pay attention," "Do you remember? She said those things to us. "Say thank you," and "if everyone else jumped off a cliff, would you jump, too?"

Every mother molds and shapes her children in ways large and small, from lessons as important as treating others with thoughtfulness and courtesy to tasks as small as how to fold laundry. Years later, as we teach our own children to fold laundry, we might smile to recall that it was our mother—your mother—who taught us how to fold a shirt in a particular way. It is also probable that she was teaching you to fold it in the same way her mother had taught her—that is the way it is, you know—just as her mother taught her courtesy and just as she taught you. Those gentle hands carried the ingrained lessons of many generations, lessons honed and reinforced over many generations.

On Mother's Day, when we honor mothers all across the Nation, we also honor grandmothers and great-grandmothers, whether or not we were fortunate enough to have known them in life. "Children and mothers never truly part, bound in the beating of each other's heart." So wrote Charlotte Gray, and her words speak to the heritable nature of a mother's love. A mother's love. It passes through the generations like our own DNA.

Mothers also model efficiency. Mothers were the earliest adopters of

"multitasking," long before such a phrase had even been coined. Modern appliances make mothers even more efficient, simultaneously washing and drying clothes while cleaning the house, making dinner, keeping up with the news, and monitoring their children's homework. In today's busy world, working mothers must master such multitasking, and many do it with amazing dexterity, juggling work and family and all of their children's outside activities with all of the skill of a circus act. You know how it goes. Mothers are also the lifeblood of many activities important to their children, from scouting to athletics, parent-teacher associations to Sunday school, music lessons to swim teams. The phrase "soccer mom"—have you heard that phrase? It accurately reflects a wide swath of American culture.

And still mothers find time to nurture, to cuddle, to listen, to heal, and to teach. Henry Ward Beecher observed that "the mother's heart is the child's schoolroom." Think about that. This is surely true, for with every action, every look, every word, be they soft and loving or briskly authoritative, mothers teach their children.

Their influence upon the world is incalculable. George Washington, the first President of our great country, that great general who fought at Valley Forge, said:

My mother was the most beautiful woman I ever saw. All I am I owe to my mother. I attribute all my success in life to the moral, intellectual and physical education I received from her.

Abraham Lincoln said:

I remember my mother's prayers and they have always followed me. They have clung to me all my life.

He also said:

All that I am, or hope to be, I owe to my angel mother.

Andrew Jackson noted about his mother:

There was never a woman like her. She was gentle as a dove and brave as a lioness. . . . The memory of my mother and her teachings were, after all, the only capital I had to start life with, and on that capital I have made my way.

Booker T. Washington. Let's hear what he said. He said:

In all my efforts to learn to read, my mother shared fully my ambition and sympathized with me and aided me in every way that she could. If I have done anything in life worth attention, I feel sure that I inherited the disposition from my mother.

The leaders of our future are being molded and shaped right now by their mothers. It is hard to imagine that those small faces being wiped clean by their mother's hand might someday smile at us from the Oval Office, or that those chubby fingers might someday operate dangerous machinery. But that childish confidence is fostered by their mother's love, urged on by her unwavering support, and raised up by her tender sympathy. Their mother's support will give them the wings to fly high and to achieve great success.

I am sure that these future leaders will someday echo the words of Washington, Lincoln, and Jackson in crediting their mothers for their success—their angel mothers.

I have no recollections of my mother. She died on Armistice Day 1918. She told the faithful couple who raised me: Take the baby—I was a baby—and three older brothers and a sister. Take the baby. Keep him as your own. And she went away. I am sure that her prayers have followed me and that today she looks down from Heaven waiting. I don't remember seeing her in this life, but I shall have the opportunity to see her someday.

Every child deserves a mother worthy of such sentiments. And as a nation, we are fortunate to possess so many wonderful mothers.

There is a poem called "Mother's Love" that I would like to recite at this moment. "Mother's Love":

Her love is like an island  
In life's ocean, vast and wide;  
A peaceful, quiet shelter  
From the wind, the rain, the tide.  
'Tis bound on the north by Hope,  
By Patience on the West,  
By tender counsel on the South,  
And on the East by Rest.  
Above it like a beacon light  
Shine Faith, and Truth, and Prayer;  
And thro' the changing scenes in life  
I find a haven there.

Mr. President, my own dear mother waits for me.

I would like to reflect on this great old poem, "Rock Me To Sleep," and I dedicate it—it is not my poem, but it is the one I love—I dedicate it to my dear wife Erma, who was a wonderful mother to her children, and to all the mothers throughout this broad land. Let us think of them. They thought of us. They rocked us. They gave us comfort. They nurtured us. Think of them, the mothers of America.

Backward, turn backward, O time, in your flight,

Make me a child again just for to-night!  
Mother, come back from the echoless shore,  
Take me again to your heart as of yore;  
Kiss from my forehead the furrows of care,  
Smooth the few silver threads out of my hair;

Over my slumbers your loving watch keep;  
Rock me to sleep, Mother—rock me to sleep!  
Backward, flow backward, oh, tide of the years

I am so weary of toil and of tears—  
Toil without recompense, tears all in vain—  
Take them, and give me my childhood again!  
I have grown weary of dust and decay—  
Weary of flinging my soul-wealth away,  
Weary of sowing for others to reap;—

Rock me to sleep, Mother—rock me to sleep!  
Tired of the hollow, the base, the untrue,  
Mother, O Mother, my heart calls for you!  
Many a summer the grass has grown green,  
Blossomed and faded, our faces between:  
Yet, with strong yearning and passionate pain,

Long I to-night for your presence again.  
Come from the silence so long and so deep;—  
Rock me to sleep, Mother—rock me to sleep!  
Over my heart in the days that are flown,  
No love like mother—love ever has shown;  
No other worship abides and endures—  
Faithful, unselfish, and patient like yours:

None like a mother can charm away pain  
From the sick soul and the world-weary brain.

Slumber's soft calms o'er my heavy lids creep;—

Rock me to sleep, Mother—rock me to sleep!  
Come, let your brown hair, just lighted with gold,

Fall on your shoulders again as of old;  
Let it drop over my forehead to-night,  
Shading my faint eyes away from the light;  
For with its sunny-edged shadows once more  
Haply will throng the sweet visions of yore;  
Lovingly, softly, its bright billows sweep:—

Rock me to sleep, Mother—rock me to sleep!  
Mother, dear Mother, the years have been long

Since I last listened your lullaby song:  
Sing, then, and unto my soul it shall seem  
Womanhood's years have been only a dream.  
Clasped to your heart in a loving embrace,  
With your light lashes just sweeping my face,

Never hereafter to wake or to weep;  
Rock me to sleep, Mother—rock me to sleep!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, what is the order now?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. KERRY. I thank the Chair. I will proceed in morning business.

#### AFTERMATH OF HURRICANE KATRINA

Mr. KERRY. Mr. President, last Friday, May 5, at the invitation of Senator LANDRIEU, I went down to New Orleans, LA, for a second trip to the State since the hurricane. I wanted to have a chance to be able to get around the city, meet with people, and measure the recovery effort up close and personally now that we are 8½ months since Hurricane Katrina.

Let me, first of all, express my gratitude to Senator LANDRIEU who has been tireless, as I know Senator VITTER has. They both have been pushing hard for their State, as they ought to. But I particularly want to thank Senator LANDRIEU who spent the day with me and who, together with me, sat through a small business roundtable with a great many small businesspeople in New Orleans who were struggling to make things work in the aftermath of the hurricane.

She took me around New Orleans East, and we drove through on the interstate, able to see on both sides of the interstate the still-current state of abandonment of so much of the city. The statistics somehow don't really convey what is happening there and what is not happening there.

I know Washington is a tough place to make anything mean anything right now. We are caught up in an awful lot

of partisanship, and there is a lot of back and forth and not a whole lot that is going on legislatively as a consequence of that, though we all hope there is going to be a breakthrough on the immigration bill in the next days. But I have to tell my colleagues that somehow we have to find a way to break through on the reality of what is happening to a whole bunch of folks down in New Orleans and on the gulf coast, whose lives have been disrupted, who have all the hope in the world of being able to return to their homes but increasingly are finding a lagging effort and a bureaucracy and other kinds of problems standing in their way. That has a huge cost—a huge cost. Before Hurricanes Katrina and Rita, Louisiana had 86,000 small businesses, employing more than 850,000 people and contributing \$22 billion to the local economy. Of those 86,000 small businesses, 71,000 were in the disaster zones, and nearly 20,000 were catastrophically destroyed. More than 365,000 residents were left homeless. But those statistics 8½ months later do not tell the story of New Orleans.

I thought I was going to go down there and I was going to see this incredible burst of energy of the cleanup, unbelievable numbers of folks out in the streets loading trucks and moving debris and doing things. But instead what I saw in New Orleans East and, most importantly, what I heard from people who are there struggling to make ends meet, to make this work, stunned me as to how little organized, fundamental activity is still taking place 8½ months after New Orleans was devastated.

When I went to New Orleans the first time in the immediate days after the hurricane, I saw a region that was damaged by a storm but at that point in time still very strong in spirit. I saw people determined to turn things around and to make it work. I talked to people who proved their resilience and their love of their State when they committed themselves to not just not giving up, but to not leaving, to rebuilding their homes and their businesses. On that trip I met people who felt that if the words of the Federal Government and the State and the city were, in fact, followed through on, they had hope for the future.

On this trip that I just made a week ago, I met with small business CEOs. I met with people who have spent a lifetime there who are beginning to feel a kind of despair about the lack of presence of real leadership that is changing their lives for the better. As I went down streets, I saw street after street after street filled with debris, garbage bags just out in the streets, cars with the word "tow" on them waiting to be towed. Eight and a half months later, we can't tow cars.

Where were the trucks lined up with people loading them up with the debris being taken out? I expected to see a backed-up line of trucks with an enormous burst of energy. No such thing.

I met people in New Orleans who are increasingly afraid, angry, and disillusioned. I was reminded by small business owners and homeowners last week that New Orleans doesn't only have a hurricane problem, New Orleans has a levee problem. And the levee problem is more than just a problem of the levees that broke, it is an overall levee problem. And if that levee problem were addressed with the speed—I know there are some who say, well, we just allocated additional money and this and that. I tell you, we are building bases in Iraq a lot faster than we are rebuilding New Orleans, and we are putting more energy into saying we will stay the course there than we are staying the course in New Orleans.

Too little has been done in any kind of rapid fashion to help deal with those levees with respect to the hurricane season that starts in just a few weeks. I left New Orleans convinced that the gulf coast doesn't have a morale problem, but I will tell you what: Washington and the community there have a leadership problem, and it is up to us to change it before it is too late. I want to explain that.

We all understand the response immediately after Hurricane Katrina, and there is a lot on the record about who did what, and so forth. I don't want to go back to that. That is not what this is about. But what is most distressing to me is that after that lesson was supposed to have been learned, the people I met in New Orleans told me they were fed up with empty promises that have followed the initial shock of what happened at the Superdome. They believe the promises have been broken and more mistakes have been made after they had been promised that mistakes weren't going to be repeated.

What I heard from people on a very personal level is that schools are overcrowded, that parents are struggling to hold on because they want to stay there, but they don't know if they can. There is an enormous personal anxiety that takes a toll day after day after day as people are living like that.

One of the businesses I visited is a linen and laundry business that used to take care of all of the hospitals in the region. Well, now there is only one trauma center open. They are paying more employees than there is work because they want to try to keep the employees there, but the CEO just left last week. He took his family and left New Orleans. Gone because they don't see the revitalization taking place that they need.

Across the way from that particular business was another business: Tommy's Seafood. He has been there a long time. He bought a new building. The new building was mortgaged. The new building was hurt, damaged in the winds. So he gets the insurance check, but guess what. The insurance check is made out to the bank. So the bank gets the money and the building still has to be fixed.

That is not what we intended in the U.S. Congress. That is not what dis-

aster assistance is supposed to do in a smart way. There are all kinds of examples like this where people are waiting for SBA loans, trying to get the loans. They can't get the loans. More loans have been denied than have been granted. Out of \$9 billion—the administration says: Well, we have given \$9 billion in loans. Guess what. Only \$1 billion of that \$9 billion has actually gone out to people.

On September 15, the President spoke to the Nation from Jackson Square, and he made a series of promises. Here is what he said:

Throughout the area hit by the hurricane, we will do what it takes. We will stay as long as it takes to help citizens rebuild their communities and their lives. When the streets are rebuilt, there should be many new businesses, including minority-owned businesses, along those streets. When the houses are rebuilt, more families should own, not rent, those houses. When the regional economy revives, local people should be prepared for the jobs being created.

Over 8 months later—over 8 months later—history is repeating itself. Too little has been provided in real response, and a lot of time has been wasted without real solutions for getting the gulf coast back to business. Eight months after the President stood in Jackson Square, there aren't trucks massively lined up, hauling this debris out of the city and garbage out of the city. In fact, there seems to be very little activity from the Federal Government.

I know the President has been down there 12 times. That is what they will tell you very quickly. They will tell you about the amount of aid that has flowed into the region. We will talk about that in a minute. The fact is, the piles of debris that remain standing before every building are an unbelievable reminder of the devastation to people, but they also stand as a blockade, as a barrier to the ability of businesses to get going, to the ability of people to be able to come back and figure out what they are doing with their homes. The more they see that, the more a homeowner sees that kind of debris just stuck there, the more they begin to say: This "ain't" happening. I am out of here. I am out of here.

Local officials told me they have fears that mosquitoes and rodents are carrying diseases as a result of the piles of garbage on the streets. In the richest country on the face of the Earth, we shouldn't have Americans abandoned to the worry that their children are going to be at risk for Third World health problems because Washington didn't meet its most basic obligations to those citizens. More than \$10 billion in contracts have been awarded for debris removal, emergency response, and reconstruction efforts, but where is it? Tens of thousands of abandoned cars are still littering different streets. There is garbage, hurricane debris, trash in front of virtually every home or business that I saw. Most of those homes are abandoned still, obviously.

Katrina pulled back the curtain, and it revealed poverty and squalor that many didn't believe could exist in our country. But 8 months later, after people said no more and never again, and the cameras went away to a large degree, those images are still there on the streets of New Orleans.

I don't know any Americans who remember what they saw in the Superdome who feel that their dues have been totally paid by making a one-time contribution to the Red Cross. And in the same way, when you look at what the Federal Government response is, people in New Orleans are left wondering whether we have come to a different conclusion.

Eight months after the President promised the revitalization of new, small, minority-owned businesses, the businesspeople who have shown great courage staying in New Orleans are literally fighting to keep their doors open in the face of such a slow and woefully inadequate Federal response. Orleans Parish, which is the center of Louisiana's economy, had 12,695 small businesses employing 245,000 people before August 29 of last year. Today, it is estimated that only a little more than 2,000 of the 12,600 have opened. Where is our response? Those businesses need people to sell things to and people need a place to live.

The President seems to mean something when he speaks about staying the course in Iraq, but it doesn't appear as if we are staying the course down in New Orleans, notwithstanding the money that has been allocated. It takes more than money. It takes a strong leader who is rolling up his sleeves and bringing people together and organizing all of these contractors and different efforts in a way that maximizes both the volunteer and paid effort of the United States of America.

One person I spoke with confirmed what I could see with my own eyes. One person said to me—this is a professional who has spent years down there, whose home is there, who helped rescue people, who stayed through the whole thing, and he was rescuing people in boats blocks away from his house. He said: Basic services in 70 percent of the city don't exist. In those areas, there is no fire protection, police presence is minimal, there is garbage, hurricane debris, trash in front of all of the homes. Billions have been spent. Yet the city is piled high with debris of every kind.

Those are his words. Those are his words.

The residents of New Orleans are beginning to put their hopes elsewhere. That is what is happening. Maybe some people want that to happen. That is a question that ought to be asked. They are starting to put their future in a new place. Over 3,400 private homes are for sale in New Orleans, more than at any other time since we started tracking this indicator 6 weeks after Katrina made landfall. This is up from approximately 2,800 homes that were for sale

in February, and it is the highest number since October of 2005.

Jim Funk, who is CEO of the Louisiana Restaurant Association, said the pre-Katrina restaurant workforce of New Orleans has been reduced from 133,000 to 22,000. Only 1,500 of the almost 3,500 pre-Katrina restaurants are back open. Of course, restaurants need people and need workers. The unemployment rate of those who remain displaced jumped to nearly 35 percent in March, a 54-percent increase from the month before. Unemployment is up 54 percent from the month before, even though we are supposed to be putting people back to work.

I met Pat Murphy, who owns United Cab. United Cab is a 66-year-old business. He spoke at our roundtable. After wading through redtape and months of administrative delay in a process that he described as, quoting Pat Murphy, "turning into harassment," he finally received his SBA loan.

Why does a small business that has existed for 66 years have to go through 8½ months of a painful process, which they term "harassment," in order to get a loan after a disaster and come back into business, from the very agency whose sole purpose is to be able to provide that kind of assistance? The worst part is that Pat Murphy will tell you he is one of the lucky ones. He actually received a loan, and he knows a whole bunch of folks who are still waiting around for that money.

Some may have heard that the administration brags about that \$9 billion of disaster loans they have approved. But as I said, only one-ninth of that, only \$1 billion, has found its way into the hands of people. Why can't you deliver the checks? If you approve it, why can't you make sure people get it right away? Mr. President, 11 percent of the funding has actually reached the people who are asking for it. In addition, what is more, about half of those who applied for disaster loans were denied. What are they going to do? All these folks who have been denied loans have nowhere to turn.

If you are serious about revitalizing New Orleans, you have to be willing to put that money into their hands. One of the biggest problems they have is capital, being able to pay some people for a period of time so they can stay. For people who need to put food on the table and take care of their kids, if there is no certainty as to that availability of money, they are going to go somewhere. They have to go somewhere. What happens is the fabric of New Orleans gets destroyed because people put down their roots somewhere else.

For those who have been fortunate enough to receive housing assistance, they are living in front of their damaged homes, many of them in trailers that are sitting on concrete blocks. What is the problem with that? Let me tell you what the problem is. No. 1, the trailers FEMA is providing cost \$70,000 a piece. They are not permanent.

Hurricane season starts in a few weeks. The National Weather Service is predicting 14 named storms to hit the gulf during this next hurricane season. I might add that they were accurate last year in the number of named storms they predicted. Do you know what is going to happen when the wind hits, 90 miles an hour, 100 miles an hour or more? Those trailers are going to blow around, and they are going to create more damage.

I am told by people in New Orleans you could have built modular housing for less money with greater permanency. If you had been smart about this, you could have set up a village of modular housing for people who are working on their permanent housing, you could create lumber distribution centers, you could bring carpenters from around the country, plumbers, electricians. Labor unions from all around the country would be willing to donate, come down and live in a special village and then to rebuild. None of that kind of basic organization effort that America is supposed to be so good at—that we are so good at, when led—is taking place.

I want to know what kind of leadership spends \$900 million to buy 25,000 manufactured homes and 1,300 modular homes and they can't be used because FEMA rules say they are too big or unsafe in a flood zone. Bureaucracy, lack of imagination, lack of willingness to do what it takes—which is what the President said we would do in Jackson Square.

What type of leadership spends \$249 million to secure 8,136 cruise ship cabins for 6 months at a cost that Inspector General Richard Skinner estimated at \$5,100 a month per passenger, six times the cost of renting a two-bedroom apartment?

Eight months after the promises were made, New Orleans has only one level 1 trauma center. The largest medical complex, Charity Hospital, needs to be rebuilt, but FEMA will only fund repairs, so they are not going to rebuild, or can't yet.

So what do the residents of New Orleans do during the coming hurricane season if one of those named storms is severe? Eight months after promises were made to expand local business participation in the recovery, guess what, FEMA is continuing its business model of hiring megacontractors to oversee the recovery efforts. Why is it that debris removal contract dollars aren't making it to the local businesses? We had one particular guy who has been in business for I think it was 27 years. He does tree removal and tree work. He has not been used. In fact, he was called and told by FEMA that they are using an outside contractor. He is one of the people trying to stay, and they are going to take his business away for somebody out of State.

Why are so many local contractors waiting for FEMA to pay them millions of dollars for work they have already completed?

Last Thursday, the Senate passed an emergency spending bill that includes \$2.2 billion for levee reconstruction in southeast Louisiana, \$1.5 billion for Orleans Parish levee projects, and \$1.3 billion for the disaster loan program. Senator LANDRIEU and I offered—I cosponsored an amendment that she proposed—two amendments. One was to ensure the SBA sends up its disaster response plan to Congress before June 1, which is the start of the 2006 hurricane season; and second, to require the SBA to report to Congress monthly on the status of the disaster loan program now and after future disasters.

Senator LANDRIEU, Senator SNOWE, and I also cosponsored an amendment by Senator VITTER that declares areas hit by Hurricanes Katrina and Rita as historically underutilized business zones—HUBZones, as we call them. It makes sure, though, that small, local businesses will get first consideration for Federal contracts. This is something we have been trying to get done since last September. We put that on the floor of the Senate right after the hurricane, and still it has taken the Congress to this day to get this done.

But that is only part of the story. We passed bipartisan legislation which offers a more comprehensive approach to help get small businesses back on their feet. Let me tell you what we wanted to do. We wanted to give some small businesses grants—not loans, grants—because clearly those small businesses are going to need a tide-over period of time until you can get a population back that is going to begin to use them. If you are serious about keeping the integrity of this city and you are serious about rebuilding it and allowing those citizens who have been told they will have the opportunity to stay there, to stay there, you have to give them some money. They can't repay the loans if they can't do the business right now.

How much money have we spent in Iraq that is going to turn out to be a grant versus what is happening down in New Orleans, to our own citizens.

The Senate passed that legislation. I will tell you what, it has been blocked. It has been blocked since we passed it after Hurricane Katrina. There has not even been a serious effort, despite our efforts, Senator SNOWE and mine, to try to get some sort of negotiation on it—not even serious. It was dropped from the 2006 CJS conference, and now it is waiting for action as a free-standing bill. This legislation includes essential bridge loans and the grants that would help those suffering the most to be able to keep their doors open so you do maintain the integrity of New Orleans.

The Senate has yet to take action on a bill introduced by Senator LANDRIEU which I cosponsored to follow on this other bill which has additional provisions, recognizing the situation and the needs on the ground. There is no excuse for us not making every good-faith effort possible, in a bipartisan way, to do

what makes sense if we are going to keep faith with those folks and with all of our citizens, to whom this sends a message.

I don't want to just talk about the slow response. I think we have to find a way to get some urgency here. The businesses in the gulf coast cannot and should not have to face bureaucratic redtape and delays. They will not be able to last much longer. Many of the businesses that didn't have business interruption insurance are already gone. Many others are on the verge of closing unless they are able to secure financial assistance in an expedited manner. These companies cannot survive on empty promises. What Louisiana and Mississippi need, obviously, is a level of leadership that is prepared to break through the bureaucracy and come together and create the ingenuity and creativity to rebuild the region.

There are a lot of Americans who would be prepared to volunteer time if you want to organize them. That could be done. You could have a civilian assistance corps of experts who are willing to undergo some hardship for a period of time, live in tough circumstances—a tent city or whatever it is—to lend their expertise to helping to rebuild and do certain things. There are all kinds of ways you could do more cleanup and more rebuilding in an expedited fashion.

The fact is, we saw after Katrina, when the National Guard was there—I give them great credit. Under General Honore, a career soldier in the Army, he showed what strong leadership, what a hierarchal organization with clear lines of command, what a real structure could bring. In those areas where the National Guard did cleanup and did immediate work, a great deal happened. That is what should have continued. But guess what. They have gone. I thought we were going to stay as long as it takes. I thought we were going to do whatever it takes. Those are the words of the President. But they are gone. They could be there today still doing things if we had the will.

New Orleans is one of the great cities of our country. It has an amazing history, a diverse and ethnically rich population, and great culture. I think every American has a stake in its resurrection.

I thank Senator LANDRIEU again for inviting me there for a firsthand look. I really thought I was going to see something very different. I know there have been about 40 Senators or more who have gone down there at one point or another. They have seen a lot of this with their own eyes. It just defies my sense of what the possibilities are in our country. With all of the unbelievable equipment we have, with all of the skilled labor we have, with the volunteer spirit of our Nation, it is stunning to me that we are not proceeding more rapidly to do for New Orleans what New Orleans needs.

My hope is that we will pass those bills I talked about and that over these

next 8 months, over the next months, we can ramp up.

Everybody said never again. I will tell you what is happening in New Orleans today. The images people saw at the Superdome, of people who felt abandoned, who didn't have adequate shelter, while misjudgments were being made around them by those who were supposed to be responsible, is actually being repeated at this very moment.

There is a Superdome II taking place in New Orleans today, for those citizens who can't get back on their feet, who don't know what to do with their property, for the 70 percent of the city that has no basic services, for the people who cannot move because of the debris or the garbage, the people who don't have a prayer of getting their home going again or their business going again because of the lack of adequacy of the housing and a clear plan that says to them with certainty that there is a future. Right now, that future for a lot of folks is very difficult.

One of the problems I heard about from a number of responsible people—there were chamber folks there and other folks there—is the mental health issue. There are a lot of citizens who have been living under an extraordinary level of stress since Hurricane Katrina. Some of them have lost family members. Almost all are struggling to pay bills. It is hard to think about the future. That stress takes its toll.

I was told how crime is rising, about how the sense of despair is taking a greater toll, and how there is going to be a larger mental health problem within that region, as a consequence of the lack of adequacy of response and the plight in which people find themselves.

We can do better. I think everybody here knows we can do better.

We have strong leaders in this country. We have excellent generals and military personnel. They know how to manage. We have business leaders who run extraordinary companies, who understand the hierarchy and understand how to get things done. Clearly, FEMA doesn't, and clearly whatever the structure is that is there, it is inadequate to get the job done.

My hope and prayer is that we can deliver on the promises to New Orleans and turn this around.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH WEEK

Mr. FRIST. Mr. President, we will be closing shortly. I take the opportunity before doing so to comment on two issues. One is the event of the last

week in terms of our health care initiatives and, second, comment on the 125th anniversary of the Red Cross which is this year.

We have had a good week this week with a relative victory for the American people in terms of the issue of tax relief and the tax package which left here which will create jobs. The bottom line is, a good economy with 5 million jobs created in the last 30 or so months. Unemployment is down to 4.7 percent, which is lower than the average of the 1960s, the 1970s, the 1980s or the 1990s. Homeownership is doing well, with minority homeownership at an alltime high.

We have good, solid economic growth. That is, in large part, first and foremost, due to the hard work, entrepreneurial spirit of the American people, no doubt. But in terms of the policy standpoint, it is because of the progrowth tax policy put forward by President Bush that this Congress has followed. Indeed, we followed it again this week in addressing issues surrounding tax policy on capital gains and dividends and keeping the alternative minimum tax from reaching out and grabbing another 7 million people this year. The President will sign that bill next week which will give us another opportunity to celebrate the great victory for the American people.

Most of the time this week was spent on an issue that I feel passionately about, I think most people in this Senate do, the health care of Americans. Without health, one cannot do very much in life. We need that healthy body, that healthy mind for being able to be productive.

We have a system today that has too many gaps in it. The greatest health care system in the world, one that I have been a beneficiary of in my own field of heart and lung transplantation and the treatment of heart disease and lung disease, but there are huge gaps in our health care system today that lead to less quality, less access, higher costs, gaps that are so obvious that they do require action on our part.

This week we tried to take two of those, to keep focused on those two, and other Members want to grab all the other different challenges and challenging issues and pull them in. The only way to make progress in this Senate is to stay focused on an issue and move to the next issue and the next issue and pull together the very best.

The first issue was medical liability. We, on this side of the aisle, voted to lower the cost of medicine by controlling, in some manner, the out-of-control litigation costs, what has become a litigation lottery—a system today that because of medical liability premiums, because of frivolous lawsuits, because of the incentives given to the trial lawyers out there, the more predatory trial lawyers who are out there, punishes expectant mothers who are delivering children by driving obstetricians out of county and out-of-state, causes neurosurgeons to no longer take

trauma calls at night, closing down obstetrical wards. We have to get that under control. It is apparent from debate, this side of the aisle voted in favor of commonsense reform and the other side voted against it.

Then we moved to the issue of expanding health care coverage for millions of uninsured people in this country, focusing on the small businesses today that simply do not have the purchasing clout that larger organizations have, that the big companies have. It is sad because we have small businesses that are the engine of economic growth in this country that operate on very small margins, that simply cannot afford to offer health care today but allowing them to group together in larger and larger groups, we have that clout to bring the costs down.

In both of those instances, the Democrats chose to obstruct on motions to proceed so we could not fully debate those issues. To me, it is a disappointment. It means millions of people will have access to health care that is not as affordable as it might be or they have no access at all, especially those with small businesses.

Reforming our health care system, eliminating the gaps, getting rid of the waste, fraud, and abuse in our health care system today, the best health care system in the world, in terms of what we can do, has got to be a goal of this Senate. We as Republicans have led on that. We got a majority vote in the Senate, but we were unable to reach that 60-vote threshold.

The 46 million people who do not have health insurance in this country are a major concern to me because it is such a large gap. We have addressed it in the past in an incremental way with some success in health savings accounts, which I will come back to. The problem is we have so many tangled regulations, we have complicated bureaucracies out there with overlapping responsibility. We have an insurance market that is getting choked. A lot of it comes from excessive mandates. One mandate put on another, on another, on another, and if you put all the mandates in there, the cost of insurance for everyone goes up. Then it is out of reach of the small business person or the person who has a modest income.

We will keep pressing forward. We on this side of the aisle, Republicans, recognize that our health care system lacks some of the fundamental mechanisms that are required in order to get rid of the waste, fraud, and abuse to make it more transparent, to make it more efficient. We have to be able to harness the transparency, having the 21st century information out there in order for people to make good decisions so that individuals can make more choices. We have hundreds of millions of health care decisions being made, all of which drive toward better access and higher quality and lower cost.

If we look out to where we want to be going as we address medical liability, which is killing our system, as we ad-

dress the small business health reform, it is for a 21st century health care system that is driven by that information, that is out there that is available today, that is driven by choice, it is driven by that element of control.

Health care should not be a red State, blue State, Democratic, Republican, liberal, conservative matter. We have to come together. We did so with the health savings accounts, I mentioned few moments ago; accounts where an individual has a deductible plan where you can save for you only, you take it with you, you control it. The decisions you make have an impact, and they have been very successful. Three million people today have health savings accounts. None had health savings accounts 3 years ago. And most of the 3 million people had no health insurance in the past. So it begins to chip away at that large number of uninsured people in this country.

Another issue we have passed in this Senate in a bipartisan way is electronic medical records, information technology so that we can develop a platform on which we can make good choices, transparent choices, and can be held accountable. There is a communication among hospitals and doctors and consumers and patients which, with that communication, gets rid of all the waste. That has the obvious ability, through electronic medical records, to have seamless health care no matter where people are. If you are in an accident in Kentucky and you are from Tennessee, your doctor at that trauma hospital can immediately know something about you, what your blood type is, what your allergies are, what medicines you are on, by a push of a button. Now this is done through fax machines and phone calls or going to the basement for records of hospitals and clinics to retrieve information.

We passed that in the Senate. The House has not yet addressed that issue. But, again, it is another example of where this Senate can work together, as with the health savings accounts, that we can pass legislation that is to the benefit of all Americans. That is real progress. We can make progress.

I am disappointed in this week that we did not have the other side of the aisle participating in these very important issues. But we will continue to address them as we move ahead.

#### RED CROSS ANNIVERSARY

Mr. FRIST. Mr. President, I mentioned a second issue, and that is the 125th anniversary of the American Red Cross. This year is 125 years of voluntarism. We have seen it in our own lives, especially in the Katrina episode over the last year.

Yesterday, I had the opportunity of going in front of the Capitol. My office actually looks out over the Mall, and there is a big red tent with the big Red Cross on it. I have been watching that tent for the last several days. Yesterday, I had the opportunity to speak to



probably 400 or 500 volunteers who had come from around the country from their various Red Cross entities, I assume from about every State in the country.

I mention this because volunteers are the lifeblood of the American Red Cross. I have seen it directly in my own life, both as a doctor, as a physician, of course, as a citizen, as well as a Senator. These volunteers affected my life in a very direct way. I told them yesterday, as I ran the multiorgan transplant center at Vanderbilt, we did heart transplants, we did lung transplants, bone marrow transplants, we transplanted pancreases, we transplanted livers, transplanted kidneys. None of that could take place without the Red Cross because all of the blood that is required in terms of transfusions—liver transplants especially, probably heart transplants, secondly, and lung transplants, all of that blood comes from where? The Red Cross, from volunteers who manage the Red Cross facility and from the people who actually donate their blood.

I would not have done all of the heart transplants I have done if it were not for the Red Cross, the volunteers associated with the Red Cross. People do not think about how much we depend on the volunteers.

Jump, fast forward, 15 years and go to New Orleans. About 3 days after the levees broke, I was in New Orleans, more as a physician, as a volunteer, than as a Senator. I was in the airport there in September with evacuees who lost everything—their medicines, sometimes their family members, clothes, their home. Sitting there on the baggage belts, coming in on the baggage carts, being unloaded from helicopters, all they needed at that point in time was someone to talk to, for the most part—some needed medical help—someone to talk to and a hot meal to be comforted, some semblance of security, having lost everything.

So who was there? Who was there right up front? It was the Red Cross. Once again, and almost instantaneously, shelters sprung up in Tennessee. But Alabama, Mississippi, Florida, Georgia, and Texas, of course, all opened their doors to the gulf coast evacuees.

By the end of that week, 675 Red Cross shelters had opened up in 23 States, which was the single largest response to a natural disaster in Red Cross history. Remarkable. Remarkable.

Then, jump forward about a few months to what happened last month in Tennessee. We had tornadoes that came right through middle Tennessee and all through west Tennessee about 2 or 3 weeks apart. Thousands of homes were damaged. Many people lost their lives.

Once again, it was the Red Cross that came in and set their trucks, had food cooked, talked to people, arranged for places for people to stay who had just lost their homes. There were tens of

thousands of meals served. People were taken care of. And there was mental health care in terms of the devastation people felt, the depression people felt. They came to that Red Cross van to be able to talk to somebody.

I mention those three examples because I have seen them. I saw it in Tennessee when I was back there talking to people whose homes had been destroyed. I saw it in New Orleans, 3 days after those levees broke. And I saw it for years and years and years, for 20 years of my life, when I saw it every day, working in hospitals, with that donation of blood.

It is the 125th anniversary of the Red Cross. They had a gala last night. Karyn, my wife, was one of the co-chairs for that gala. We were there to see the generosity of people who have volunteered and also have contributed. One person who was honored last night had given \$9 million—one person had given \$9 million—to the Red Cross.

It takes a lot of people working together. But all of that does provide a symbol of hope and compassion and strength and endurance. It is going to take the continued commitment of those volunteers to continue that, so I do want to thank you, those of you who might be listening who have volunteered and will volunteer for the American Red Cross.

#### MOTHER'S DAY

Mr. FRIST. Mr. President, one last item, a very important statement, and then we will close down. But it is very important and people will recognize why.

This Sunday, millions of families around the world will celebrate their moms. I was changing my reservations around. I know a lot of people are scurrying around for reservations. I should be cooking at home that day, I guess, but I am looking for an appropriate place for reservations, shifting it from Sunday afternoon to Sunday evening.

Restaurants will be packed on Sunday. Living rooms will be packed full, crammed full of aunts and uncles and fidgety children.

Families will warmly “remember when” to show their moms they love them. I have three boys, and they let me know all the time how much they love their mom. But I don't know where all three boys are going to be. They are going to be traveling all over the country today, so I am trying to get them together as well—all the challenges of Mother's Day.

Mother's Day, as we all know, is the busiest long distance calling day of the year. It accounts for more than one-fifth of all the floral purchases made for the holidays that 1 day.

We typically start the day by going to church and then gathering either in the afternoon or the evening—a tradition that millions and millions and millions of people will celebrate and have celebrated over the years.

The celebrations of our moms have gone back millennia. The ancient

Greeks celebrated a holiday in honor of a mythological mother of gods. Ancient Romans celebrated their mother goddess symbol. In the British Isles and Celtic Europe, the people honored the goddess Brigid in a spring celebration of motherhood.

Mother's Day in America got its start in West Virginia in 1858, led by Anna Reeves Jarvis, a local schoolteacher. After years of strenuous petitioning, Mother's Day finally became an official American holiday in 1914. It was passed by the U.S. Congress as a joint resolution and signed by President Woodrow Wilson.

Today, 90 years later, Mother's Day is celebrated all over the world—all over the world—including Denmark, Finland, Italy, Turkey, Australia, and Belgium.

It is celebrated by the humble and by the proud throughout the ages and across continents.

Abraham Lincoln said of his mom:

All that I am, or hope to be, I owe to my angel mother.

Human nature does bind us to our mothers. The Bible instructs us to respect and obey them. Mothers give us the gift we can never return—life itself.

I will close with a quote by the basketball legend Kareem Abdul Jabar. His mom knew him well, and I suspect never stopped looking after him. He once confessed:

My mother had to send me to the movies with my birth certificate, so that I wouldn't have to pay the extra fifty cents the adults had to pay.

I do want to wish a happy Mother's Day to all of the mothers of the world.

To my own mother, who I miss very much, her daily image comes down on just about everything I do in terms of what she might have done, what she would do, what she would whisper into my ear to do.

To my own wife, Karyn, the mother of our three boys, Jonathan, Harrison, and Bryan, I say thank you, I love you. You are the rock that holds our family together and makes everything possible.

#### TRIBUTE TO DAVID WILLIAMS

Mr. MCCONNELL. Mr. President, I rise to pay tribute to the Kentucky Senate President, David Williams. He is a master legislator, a fighter for the people of Kentucky, and a true friend.

David has served the people of the 16th Senate District since 1987, and has served as Senate President since 2000. In his leadership position, he is one of the dominant figures in Kentucky politics. David and I have worked together on many issues important to the Commonwealth over the years, and I have always been impressed by his knowledge, ability, and talent to persuade others. David defends his ideas and his principles well, and as a result has positively influenced much of the legislation that comes out of the state capital.

Every Kentuckian benefits from having David Williams as Senate President. This year, the Kentucky State



Senate had a productive and beneficial session under his helm. I ask unanimous consent to print in the RECORD an article that appeared in the Lexington Herald-Leader on May 8, 2006, that details his recent accomplishments. I ask my fellow Senators to join me in thanking David Williams for his service to the people of Kentucky.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POWER POLITICS HAS A NEW CAPTAIN

(By Ryan Alessi)

FRANKFORT.—For better or for worse, this was Senate President David Williams' General Assembly session.

Williams, the commanding and strategic-minded Republican from Burkesville, has gradually established himself as the dominant personality in the legislature since taking the helm of the upper chamber six years ago.

But during this year's session, which wrapped up last month, Williams played multiple starring roles.

He was the deal maker—adding more money in the budget for the University of Kentucky and ensuring that one of Gov. Ernie Fletcher's priorities, the addition of two school days, was approved.

He was a facilitator. Just when most everyone thought a seat-belt enforcement bill was dead, Williams tackled the measure—another key priority of Fletcher—on to less controversial legislation, which eventually passed.

And early in the session, Democrats praised him for allowing bipartisan proposals relating to mine safety and a ban on protests at military funerals.

He also was a lightning rod for criticism, notably the controversy over the University of the Cumberlands.

It was Williams who inserted \$10 million into the budget for construction of a pharmacy school on the campus of the Baptist-run university in Williamsburg, which is in his Senate district. Another \$1 million would go to scholarships at the pharmacy school.

The revelation about public funds going to a private university sparked some outcries, particularly after the school expelled a student for announcing on a Web site that he is gay. Williams has defended the funding.

And an ongoing rhetorical feud between Williams and Supreme Court Chief Justice Joseph Lambert provided an interesting sidebar to the legislature's work, as Williams sparked debates about separation of powers between the legislative and judicial branches.

Throughout the 60-day session, all roads seemed to lead through Williams.

"They led through me or over me?" joked Williams, who at times comes off as affable and self-deprecating, and at others as defiant and argumentative.

He acknowledged that he tried to approach 2006 differently than recent sessions that digressed into bickering and stalemate among the legislative leaders over key issues—especially the budget.

"I felt like in the past, I had been drawn into a few confrontations that I shouldn't have gotten into. I don't think it was constructive to the institution," Williams said.

That's not to say he remained above the fray.

The last week of the session was a particularly grueling test of Williams' restraint. Lawmakers were trying to finalize details of the budget while scrambling to pass the last batch of other bills, including a proposal to lessen the tax burden on certain small businesses.

As Williams attempted to ram through the Senate's version of that tax-relief plan, Democratic Sen. Tim Shaughnessy vehemently objected, at one point declaring: "I don't trust you guys."

So Williams switched off Shaughnessy's microphone.

In the end, negotiations between Senate Republicans and House Democrats crumbled on the small-business tax issue—one of a handful of key priorities pegged by both parties that failed.

But the main goal—passing the state's two-year, \$18.1 billion spending plan—was achieved. And negotiations between House Democratic and Senate Republican leaders again proved to be a stage for Williams.

For instance, House Democrats first included \$17.5 million in their budget draft to repair a dam on the Kentucky River.

The Senate stripped that funding in its version.

During later closed-door negotiations between the two chambers' leaders, Williams was the first to emerge to tell reporters that they had restored the funds and allowed the Kentucky River Authority to use \$33 million in additional fee money to fix more dams.

Senate Republicans often gain the upper hand during such budget negotiations because Williams and Majority Floor Leader Dan Kelly of Springfield usually convey a united front, lawmakers say.

Sen. Ernesto Scorsone, a Lexington Democrat, said that's because Williams "controls the party caucus."

But Williams noted that it's easier for Senate Republicans to get on the same page because there's just 21 of them, compared to 56 House Democrats.

"It would appear to me that the Democratic negotiators generally do not have a unified plan or plan of action. There are about five or six strong personalities," he said. "They don't seem to come to a consensus before they come to the table."

Others say that the Senate Republican leaders have a knack for putting their own stamp on just about every key bill.

"David and Sen. Kelly are the driving force behind all the legislation that comes out, no matter where it originates," said Rep. Stan Lee, a Lexington Republican.

As a result, many legislators have dubbed Williams the most powerful man in Frankfort, with more effect than even the governor.

"David knows what he wants and goes out and gets it. I don't think the governor knows exactly what he wants, and certainly doesn't know how to get it," said Scorsone. "Fletcher's future, in terms of legislative success, is very much in the hands of David Williams."

The governor's staff disagreed, saying Fletcher has stood on his own.

"Governor Fletcher's record of accomplishments speaks for itself. His style is to build consensus and find areas of common ground with members of the assembly," said chief of staff Stan Cave in a statement.

Williams, who has said he supports Fletcher's re-election bid in '07, is deferential, noting that Fletcher missed a month of the session battling complications from a gallstone and pancreatitis.

"It's hard to compare management styles," he said. "Obviously the governor, because of his illness, was not around a lot at crucial times."

Williams, meanwhile, rarely missed a cue at those critical points.

"I feel I had the most productive session I've ever had," he said.

that I inadvertently missed the vote on cloture on the motion to proceed to S. 22, the Medical Care Access Protection Act of 2006, due to unavoidable airline flight delays. Had I been present, I would have voted "yea."

Americans are going to spend \$2.3 trillion this year on health care. One out of every three dollars does not go to help anybody get well. We are never going to be able to compete globally if we cannot control the health care costs in this country. The threat of medical liability raises the cost of health care for everybody in this country.

Only 16 percent of the lawsuits that are filed across the entire country have any merit whatsoever—84 percent of them are filled with the idea that we can intimidate people into settling a case so a lawyer can make money. It has nothing to do with the patient. It has everything to do with enriching the trial bar. I have experienced that personally as a physician who has delivered over 4,000 children into this world.

We have a problem with out of control medical liability—the cost of defensive medicine alone is up to \$126 billion per year. We can fix those problems. But we can't fix them by protecting special interest groups that have been protected for years—special interest groups that claim they want to do something great for people but who most of the time are motivated to do something great for themselves.

The Medical Care Access Protection Act of 2006 is based on the successful Texas model of medical liability reform. It's a solution to the problem that is already getting results.

NATIONAL POLICE SURVIVORS DAY

Ms. MURKOWSKI. In 1962, the Congress enacted and President Kennedy signed into law a joint resolution designating May 15 as Peace Officers Memorial Day and the week in which May 15 falls as National Police Week.

National Police Week is observed with numerous events here in our Nation's Capitol and parallel events in communities across the Nation. The two most moving of these events are the Peace Officers Memorial Day ceremony, on the Capitol grounds, and a candlelight vigil at the National Law Enforcement Officers Memorial on Judiciary Square. At that candlelight vigil, the name of each officer who perished in the line of duty during the preceding year is read aloud to an assemblage numbering 10,000 or more.

These events emphasize the heroic acts of the law enforcement officers who lost their lives in the line of duty. The National Law Enforcement Officers Memorial bears the inscription that our fallen officers are not heroes for the way that they died but for the way they lived their lives. Heroes, as we know, live on forever in our hearts, our spirits and our collective memories.

But for the families, friends and co-workers of law enforcement officers

VOTE EXPLANATION

Mr. COBURN. Mr. President, I ask that it be submitted to the RECORD

who lost their lives in the line of duty, the grief and the loss are very real. The survivors of fallen law enforcement officers command our sympathy and our prayers.

Yet after the funeral is over and news of the tragedy falls off of the front pages of the daily newspaper, the very hard and often solitary process of adjustment begins. In many cases, that process can last for years and years after the loss and during that lengthy period, our police survivors need support in more tangible ways.

On May 14, 2003, on the eve of the National Peace Officers' Memorial Service, 10 widows of fallen law enforcement officers came together at dinner to ask the question, "What about us?"

At the National Police Week gatherings, everyone focuses on the loved one whose life is lost, but it is also important to focus on the needs of survivors who must rebuild their lives from the ashes.

From this dinner conversation came the birth of a new national organization called "Concerns of Police Survivors." The acronym is "COPS".

One year later, COPS was formed at the first National Police Survivors Seminar which drew 110 law enforcement survivors.

Suzie Sawyer, a former President of the Fraternal Order of Police Auxiliary was selected as COPS' first Executive Director. She is also the only person to have served as the group's executive director.

Today, COPS provides healing, love and the opportunity for a renewed life to over 15,000 families through a network of 48 chapters around the country.

Over its 22 year history, COPS, as it is called, has expanded its offering of programs to include: peer support and counseling for survivors every day of the year, assistance in obtaining death benefits, assistance in coping with parole hearings, and scholarships for surviving spouses and children.

It offers special programs for parents, siblings and spouses of fallen officers as well as a summer camp for young and teenage children.

COPS also trains police agencies on how to cope with a line of duty death.

But one of the most important activities COPS offers is the Annual Police Survivors Seminar. This weekend at a hotel in Alexandria that is closed off to the public and the media, survivors from across the country will find a safe place to vent, to cry, to laugh, to think, and to heal.

COPS has played a pivotal role in helping the families of Alaska's survivors rebuild their lives. COPS was there for Laurie Heck Huckeba, the widow of Alaska State Trooper Bruce Heck, slain on January 10, 1997. Laurie went on to become a member of the COPS national board of directors, and facilitates sessions at the National Police Survivors Seminar.

Survivors helping survivors—that's what COPS is all about.

And COPS was there for the family of slain Kenai Police Officer John Watson, who tragically lost his life on Christmas Day, 2003, while checking on the welfare of another. Officer Watson is the last Alaska officer to lose his life in the line of duty.

COPS will be there for the family, co-workers and friends of Vicki Armel, the Fairfax County Detective who was senselessly slain by a sniper outside the Sully District Police Station this week.

And it will do the same for the survivors of slain Philadelphia Police Officer Gary Skerski, also shot to death this week after responding to a robbery call at a bar. The perpetrator told patrons that he planned to kill an officer. Eleven Philadelphia officers have been shot in the last 25 months, according to the Fraternal Order of Police. Every one of those incidents takes an emotional toll on so many others.

Thanks to the work of Suzie Sawyer and COPS, all of those affected by a police line of duty death no longer need to ask the question, "What about us?"

They refer to law enforcement as the "thin blue line." Thanks to COPS, that thin blue line of support for our law enforcement families is tens of thousands of people thick.

In honor of our police survivors and the vital work that is undertaken by COPS, I joined with my colleagues earlier this week in offering Senate Resolution 473 which designates May 14, the anniversary of the founding of COPS, as National Police Survivors Day. The resolution is intended to engage all of our fellow citizens to lend their hearts and to lend a hand to the survivors of our police heroes.

I am pleased that the Senate adopted Senate Resolution 473. I appreciate the support of our colleagues in moving this resolution through swiftly. It is especially timely given the unfortunate events that occurred this week in Fairfax County and in Philadelphia. How tragic that these events occurred on the very eve of National Police Week.

I also want to acknowledge the leadership of my colleague, Mr. TALENT, in whose state of Missouri COPS is headquartered, and my colleague, Mrs. LINCOLN, our lead co-sponsor on the Democratic side, who worked with me to put forward this resolution.

In the United States, one law enforcement officer dies in the line of duty every 53 hours. Each year somewhere between 140 and 160 lose their lives in the line of duty.

As we remember the heroic deeds of the 17,535 law enforcement officers whose names are carved into the marble wall on Judiciary Square, let us also take a moment to reflect on those who are left to carry on. Let's do this on May 14—National Police Survivors Day.

#### GULF OF MEXICO RESTORATION AND PROTECTION ACT

Mr. LOTT. Mr. President, I have been pleased to join with my distinguished

colleagues, Senator MARTINEZ and Senator LANDRIEU, in introducing bipartisan legislation that will take a very significant step forward in restoring and protecting the Gulf of Mexico.

I want to highlight how important the Gulf of Mexico is to our country. The Gulf of Mexico is the ninth largest body of water in the world, and the Gulf region covers approximately 600,000 square miles. The Gulf of Mexico contains 7 of this Nation's top 10 ports in terms of tonnage or cargo value, 4 of the top 7 fishing ports in the Nation, yields more finfish, shrimp, and shellfish annually than the south and mid-Atlantic, Chesapeake, and New England areas combined, and supports a \$20 billion annual tourism industry.

Sadly, over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by nonpoint source pollution largely resulting from pollutant transport along the nearly 2,300-mile-long Mississippi River. I believe many Americans would be surprised to know that the Environmental Protection Agency's Gulf of Mexico Program, the only Federal program solely focused on protecting the health and productivity of the Gulf of Mexico, is neither authorized nor adequately funded to perform critical program functions vital to protecting and restoring one of this country's greatest natural resources.

The Gulf of Mexico Restoration and Protection Act will authorize the Environmental Protection Agency's Gulf of Mexico Program to undertake specific nonregulatory functions, and authorize annual appropriations to support activities designed to improve Gulf of Mexico water quality and marine resource productivity. With an 18-year track record of success, the Gulf of Mexico Program proves that it is not only possible but also practical to manage our natural resources through collaborative, nonregulatory approaches that leverage support, resources, and capabilities from Federal, State, non-profit, and private sector partners. Unfortunately, the Gulf of Mexico Program is struggling with a very limited budget and a staff comprised largely of people "on loan" from other Federal agencies. The historic storm season of 2005 gravely worsened the situation by placing increased demand on the program's technical services, and I expect this pressure will continue to rise as the gulf coast rebuilds.

I commend the EPA Gulf of Mexico Program and its Federal, State, non-profit, and private sector partners for doing so much with so little for so long. However, it is impractical to expect this to continue in perpetuity. Now is the time to take actions to ensure the Gulf of Mexico is protected for continued economic productivity, recreation, and to make certain this great water body remains a place of beauty and enjoyment for current and future generations.

## TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

Mr. CHAMBLISS. Mr. President, I support the conference report to accompany H.R. 4297, the Tax Increase Prevention and Reconciliation Act of 2005. I wish to commend Chairman GRASSLEY and the House/Senate conferees for forging an important package to ensure continued economic vitality which was spurred by common-sense tax cuts enacted under the leadership of President George W. Bush.

The conference report, which has already passed the House of Representatives by a vote of 244 to 185, will help small businesses, farmers, and working American taxpayers. Most significantly, the conference report: Extends for 2 years the capital gains and dividend tax rate reductions; increases the exemption threshold for the alternative minimum tax, meaning that fewer working Americans will be subjected to this hidden and creeping tax increase; increases important expensing for small businesses; eliminates the income limits on conversions to Roth individual retirement accounts; accelerates the application of \$20 million capital expenditure limitation on tax-exempt State and local bonds used to finance private business manufacturing or the acquisition of land and equipment by certain farmers.

The editorial board of the Wall Street Journal has correctly pointed out that the President's tax cuts and lower rates on dividends and capital gains has resulted in an increase in revenue of \$137 billion, 11.2 percent, as reflected in the Treasury's monthly budget report for May. This is more than triple the rate of inflation and is in addition to the \$274 billion, or a 14.6 percent increase, in Federal revenues for all of fiscal 2005, which ended September 30.

Passage of this measure is essential to continue America's extraordinary economic expansion to benefit all Americans.

## MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, 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 Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2791. A bill to amend title 46 and 49, United States Code, to provide improved maritime, rail, and public transportation security, and for other purposes.

## 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. GRAHAM (for himself and Mr. DORGAN):

S. 2796. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 2797. A bill to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, Mrs. MURRAY, and Mr. DURBIN):

S. 2798. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself, Mr. DEWINE, Mr. BINGAMAN, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. DURBIN, Mr. COLEMAN, Mr. KENNEDY, and Mr. MARTINEZ):

S. Res. 476. A resolution supporting democracy, development, and stabilization in Haiti; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1698

At the request of Mr. LUGAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1698, a bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries, and for other purposes.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2401

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming

(Mr. ENZI) 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. 2498

At the request of Mr. THOMAS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2498, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) 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. 2568

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2568, a bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2723

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2723, a bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA-PD plan to promptly pay claims submitted under part D, and for other purposes.

S. 2770

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2770, a bill to impose sanctions on certain officials of Uzbekistan responsible for the Andijan massacre.

S. 2787

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2787, a bill to permit United States persons to participate in the exploration for and the extraction of hydrocarbon resources from any portion of a foreign maritime exclusive economic zone that is contiguous to the exclusive economic zone of the United States, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. DORGAN):

S. 2796. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers

associated with hydrogen energy; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the text of the H-Prize Act 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. 2796

*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 "H-Prize Act of 2006".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **ADMINISTERING ENTITY.**—The term "administering entity" means the entity with which the Secretary enters into an agreement under section 3(c).

(2) **DEPARTMENT.**—The term "Department" means the Department of Energy.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Energy.

#### SEC. 3. PRIZE AUTHORITY.

(a) **IN GENERAL.**—The Secretary shall carry out a program to competitively award cash prizes only in conformity with this Act to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

(b) **ADVERTISING AND SOLICITATION OF COMPETITORS.**—

(1) **ADVERTISING.**—The Secretary shall widely advertise prize competitions to encourage broad participation, including participation by—

(A) individuals;

(B) institutions of higher education, including historically Black colleges and universities and other institutions serving minorities; and

(C) large and small businesses, including businesses owned or controlled by socially and economically disadvantaged persons.

(2) **ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.**—

(A) **IN GENERAL.**—The Secretary shall announce each prize competition by publishing a notice in the Federal Register.

(B) **REQUIREMENTS.**—The notice shall include a description of—

(i) the subject of the competition;

(ii) the duration of the competition;

(iii) the eligibility requirements for participation in the competition;

(iv) the process for participants to register for the competition;

(v) the amount of the prize; and

(vi) the criteria for awarding the prize.

(c) **ADMINISTERING THE COMPETITIONS.**—

(1) **IN GENERAL.**—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions, subject to this Act.

(2) **DUTIES.**—The duties of the administering entity under the agreement shall include—

(A) advertising prize competitions and the results of the prize competitions;

(B) raising funds from private entities and individuals to pay for administrative costs and contribute to cash prizes;

(C) working with the Secretary to develop the criteria for selecting winners in prize competitions, based on goals provided by the Secretary;

(D) determining, in consultation with the Secretary, the appropriate amount for each prize to be awarded;

(E) selecting judges in accordance with section 4(d), using criteria developed in consultation with the Secretary; and

(F) preventing the unauthorized use or disclosure of the intellectual property, trade secrets, and confidential business information of registered participants.

(d) **FUNDING SOURCES.**—

(1) **IN GENERAL.**—Cash prizes under this Act shall consist of funds appropriated under section 8 and any funds provided by the administering entity for the cash prizes (including funds raised pursuant to subsection (c)(2)(B)).

(2) **OTHER FEDERAL AGENCIES.**—The Secretary may accept funds from other Federal agencies for the cash prizes.

(3) **NO SPECIAL CONSIDERATION.**—The Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the administering entity.

(e) **ANNOUNCEMENT OF PRIZES.**—

(1) **IN GENERAL.**—The Secretary may not issue a notice required by subsection (b)(2) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity.

(2) **INCREASE IN AMOUNT OF PRIZE.**—The Secretary may increase the amount of a prize after an initial announcement is made under subsection (b)(2) if—

(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

#### SEC. 4. PRIZE CATEGORIES.

(a) **CATEGORIES.**—The Secretary shall establish prizes for—

(1) advancements in components or systems related to—

(A) hydrogen production;

(B) hydrogen storage;

(C) hydrogen distribution; and

(D) hydrogen utilization;

(2) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

(3) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria that—

(A) shall include minimal carbon emissions; and

(B) may include cost criteria designed to facilitate the eventual market success of a winning technology.

(b) **AWARDS.**—

(1) **ADVANCEMENTS.**—

(A) **IN GENERAL.**—To the extent permitted under subsection (a)(1), the prizes authorized under subsection (a)(1) shall be awarded biennially to the most significant advance made in each of the 4 subcategories described in subparagraphs (A) through (D) of subsection (a)(1) since the submission deadline of the previous prize competition in the same category under subsection (a)(1) or the date of enactment of this Act, whichever is later, unless no such advance is significant enough to merit an award.

(B) **MAXIMUM AMOUNT FOR SINGLE PRIZE.**—No single prize described in subparagraph (A) may exceed \$1,000,000.

(C) **INSUFFICIENT TOTAL FUNDS.**—If less than \$4,000,000 is available for a prize competition under subsection (a)(1), the Secretary may—

(i) omit 1 or more subcategories;

(ii) reduce the amount of the prizes; or

(iii) not hold a prize competition.

(2) **PROTOTYPES.**—

(A) **IN GENERAL.**—To the extent permitted under section 3(e), prizes authorized under

subsection (a)(2) shall be awarded biennially in alternate years from the prizes authorized under subsection (a)(1).

(B) **TOTAL NUMBER OF PRIZES.**—The Secretary may award no more than 1 prize under subsection (a)(1) in each 2-year period.

(C) **MAXIMUM AMOUNT FOR SINGLE PRIZE.**—No single prize under this paragraph may exceed \$4,000,000.

(D) **INSUFFICIENT QUALIFIED ENTRIES.**—If no registered participant meets the objective performance criteria established pursuant to subsection (c) for a competition under this paragraph, the Secretary shall not award a prize.

(3) **TRANSFORMATIONAL TECHNOLOGIES.**—

(A) **IN GENERAL.**—To the extent permitted under section 3(e), the Secretary shall announce 1 prize competition authorized under subsection (a)(3) as soon as practicable after the date of enactment of this Act.

(B) **AMOUNT OF PRIZE.**—A prize offered under this paragraph shall—

(i) be in an amount not less than \$10,000,000;

(ii) be paid to the winner in a lump sum; and

(iii) include an additional amount paid to the winner as a match for each dollar of non-Federal funding raised by the winner for the hydrogen technology beginning on the date the winner was named.

(C) **MATCHING.**—

(i) **IN GENERAL.**—The match described in subparagraph (B)(iii) shall be provided until the earlier of—

(I) the date that is 3 years after the date the prize winner is named; or

(II) the date on which the full amount of the prize has been paid out.

(ii) **ELECTION.**—A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology.

(iii) **RULES.**—The Secretary shall announce the rules for receiving the match in the notice required by section 3(b)(2).

(D) **REQUIREMENTS.**—The Secretary shall award a prize under this paragraph only when a registered participant has met the objective criteria established for the prize pursuant to subsection (c) and announced pursuant to section 3(b)(2).

(E) **TOTAL AMOUNT OF FUNDS.**—

(i) **FEDERAL FUNDS.**—Not more than \$10,000,000 in Federal funds may be used for the prize award under this paragraph.

(ii) **MATCHING FUNDS.**—As a condition of entering into an agreement under section 3(c), the administering entity shall seek to raise \$40,000,000 in non-Federal funds toward the matching award under this paragraph.

(c) **CRITERIA.**—In establishing the criteria required by this Act, the Secretary shall consult with—

(1) the Hydrogen Technical and Fuel Cell Advisory Committee of the Department;

(2) other Federal agencies, including the National Science Foundation; and

(3) private organizations, including professional societies, industry associations, the National Academy of Sciences, and the National Academy of Engineering.

(d) **JUDGES.**—

(1) **IN GENERAL.**—For each prize competition, the Secretary shall assemble a panel of qualified judges to select the 1 or more winners on the basis of the criteria established under subsection (c).

(2) **INCLUSIONS.**—Judges for each prize competition shall include individuals from outside the Department, including from the private sector.

(3) **PROHIBITIONS.**—A judge may not—

(A) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant

in the prize competition for which the judge will serve as a judge; or

(B) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which the judge will serve as a judge.

#### SEC. 5. ELIGIBILITY.

To be eligible to win a prize under this Act, an individual or entity—

(1) shall have complied with all the requirements in accordance with the Federal Register notice required under section 3(b)(2);

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States;

(3) in the case of an individual (whether participating singly or in a group), shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

(4) shall not be a Federal entity, a Federal employee acting within the scope of employment, or an employee of a national laboratory acting within the scope of employment.

#### SEC. 6. INTELLECTUAL PROPERTY.

(a) IN GENERAL.—Subject to subsection (b), the Federal Government shall not, by virtue of offering or awarding a prize under this Act, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this Act.

(b) NEGOTIATION OF LICENSES PERMITTED.—This section does not prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this Act.

#### SEC. 7. LIABILITY.

(a) WAIVER OF LIABILITY.—

(1) IN GENERAL.—As a condition of participation in a competition under this Act, the Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the participation of the registered participants in a competition under this Act.

(2) NOTICE REQUIRED.—The Secretary shall provide notice of any waiver required under this subsection in the notice required by section 3(b)(2).

(3) PROHIBITION.—The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the intellectual property, trade secrets, or confidential business information of the registered participant.

(b) LIABILITY INSURANCE.—

(1) REQUIREMENTS.—As a condition of participation in a competition under this Act, a registered participant shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this Act; and

(B) the Federal Government for damage or loss to Government property resulting from such an activity.

(2) FEDERAL GOVERNMENT INSURED.—

(A) IN GENERAL.—The Federal Government shall be named as an additional insured under the insurance policy of a registered participant required under paragraph (1)(A).

(B) MANDATORY INDEMNIFICATION.—As a condition of participation in a competition under this Act, a registered participant shall be required to agree to indemnify the Fed-

eral Government against third party claims for damages arising from or related to competition activities.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AWARDS.—There are authorized to be appropriated to the Secretary to carry out this Act for the period of fiscal years 2007 through 2016—

(A) \$20,000,000 for awards described in section 4(a)(1);

(B) \$20,000,000 for awards described in section 4(a)(2); and

(C) \$10,000,000 for the award described in section 4(a)(3).

(2) ADMINISTRATION.—In addition to the amounts authorized in paragraph (1), there are authorized to be appropriated to the Secretary for the administrative costs of carrying out this Act \$2,000,000 for each of fiscal years 2007 through 2016.

(b) CARRYOVER OF FUNDS.—

(1) IN GENERAL.—Funds appropriated for prize awards under this Act—

(A) shall remain available until expended; and

(B) may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated.

(2) RELATION TO OTHER LAW.—No provision in this Act permits obligation or payment of funds in violation of section 1341 of title 31, United States Code (commonly known as the “Anti-Deficiency Act”).

#### SEC. 9. MAINTENANCE OF EFFORT.

The Secretary shall ensure that funds provided under this Act will be used only to supplement, and not to supplant, Federal research and development programs.

#### SEC. 10. SUNSET.

The authority provided by this Act shall terminate on September 30, 2017.

By Ms. MURKOWSKI:

S. 2797. A bill to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

MS. MURKOWSKI. Mr. President, as we approach the start of National Police Week and the annual memorial service, I would like to take this opportunity once again to speak about the life and accomplishments of the late Thomas P. O'Hara, a National Park Service Protection Ranger and pilot and an Alaskan hero.

Thomas P. O'Hara was assigned to the Katmai National Park and Preserve in the Bristol Bay region of western Alaska. On December 19, 2002, Ranger O'Hara and his passenger, a Fish and Wildlife Service employee, were on a mission in the Alaska Peninsula National Wildlife Refuge. Their plane went down on the tundra.

When the plane was reported overdue, a rescue effort consisting of 14 single engine aircraft, an Alaska Air National Guard plane, and a Coast Guard helicopter quickly mobilized. Many of the single-engine aircraft were piloted by Tom's friends. The wreckage was located late in the afternoon of December 20. The passenger survived the crash, but Ranger Tom did not.

Tom O'Hara was an experienced pilot with 11,000 hours as a pilot-in-command. He was active in the communities of Naknek and King Salmon

where he grew up, flying children to Bible camp and coaching young wrestlers. Tom provided a strong link between the residents of Bristol Bay and the National Park Service.

Although Tom O'Hara was a most valued employee of the National Park Service, he did not enjoy the same status as National Park Service employees with competitive career status. Tom was hired under a special hiring authority established under the Alaska National Interest Lands Conservation Act, ANILCA, which permits land management agencies like the National Park Service to hire, on a noncompetitive basis, Alaskans who by reason of having lived or worked in or near public lands in Alaska, have special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof.

Tom O'Hara possessed this knowledge and offered it freely to the National Park Service. But because he was hired under this special authority, his opportunities for transfer and promotion within the Park Service were limited, even though his service was exemplary.

As a lasting memorial to Tom O'Hara's exemplary career, I am introducing legislation today that will grant competitive status to ANILCA local hire employees who hold permanent appointments with the Federal land management agencies after the completion of 2 years of satisfactory service. In Tom's honor, the short title of this legislation is the Thomas P. O'Hara Public Land Career Opportunity Act of 2006.

It is my sincere hope that the enactment of this legislation will encourage other Alaskans, particularly Alaska Natives, to follow in Tom O'Hara's footsteps and seek lifelong careers with the Federal land management agencies.

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. 2797

*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 “Thomas P. O'Hara Public Land Career Opportunity Act of 2006”.

#### SEC. 2. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) COMPETITIVE STATUS.—An individual appointed to a permanent position under subsection (a) shall be converted to competitive status after—

“(1) if the appointment is full time, the completion of 2 years of competitive and satisfactory full time service; or

"(2) if the appointment is less than full time, the period that is equivalent to 2 years of competitive and satisfactory full time service."

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 476—SUPPORTING DEMOCRACY, DEVELOPMENT, AND STABILIZATION IN HAITI

Mr. NELSON of Florida (for himself, Mr. DEWINE, Mr. BINGAMAN, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. DURBIN, Mr. COLEMAN, Mr. KENNEDY, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

#### S. RES. 476

Whereas Haiti has a per capita gross domestic product (GDP) of \$361, over 65 percent of the population lives under the poverty line, 50 percent of the population does not have access to clean water, and nearly 50 percent of the population is illiterate, according to the World Bank;

Whereas the Government of Haiti has fundamental requirements with respect to providing citizen security, protecting the rule of law, controlling drug trafficking, and fighting corruption;

Whereas, on March 2, 2004, United Nations Secretary-General Kofi Annan stated, "We should put the people of Haiti at the center of everything we try to do, and try and help them build a better future. And as I have indicated before, I hope this time the international community will go in for the long haul and not a quick turn-around. We need to work with them to stabilize the country, and sustain the effort. It may take years and I hope we will have the patience to do it.";

Whereas the United Nations Stabilization Mission in Haiti (MINUSTAH) was established by United Nations Security Council Resolution 1542 on April 30, 2004, and extended again until August 15, 2006, by United Nations Security Council Resolution 1658, "with the intention to renew for further periods";

Whereas over 40 countries participate in MINUSTAH, including 12 countries from the Western Hemisphere;

Whereas the leadership of MINUSTAH is comprised of representatives from Canada, Brazil, and Chile;

Whereas more than 3,500,000 Haitians registered to vote in Haiti according to the Organization of American States;

Whereas more than 2,000,000 Haitians voted in the national elections on February 7, 2006, according to the Haitian Provisional Electoral Council (CEP); and

Whereas more than \$1,000,000,000 was pledged at the International Donors Conference in July 2004 in support of Haiti's Interim Cooperation Framework: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges reconciliation among the people of Haiti, including a government led by President-elect Rene Preval that respects the rights of all political parties;

(2) supports the efforts of President-elect Preval to coordinate municipal and local elections in 2006;

(3) thanks the countries that are contributing personnel to MINUSTAH, particularly Brazil, whose President, Luiz Inacio Lula da Silva, announced on March 13, 2006, that peacekeepers from Brazil will stay in Haiti for as long as the new government in Haiti needs them;

(4) supports efforts by the United States to encourage Canada, Chile, and Argentina to maintain their commitments to MINUSTAH;

(5) strongly encourages the members of the United Nations Security Council to continue to support the current troop levels of MINUSTAH and to raise significantly the numbers of United Nations civilian police forces;

(6) urges the broader international community to continue to support MINUSTAH, to fulfill the pledges made at the July 2004 International Donors Conference, and to plan for a new multi-year commitment of support at a new donor's conference to be held no later than July 2006;

(7) recommends the creation of an effective demobilization, disarmament, and reintegration program to encompass former military members and gangs;

(8) recommends that the new government cooperate fully with MINUSTAH in assuring police and judiciary reform; and

(9) supports assistance from the United States Government to support the reconstruction of Haiti, including programs to promote job creation, governance and rule of law, protection of the environment, access to basic education and health care, and reconstruction of vital infrastructure.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, May 12, 2006, at 10 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE PLACED ON THE CALENDAR—S. 2791

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 2791) to amend titles 46 and 49, United States Code, to provide improved maritime, rail, and public transportation security, and for other purposes.

Mr. FRIST. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

## SUPPORTING DEMOCRACY DEVELOPMENT AND STABILIZATION IN HAITI

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 476, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 476) supporting democracy development and stabilization in Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD as if read, without intervening action our debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 476) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 476

Whereas Haiti has a per capita gross domestic product (GDP) of \$361, over 65 percent of the population lives under the poverty line, 50 percent of the population does not have access to clean water, and nearly 50 percent of the population is illiterate, according to the World Bank;

Whereas the Government of Haiti has fundamental requirements with respect to providing citizen security, protecting the rule of law, controlling drug trafficking, and fighting corruption;

Whereas, on March 2, 2004, United Nations Secretary-General Kofi Annan stated, "We should put the people of Haiti at the center of everything we try to do, and try and help them build a better future. And as I have indicated before, I hope this time the international community will go in for the long haul and not a quick turn-around. We need to work with them to stabilize the country, and sustain the effort. It may take years and I hope we will have the patience to do it.";

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(3) thanks the countries that are contributing personnel to MINUSTAH, particularly Brazil, whose President, Luiz Inacio Lula da Silva, announced on March 13, 2006, that peacekeepers from Brazil will stay in Haiti for as long as the new government in Haiti needs them;

(4) supports efforts by the United States to encourage Canada, Chile, and Argentina to maintain their commitments to MINUSTAH;



(5) strongly encourages the members of the United Nations Security Council to continue to support the current troop levels of MINUSTAH and to raise significantly the numbers of United Nations civilian police forces;

(6) urges the broader international community to continue to support MINUSTAH, to fulfill the pledges made at the July 2004 International Donors Conference, and to plan for a new multi-year commitment of support at a new donor's conference to be held no later than July 2006;

(7) recommends the creation of an effective demobilization, disarmament, and reintegration program to encompass former military members and gangs;

(8) recommends that the new government cooperate fully with MINUSTAH in assuring police and judiciary reform; and

(9) supports assistance from the United States Government to support the reconstruction of Haiti, including programs to promote job creation, governance and rule of law, protection of the environment, access to basic education and health care, and reconstruction of vital infrastructure.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 576, 577, 578, 579, 619, 620, and 623.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF AGRICULTURE

Marc L. Kesselman, of Tennessee, to be General Counsel of the Department of Agriculture.

Linda Avery Strachan, of Virginia, to be an Assistant Secretary of Agriculture.

Boyd Kevin Rutherford, of Maryland, to be an Assistant Secretary of Agriculture.

Gale A. Buchanan, of Georgia, to be Under Secretary of Agriculture for Research, Education, and Economics.

#### DEPARTMENT OF JUSTICE

Timothy Anthony Junker, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Patrick Carroll Smith, Sr., of Maryland, to be United States Marshal for the Western District of North Carolina for the term of four years.

#### DEPARTMENT OF HOMELAND SECURITY

Uttam Dhillon, of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## ORDERS FOR MONDAY, MAY 15, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, May 15. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to S. 2611, the Comprehensive Immigration Reform Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. Mr. President, on Monday, we will return to the immigration reform bill. Members wishing to offer amendments to this bill and wishing to debate the bill are encouraged to do so starting on Monday.

The first rollcall vote next week will be on Tuesday morning at 10 o'clock. That particular vote will be on the confirmation of a circuit court judicial nomination. In all likelihood, we will have several other votes stacked on immigration shortly thereafter.

We will have a full week next week. The Democratic leader and I outlined yesterday morning what the plans would be, expecting a full debate on what we know is a contentious issue, in large part because of the complexity of the issue.

We all know we need to address the insecurity that exists on our borders today. It has to be first and foremost, up front. That is where illegal people, millions of illegal people, come through every year.

There is a real distrust of Government being able to accomplish that among the American people today. We hear it by direct conversation, and we see it by e-mail. We have to do our absolute best to secure those borders. It takes money, it takes planning, it takes Federal involvement, State involvement, and that has to be accomplished.

I feel very good about the progress that has been made to date. It is still totally inadequate, but last year we put about \$10 billion on our borders, increasing the number of border security guards, and adding 1,400 detention beds inside this country. It does take time when we put the money there to train people and to get them on board. I am not making any excuses, but that was the end of last year.

Last week in this body, we said we need to spend another \$1.9 billion on the border in terms of providing the technology, the surveillance, the infrared cameras, the unmanned aerial vehicles, the capital expenditures that are required.

Now it is important for us to put together a comprehensive plan which stresses border security. We have to

tighten it, but we also recognize this country is a magnet for people coming in from other countries. If we have employers hiring people illegally, who break the law, people are going to climb over the fence no matter how high we make it, or dig under that fence, and that is why we have to extend it to comprehensive reform.

From a workforce standpoint, we in this Nation welcome legal immigrants to come and work. That will be addressed as well.

It is going to require lots of debate, lots of amendments, and agreement. Again, the Democratic leader and I agree 100 percent on our approach, coming together in this body to address an issue which I hope will be in a dignified and civil way that reflects the very best of this institution. We will complete this bill before the Memorial Day recess.

## ADJOURNMENT UNTIL MONDAY, MAY 15, 2006, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:42 p.m., adjourned until Monday, May 15, 2006, at 2 p.m.

## NOMINATIONS

Executive nomination received by the Senate May 12, 2006:

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. JAMES N. SOLIGAN

## CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, May 12, 2006:

#### DEPARTMENT OF HOMELAND SECURITY

UTTAM DHILLON, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### DEPARTMENT OF AGRICULTURE

MARC L. KESSELMAN, OF TENNESSEE, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE.

LINDA AVERY STRACHAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

BOYD KEVIN RUTHERFORD, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

GALE A. BUCHANAN, OF GEORGIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

#### DEPARTMENT OF JUSTICE

TIMOTHY ANTHONY JUNKER, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

PATRICK CARROLL SMITH, SR., OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.



## EXTENSIONS OF REMARKS

TRIBUTE TO MR. NORTON HURD  
OF DELTAVILLE, VIRGINIA

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I would like to submit for the RECORD the accomplishments of Mr. Norton Hurd of Deltaville, Virginia.

Mr. Hurd, whose grandfather fought at the Battle of Gettysburg, grew up in Deltaville, Virginia, and attended Lynchburg College, studying history while playing varsity tennis, baseball, and basketball. After graduating from Lynchburg, Mr. Norton became a teacher and coach at Amelia High School before signing up for the U.S. Naval Air Reserve in 1941. After receiving his flight wings in May 1942, Ensign Hurd was stationed in Minneapolis, training pilots in open-cockpit planes in the frigid temperatures of Minnesota. He, however, longed for combat.

Ensign Hurd repeatedly asked his skipper for a transfer, telling him "I don't want to tell my grandchildren, when the war is over, that I fought the battle of Minneapolis." After flight training sessions in New Jersey and Massachusetts, Lieutenant Hurd found himself aboard the legendary aircraft carrier *Wasp*, heading for Guam. Lt. Hurd was a member of the Hell Razors, and flew in the first group of Navy planes to bomb Tokyo. After surviving a showdown with a Japanese fighter near Chi-Chi Jima, one of his engines failed, and he crashed into the Pacific within 100 yards of the *Wasp*. After being rescued, Lt. Hurd was awarded the Distinguished Flying Cross, given to those who distinguish themselves by heroism or extraordinary achievement while participating in aerial flight.

After returning home from the Pacific, Mr. Hurd opened Hurd's Home Appliances in Deltaville in January 1946, figuring that after the war everyone would need appliances. In 1947 he married Alvine Taylor, and they have three children together, Myra, Jack, and Michael. Mr. Norton is a charter member of the Middlesex Lions Club, has served as presidents of the Deltaville Community Association and the Middlesex County Chamber of Commerce, and for 25 years was on the Board of Directors of the Bank of Middlesex, First Virginia Bank. He is also a member of the fire department and rescue squad, and has been inducted into the Lynchburg College Hall of Fame. Mr. Hurd is an outstanding athlete, gentleman, and asset to Virginia, and is loved by everyone who knows him.

I would like to submit for the RECORD a recent article about Mr. Hurd in the Baysplash, entitled "Hell Razor: Staying Still's Been the One Thing Norman Hurd of Deltaville Can't Do." I recommend my colleagues in the House of Representatives to read about this fine American in the First District of Virginia.

HELL RAZOR: STAYING STILL'S BEEN THE ONE  
THING NORTON HURD OF DELTAVILLE CAN'T DO  
(By Capt. Bob Cerullo)

As a young lad, Norton Hurd, now nearing 90, loved to sit with his grandfather on the porch of the home his grandfather built after the Civil War. He recalled the day his grandfather "gave me a dime to stay still and not say a word for ten minutes because I was always jumping and carrying on."

His grandfather, Jesse C. Hurd, had been shot in the leg at the Battle of Gettysburg. When the Civil War ended he arrived in Deltaville and did logging work, fell in love with the place, became a carpenter, built several homes including his own, and fell in love again, marrying Ida Harrow of Deltaville.

Their son (and Norton's father), Jesse W. Hurd, married Mabel Norton, also of Deltaville. Jesse W. loved farming and eventually opened a grocery store to sell the crops he grew. Young Norton worked the crops, milked the cows, gathered eggs, tended the store and dreamed about baseball. Ted Williams was his hero, and there is a family legend that Norton's first words were, "Throw it here."

Norton, who didn't share his father's love of farming, attended Lynchburg College, studied history, and played varsity tennis, basketball and baseball. After graduation he was a teacher and coach at Amelia High School, and he recalls coaching a student named Monte Kennedy, who went on to play for the Brooklyn Dodgers.

#### TRAINING FOR COMBAT

With the drums of war beating in Europe, it was only a matter of time before Norton faced being drafted, probably into the infantry. "I had played a lot of baseball and I had played every position, at one time or another, except catching," he said. "I have not had any desire to be a catcher. So I said, 'I think I would really rather be up there pitching than down there catching'." Determined to be a pilot, the gangly young teacher signed up with the U.S. Naval Air Reserve, Air Corps. A few weeks later he reported to Anacostia, MD, for a physical, where doctors found he was underweight, had a cold and was running a fever; they told him to go home, stay still, rest and eat. Staying still was the hardest part, and after consuming dozens of bananas and quarts of milk he was back in three days, both heavier and fever-free.

By August of 1941 he was flying an open-cockpit N2S Starman bi-plane, and with seven hours of in-flight training he was transferred to Jacksonville, Florida, where he got his wings in May of 1942. Ensign Hurd was then stationed in Minneapolis, where he trained pilots in freezing cold open-cockpit planes for two winters. "It got so cold up at 5,000 feet that you couldn't stay in the air for more than 30 minutes," he said. "The Red Cross ladies knitted ski masks for us, but it was cold." There were several close calls when a student panicked and he had to take over the controls to avoid crashing the plane.

Hurd, impatient for combat, kept asking his skipper for a transfer, and the skipper in turn asked him if he knew what he was saying, and why he wanted to be reassigned. "Well, I joined because I thought there was going to be a fight," Hurd told him. "I don't

want to tell my grandchildren, when the war is over, that I fought the battle of Minneapolis." Three months later he was in Wildwood, NJ, where he trained to fly Curtiss SB2C dive bombers; pilots nicknamed the cumbersome plane "The Beast." Next, at Otis Field in Massachusetts, he learned to land a plane on an aircraft carrier. "The first time I went out there to land I had to find the carrier and make three landings to qualify," he said. "The Navy figured if you could land on one of the little carriers then you could land on anything. I looked down at that carrier and it really looked to me like a wooden roof shingle floating in the sea. I made it."

#### THE HELL RAZORS

Sent to Maui, Hurd reported aboard the legendary aircraft carrier *Wasp*, steaming for Guam. He was a member of the infamous air group known as the Hell Razors, and flew in the first group of Navy planes to bomb Tokyo. On a flight over Chi-Chi Jima, a Japanese communication center near Iwo Jima, he was jumped by a Japanese fighter, which he shot down, then, within about a hundred yards of landing back on the *Wasp*, he engine failed and Lt. Hurd plowed into the sea.

It was February, the churning sea water was cold, and the plane hit the water hard, "My head hit the cockpit. I was momentarily stunned," he said. "When a fighter goes in it goes down in the water, then comes back up. The water came over my head. I thought I was sinking so I jumped out of the cockpit and crawled out on the wing. Then the plane came up. I swam back to try to get the lifeboat that I knew was stored under the pilot's seat."

Pilots sometimes debated about whether one could be sucked down when a plane ditched, Hurd recalled, and "I didn't think it was time to settle that debate right there, so I ran off the wing again and jumped overboard. My head was bleeding. All I had was a Mae West life preserver, a dye marker and a whistle. I was treading water and blowing the whistle. In the waves, one minute I could see the carrier going away; in the next I couldn't see anything. I was bleeding and thinking about the sharks. It finally hit me that there was no place to swim to. Finally I saw a destroyer coming. Then, God, I am standing in the water blowing my whistle. It steamed right on past me. Then finally it backed up. They threw me a rope and wanted me to climb up it. I was so weak I couldn't do it. Then they threw me a net and pulled me up and put me in sick bay.

"They sewed up my head, then took me up on deck to be transferred back to the *Wasp*. The transfer basket from the *Wasp* arrived with ten gallons of ice cream aboard. Then they put me in the transfer basket and sent me back over the raging sea to the *Wasp*. So I figure I am worth ten gallons of ice cream."

Hurd was awarded the Distinguished Flying Cross, given to those who distinguish themselves by heroism or extraordinary achievement while participating in aerial flight, as evidenced by voluntary action above and beyond the call of duty.

#### BACK HOME

Undecided about what to do after the war, Hurd said he thought about sailing a boat around the world but couldn't find any of his friends who were "crazy enough" to go with

• 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.

him. He headed to Deltaville to relax and contemplate a career, but the future was decided for him. His father had sold his grocery business for \$5,000, which he used to buy a store for Norton. "When I came home my dad said, 'I got a place'," he recalled. "My father never wanted me to leave home. Dad was a hard worker and expected the same from me." In January of 1946 Norton opened Hurd's Home Appliances, figuring that everyone would need appliances after the war. With his father's help he obtained credit and a stock of scarce home appliances, and had more customers than stock.

In 1947 he married Alvine Taylor, daughter of the founder of Taylor's Restaurant, still a Deltaville landmark. "When I came home from the war and saw Alvine Taylor, I knew she was the most attractive young woman I had ever seen anywhere," he said. "We were married two years later." They have three children: Myra Wall and Jack Hurd run Hurd's Hardware, and Michael, a former prosecutor, is an attorney in Deltaville; his office is in the renovated old store once run by Norton and his father. Jack and his wife live in the old Hurd home built by his great grandfather, Jesse C.; Michael and his wife live in a home Norton built in 1953.

Norton, a charter member and later resident of the Middlesex Lions Club, also has served as president of the Deltaville Community Association and the Middlesex County Chamber of Commerce, and for 25 years was on the Board of Directors of the Bank of Middlesex, First Virginia Bank. A member of the fire department and rescue squad, he has been a member of the Phillippi Christian Church since he was 12 and has served as a deacon, board member and elder. He is perhaps best known as a baseball coach and player, and once played with the Deltaville Deltas. He also has been inducted into the Lynchburg College Hall of Fame.

Hurd retired from his business in 1981, at age 65, but still is actively involved. While Jack now manages the store, Norton's often there on Saturdays and other days when Jack is off. Since he retired he has found more time to golf, often playing 36 holes straight.

Of his many awards and wartime memorabilia, he seems to treasure most a tattered copy of the Amelia High School yearbook compiled by his former students and dedicated to him. A copy was sent to him while he was fighting in the Pacific. He considers it perhaps his proudest possession.

It's unlikely Norton Hurd will earn any more dimes, as he did from his grandfather, for sitting still. That never was something he liked to do.

#### RECOGNIZING THE LAUNCH OF NATIONAL HEPATITIS B AWARENESS WEEK

**HON. CHARLES W. DENT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. DENT. Mr. Speaker, I rise today to recognize the efforts of the Hepatitis B Foundation, which is located in my state of Pennsylvania, as well as all the groups involved in the "AIM for the B" campaign which seeks to raise awareness for chronic hepatitis B. The "AIM for the B" campaign has been working over the past 3 years to encourage communities most impacted by the chronic hepatitis B virus, including Asian Americans, to seek treatment for the disease, and to prioritize the disease as a serious health issue in the U.S. and I commend them for this noble goal.

In the United States, approximately one out of every 10 Asian Americans is chronically infected with the hepatitis B virus, resulting in more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infection. Today, only a small percentage of diagnosed chronic hepatitis B patients are being actively managed for their disease. Every year, approximately one million people worldwide die from chronic hepatitis B because they are diagnosed past the point where medical care and intervention can be effective.

In December, I, along with Congressman MIKE HONDA, introduced H.R. 4550, the National Hepatitis B Act, which included strategies for expanded vaccination programs, primary and secondary preventive education and training, surveillance and early detection, and research. I want to thank Congressman HONDA for his tireless efforts on behalf of this issue and my 21 colleagues who have already recognized the importance of this legislation and are currently cosponsors of this bill. I encourage my colleagues to be a part of the solution to this terrible and silent disease and sign on to co-sponsor this important legislation.

Today, Congressman HONDA and I along with representatives from the Center for Disease Control and Prevention (CDC), National Institutes of Health (NIH), patient advocacy organizations, physicians and patients joined together at a Congressional Briefing in the Rayburn House Office Building hosted by the "AIM for the B" campaign to kick off National Hepatitis B Awareness Week. The week will educate communities, patients and families about chronic hepatitis B through events held across the country. The briefing was designed to increase knowledge of chronic hepatitis B as a serious health issue in the United States and to emphasize the importance of increasing diagnosis, screening and treatment. The briefing allowed us to communicate the potential consequences of chronic hepatitis B and to lay out actions needed to increase treatment rates for this extremely infectious disease.

I want to take this opportunity to especially recognize the Hepatitis B Foundation based in Doylestown, Pennsylvania. As a representative of Pennsylvania, I am pleased to support this national non-profit organization solely dedicated to the global problem of hepatitis B. The foundation was founded in 1991, with the support of Dr. Baruch Blumberg, who won the Nobel Prize for his discovery of the hepatitis B virus. In just 10 years, the Hepatitis B Foundation has grown from a grassroots effort into a national non-profit organization dedicated to finding a cure and improving the quality of life for those affected by hepatitis B.

As we begin National Hepatitis B Awareness week, I urge my colleagues to reflect on the severity of hepatitis B and take steps to educate, raise awareness about and put an end to this disease. Together, we can make a difference in addressing this U.S. and global public health issue.

IN RECOGNITION OF MR.  
NIRANJAN S. SHAH

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. CROWLEY. Mr. Speaker, I rise today to congratulate Mr. Niranjana S. Shah, a prominent Indian-American businessman, activist, and philanthropist, who was one of the few selected to receive the prestigious 2006 Ellis Island Medals of Honor. This award is presented to influential leaders of various fields and ethnic backgrounds who contribute greatly to American society. Established in 1986 by the National Ethnic Coalition of Organizations (NECO), the Ellis Island Medals of Honor pay tribute to the heritage of those groups that comprise America's unique cultural mosaic and extraordinary individual achievement. Past medalists include six U.S. Presidents as well as Nobel Prize winners and leaders of industry, education, the arts, sports and government.

As a young man growing up in India, Mr. Shah was an academic standout obtaining his bachelor's degree in engineering from Sardar Patel University. After the completion of his studies in India he was given the opportunity to pursue a Master's degree in the United States, a big move for a young man from India. With the support of his family and his village, Mr. Shah left India for America and successfully obtained his Master's degree in Civil Engineering from the University of Mississippi. After receiving his Master's degree he supplemented his engineering education with the Harvard Business School Executive Management program. With this incredible wealth of education a lack of opportunities still existed for a young Indian. So Mr. Shah went forward with his own American dream and decided to go it on his own and create what is now a thriving engineering firm. He is well known in his adopted hometown of Chicago for his engineering success. Any American who has flown through O'Hare International Airport, or has attended a convention at McCormick Place has seen first hand the work of Niranjana Shah and his engineering firm.

The spirit of making a better life was not limited to just himself but pushed him to provide assistance to those less fortunate than himself. Mr. Shah's generosity was extended to small villages in India and he has worked tirelessly to create a better U.S. Indo relationship. Mr. Shah is one of the few Americans who was also recognized this winter by the President of India through the Pravasi Bharatiya Samman award, the highest Indian civilian award to be given to people of Indian origin, to recognize the contributions of the Indian Diaspora to India.

Mr. Speaker, Niranjana is an asset to the United States and his efforts are deserving of this prestigious award. Mr. Shah fully embodies the commitment and values that the Ellis Island Medal of Honor represents. Mr. Shah will receive this honor joined by his loving wife Pratima, and his two children Smita and Ajay. It is an honor for me to recognize this great American today.

IN HONOR OF BAYOU METO  
UNITED METHODIST CHURCH ON  
THE CHURCH'S 125TH ANNIVER-  
SARY

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to the Bayou Meto United Methodist Church in DeWitt, Arkansas, where my parents were married, my family and I have attended for more than fifty years, and my brother Mark and his family are members. This month marks our church's 25th anniversary, a significant milestone for the congregation and the entire community.

The Bayou Meto United Methodist Church was organized in 1881 as the Mt. Zion Methodist Episcopal Church South. The original 13 charter members chose the southwest corner of the Bayou Meto Cemetery to build a small wooden sanctuary of sawed boards. The sanctuary only had six windows, four of which were made of glass shipped by boat from St. Louis to Crockett's Bluff and hauled by ox wagon to the church site. The original building was heated by a wood stove and furnished with handmade pews and oil lamps.

The Bayou Meto United Methodist Church played a prominent role in the community during this time, serving as the local school until residents could build a school house elsewhere. The first minister, Reverend C.T. Thompson, traveled on horseback from Goldman once a month to preach two services.

By 1915, the church community was anxious to expand. Mrs. Joe Webster donated one acre of land to the church and local residents moved the original building to a new location using horses and ropes. Just four years later, the congregation sold the church building as a private resident and built a new structure to accommodate the growing congregation. The original building still stands about 1,500 feet from its first location.

The new sanctuary included a bell tower and bell donated by a prominent Jewish merchant of DeWitt, Mr. T.M. Loeb. Although our community constructed Sunday school rooms, a pastor's study, and replaced the original church pews, the sanctuary is almost identical to the one constructed in 1919.

The Reverend C.H. Andrews became the church's first resident minister in 1939. During his tenure, the church constructed a parsonage, and a new education building. The church's current minister, Reverend Jackie Gregory, now occupies the parsonage and is the minister for both Bayou Meto and Lodge Corner Churches. The congregation continues to worship in the sanctuary, and the community frequently holds weddings, funerals, reunions, and meetings in both the sanctuary and education building.

The congregation has grown smaller over time as residents leave for larger towns, in search of job opportunities, schools, or greater convenience. As Lucinda Ax Jacobs wrote in her history of the Bayou Meto Cemetery, "Our Bayou Meto community was settled by former soldiers, both Union and Confederate, glad to find peace and a place they could build homes, raise families, and make an honest living for themselves." This phrase remains true for those of us who see this community as

their home, and intend to remain to raise our families and earn an honest living.

The Bayou Meto United Methodist Church has a long history, marked by the community's strong commitment to service. Every single building on the church property was constructed by the men in this community through hours upon hours of hard work and sacrifice. This spirit is unique to our church, and will guide the members in our congregation for years to come.

On May 28, 2006, our community will gather to celebrate the 125th anniversary of the Bayou Meto United Methodist Church. I ask my colleagues in the U.S. House of Representatives to join me in recognizing this community on this important day in history, and to send our best wishes for a memorable service of homecoming and remembrance.

### REMARKS IN HONOR OF JENNY CHIA-JEN CHANG

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to pay tribute to a former staffer who has touched my life and the lives of many others.

Jenny Chang was in the first class of Park Scholars at North Carolina State University, a Caldwell Fellow, student body president, senior class president, and dean's list student. She graduated in 2000 with a degree in biochemistry and minor in economics. She was also awarded a Truman Scholarship for graduate study. Jenny worked in my 2000 re-election campaign and then brought her talent, dedication, and cooperative spirit to my Washington office. Later, she moved to the office of the gentlewoman from New York, Carolyn Maloney.

On April 29, Jenny Chang died after a 4-year battle with breast cancer. She was 28 years old.

One of the things that made Jenny such a remarkable young woman was her grace. She confronted death in the same way she lived life: with candor, with faith, and without mincing words. Knowing that her time with us was probably short, she wasted not a single opportunity whether traveling to the places she longed to see, savoring a good meal, or sharing her love with the people she cherished.

Along the way, Jenny befriended countless breast cancer survivors who were as exhausted by battling bureaucracy as they were from fighting cancer. She was a compassionate warrior. She would visit sister patients in the hospital, even when her energy was diminished by that day's rigorous chemotherapy treatment. She would take a book or just sit quietly nearby, offering support and complete understanding.

Jenny was outraged that we live in a nation where almost 213,000 women this year will be diagnosed with breast cancer and 41,000 will die from the disease. Still, she believed in the power of public policy to create change. She requested that memorial contributions in her honor be made to a scholarship fund to provide a stipend to students in public policy internships.

We honor Jenny by remembering that when we consider funding and policy questions re-

garding research on breast cancer and other dread diseases, we must get beyond the abstractions of budgets and ideologies. We're talking about the lives of loved ones, friends and co-workers. Despite extraordinary advances in medicine and technology, there is still much we do not know. Jenny tried every therapy available to her, but there was no cure.

Jenny was a leader and expected leaders to be good stewards of their power. It stuns us that she is gone, but her legacy of courage, honesty, kindness, and purpose rekindle our efforts and inspire our leadership. We will do better in her name.

### HONORING THE CAMDEN NA- TIONAL BANK ON THE OCCASION OF ITS 100TH ANNIVERSARY

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to the Camden National Bank, on the occasion of its 100th year. On May 12, 1906, the United States Department of the Treasury issued a charter for the operation of the Camden National Bank. Since that time, the bank has been a "home-owned, home-operated bank" with faithful and loyal employees.

Throughout the bank's existence, it has overcome periods of serious financial instability including the boll weevil infestation, the Great Depression, and the war years. Although the bank has faced such challenges in the past, it continues to grow and prosper. In March 2004, the Camden National Bank opened its first branch in Greenville, Alabama.

One of the most remarkable qualities of the Camden National Bank is its list of faithful employees. In its 100 years of existence, the bank has seen only four presidents. The first president elected was Mr. Edwin Walker Berry, a former high school principal and mayor of Camden. Upon Mr. Berry's retirement in 1934, Mr. Joseph McReynolds Moore was elected president of the bank, followed by Mr. A.L. (Les) Johnson, Sr. in 1952, and Mr. A.L. Johnson, Jr. who remains president today.

In addition to the presidents, vice presidents, and founding directors, there are several other employees that have substantially contributed to the growth and success of the bank. For example, the bank's first employee, Mrs. Dorothy McNeil, was hired as the bookkeeper in 1941. The Hugh C. Dale Directors' Building was named to honor Mr. Hugh C. Dale and his years of service, including 43 years as a director. Mrs. Barbara Ivey was elected vice president and cashier in 1972 becoming the first female vice president of the Camden National Bank. Also, Mrs. Lola Saulsberry was the first African American employee of the bank when she was hired in 1982 and was later elected assistant cashier in 1995.

The Camden National Bank, over its 100 years, continues to have a "hometown bank" atmosphere. With the help of its loyal employees who have contributed to its success, the Camden National Bank continues to thrive in its accomplishments and its service to the people of Camden and Wilcox County. It is my

sincere hope that the Camden National Bank will continue its success in south Alabama for another 100 years.

IN RECOGNITION OF CARL L. WHATLEY, JR., 2006 ALABAMA STATE SMALL BUSINESS PERSON OF THE YEAR

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Carl Whatley, Jr., of Montgomery, Alabama. The United States Small Business Administration recently recognized Mr. Whatley, Founder and CEO of ProEthic Pharmaceuticals, Inc., as the Alabama State Small Business Person of the Year during Small Business Week 2006.

Mr. Whatley began his career in the industry by working as a salesman for major pharmaceutical firms. In 2001, after nineteen years of working for other companies, he founded Pro Ethic Pharmaceuticals, Inc. The business was created to focus on selling specialty pharmaceuticals that larger companies considered insignificant. Mr. Whatley's company has grown from five to 113 employees, expanding from one to 15 products that it now acquires, develops and markets in 31 states. ProEthic Pharmaceuticals has seen revenues rise from \$1.2 million in 2002 to \$25 million in 2005.

National Small Business Week recognizes outstanding small business owners for their personal achievements and contributions to our nation's economy. Mr. Whatley is a dedicated individual whose hard work warrants congratulations.

PAYING TRIBUTE TO BARNEY WEHR

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor Barney Wehr for his long and distinguished nursing career.

Barney has been a nurse for the past 35 years. Over the course of her career she has worked in the Operating Room, Post Anesthesia Care Unit and as a Labor and Delivery nurse. Barney has been working at Boulder City Hospital as an Endoscopy nurse for over 10 years.

During her tenure at Boulder City she greatly contributed to the start up and development of the GI Department. Barney also belongs to the Endoscopy RN Society and uses this professional affiliation to help keep the department current on the latest technology. She is admired by both her peers and patients, and regarded as knowledgeable and experienced. Barney is recognized within the Boulder City Community as one of the best nurses in the community. She is a true asset to Boulder City Hospital and the nursing profession.

Mr. Speaker, I am proud to honor Barney Wehr for her professional expertise and significant contributions to the art of nursing. I wish her the best in her future efforts.

ON AVIAN FLU

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. KUCINICH. Mr. Speaker, I made the attached remarks regarding the Avian Flu on May 11, 2006.

You're on your own.

This has been the credo for the Administration's approach to health care and it summarizes their approach to Avian Flu. The Implementation Plan gives a little guidance to state and local governments and businesses and then wishes them luck.

First, there is the leadership vacuum. The plan calls for HHS to coordinate the medical response but calls for Homeland Security to coordinate federal operations and resources. A bipartisan report out of the Senate, released in April, found that the Department has lagged in fixing the problems that plagued its atrocious response to Hurricane Katrina. It found that major structural reforms were necessary and that little has changed in the Department so far. So we can expect Homeland Security to adopt a similar motto to the one they adopted last Summer: you're on your own.

What's more is that the plan has been called the mother of all unfunded mandates. While 7.1 billion dollars for avian flu preparedness is a step in the right direction, it is simply not enough. Dr. Irwin Redlener, director of the National Center for Disaster Preparedness at Columbia University's Mailman School of Public Health, called the budget "completely unrealistic." A big part of the reason it is insufficient is that it has to make up for years of steady erosion of the public health infrastructure due to lack of funding. In fact, Dr. Redlener points out the need for 5 billion dollars just for "staffs, equipment and supplies, and general resiliency." Yet the vast majority of the Administration's funding is going toward the anti-viral and vaccine stockpile.

This plan, therefore, gives us inadequate leadership and inadequate funding, which leaves the clear impression that we truly will be on our own in a pandemic. And a crisis is precisely the time we need to look out for each other the most.

However, we can be assured that everyone is not left to their own devices.

On November 4, 2005 during a House Government Reform Committee hearing on Avian Flu Preparedness, HHS Secretary Michael Leavitt responded to my questioning by saying that he would not be issuing a compulsory license for the anti-viral drug, Tamiflu. He also declared that he was in negotiations with Roche, manufacturer of Tamiflu, over the cost of the drug being purchased for the national stockpile. On one hand, Secretary Leavitt has a Congressional mandate to stockpile enough Tamiflu for 25% of the nation. On the other hand, he withdrew the threat of compulsory licensing, even if Roche tries to price gouge. In so doing, Leavitt undercut his own negotiating power and effectively surrendered control of price to Roche.

On November 10, six days after the hearing, the New York Times reported that Roche announced what they would be charging developed countries for Tamiflu: 15 Euros, or about 19 dollars for a course of treatment. Wondering how the price negotiations between

HHS and Roche went, my office recently asked HHS what they were paying for Tamiflu for the stockpile. The asking price of 15 Euros, or 19 dollars. Even with the bulk purchasing power of 810 million pills, HHS did not bother to get a better deal than the asking price.

Let's you get the impression that this price is fair, allow me to point out that Roche did not sink a dime into research on the drug. They simply license it from its inventor, Gilead Sciences. That means there is no need to recoup research costs. Furthermore, we know it can be sold for a profit for much less. Cipla, a generics manufacturer in India, for example, is selling Tamiflu for only 12 dollars. That is 36 percent less than what the Federal Government is paying. If we paid Cipla's price instead of Roche's, we would save over a half a billion dollars. I bet local health agencies and hospitals could save a lot of lives with that kind of money. Think of what we could do with a half billion dollars—we could reduce the deficit, put teachers in classrooms, invest in renewable energy, provide health care to some of the uninsured, brace ourselves for the effects of climate change.

Those that stand to gain from inflated prices for pandemic pharmaceuticals are doing well. Roche's sales for the first quarter of 2006 are up 22 percent to 7.7 billion dollars. Gilead Sciences, the company that originally developed Tamiflu and continues to receive royalties on its sales, outperformed RBC Capital Markets estimate of 350 million dollars in Tamiflu Sales by 163 million dollars.

In essence, we are telling state and local governments that there's not enough money to fund things like medical personnel and equipment while we're giving away bags of money to the already incredibly profitable pharmaceutical industry. In other words, you're on your own, unless you're big Pharma.

CONGRATULATING CHARLES D. LEMMOND FOR 50 YEARS OF MEMBERSHIP IN THE WILKES-BARRE LAW AND LIBRARY ASSOCIATION

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Pennsylvania Sen. Charles Lemmond, who is observing 50 years of membership in the Wilkes-Barre Law and Library Association.

A lifelong resident of Luzerne County, Pennsylvania, Senator Lemmond received a bachelor's degree from Harvard University, a law degree from the University of Pennsylvania and an honorary doctor of humane letters degree from Wilkes University.

Prior to his election to the Senate of Pennsylvania in 1985, he served as an assistant and first assistant district attorney in Luzerne County and as a judge of the Luzerne County Court of Common Pleas.

Long active in community and civic organizations, Senator Lemmond is a past potentate of Irem Temple and a 33rd degree Mason, a trustee of the Wyoming Conference of the United Methodist Church, a life member of the board of trustees of Wyoming Seminary and a

member of the advisory boards of Penn State's Wilkes-Barre campus and the Salvation Army.

The Wilkes-Barre Law and Library Association was located in the county Court House located on Wilkes-Barre's Public Square from 1859 to 1909 when it was moved to the second floor of the current county Court House at 200 N. River Street in Wilkes-Barre.

The Law Library contains over 20,000 volumes of law books, reports and journals. The Law Library also operates the Luzerne Legal Register, the law journal of Luzerne County and the official reporter of the decisions of the Court of Common Pleas of Luzerne County. A lawyer referral service is also operated out of the law library for people who need a lawyer but do not know whom to contact.

The Law and Library Association also operates a charitable foundation that supports charitable and humanitarian projects throughout Luzerne County. It is intended to enhance the public's understanding and appreciation of the legal system in Luzerne County, ensure access to legal information and representation to all members of the Luzerne County community and foster good relations between members of the Bar, Judiciary and the public.

Mr. Speaker, please join me in congratulating Senator Lemmond for a half century of membership in the Wilkes-Barre Law and Library Association. His devoted service and the service of other distinguished legal practitioners have enabled the Association to grow and thrive and be a continuous source of support to its members.

#### CONFERENCE REPORT ON H.R. 4297, TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

SPEECH OF

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2006*

Mr. EDWARDS. Mr. Speaker, I rise today to speak out on our nation's dire fiscal situation. How can it be that at a time of war, when we are cutting \$735 million from the defense health care budget and facing the largest deficits in our Nation's history and an \$8.3 trillion national debt, this Congress decides to prioritize million dollar tax breaks to Big Oil Company CEOs instead?

Because of the tax cut legislation passed out of the House, the former CEO of Exxon Mobil, Lee Raymond, will take home an extra \$2.5 million dollars in dividend income each year on top of his \$400 million retirement package and the \$144,000 he made each day when he was Exxon Mobil's CEO. Tell me how that is possibly fair to the middle class worker who is paying \$3 a gallon to fill up his car, or to the student who has to find a third job in order to pay off her student loans. The truth is it isn't fair, Mr. Speaker, and Americans everywhere know it.

The average middle class family could not afford to buy one meal for their family with the money they will save from this tax cut, but Lee Raymond gets \$2.5 million?

I urge my colleagues to take a serious look at our nation's fiscal priorities as we continue down this road of fiscal irresponsibility. We

owe it to our children and grandchildren, to leave them a legacy of economic stability, not one of debts and deficits. We should show them that we care about their future by not squandering away more money we don't have to pay for irresponsible tax cuts benefiting only Big Oil Company CEOs like Lee Raymond.

It's past time to focus on the true priorities of the American people.

#### A TRIBUTE TO THE EAST NEW YORK FAMILY ACADEMY GIRLS' BASKETBALL TEAM

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the East New York Family Academy Girls' Varsity Basketball Team. They are champions of the 2006 Girls Varsity Division VIII-B of the Public School Athletic League of New York City. Under the direction of Head Coach Earl S. Mitchell, Assistant Coach Eddie Barron, and Managers Rayon Clarke and Shakeema Mattocks, the 2006 "Lady Eagles" excelled to an undefeated regular season record of 18 wins and no losses, while losing only one out of five games during the playoff season. Additionally, the East New York Family Academy Lady Eagles currently holds a record of two consecutive undefeated regular seasons.

I want to especially recognize the work of Athletic Director, John Cortese, and Principal Sheila Richards, who have worked hard to infuse excellence, respect and accountability not only in athletic programs, but in academic departments as well. At East New York Family Academy, it is truly a family affair. Coaches Mitchell and Barron have received a tremendous amount of inspiration from Tony Yard, the Head Coach of the Boys' Varsity Basketball Team and former member of the Panamanian Olympic Team, and from Donald Vanteerpool, the Head Coach of the Boys' Junior Varsity Basketball Team. Coach Mitchell is deeply appreciative of these coaches for teaching his team to respect the fundamentals of the game and for always being there when needed.

Although athletics are important, academics have not taken a backseat. In an era when sports achievements have sometimes replaced excellence in English, math, science and other academic areas, the coaches have demanded a high level of academic performance from team members. As an example, two players rank in the Top 10 of their senior class and four members of the starting five have received college acceptance offers.

Long after the last shot has been taken and the last ball dribbled, the members of the 2006 "Lady Eagles": Naledi Anderson, Alana Arthurs, Veldina Chaunce, Karanja Craig, Tiffany Dugue, Ayana James, Shada Jordon, Dalkeitha Layne, Shamika McIntosh, Krista Mitchell, Tashanya Morris, and Tara Powell will benefit from the leadership, love and guidance given to them by their coaches, teachers and administrators at East New York Family Academy.

I am certain that in the days to come, the members of the 2006 "Lady Eagles" will build upon their experiences in basketball and their

days at the East New York Family Academy and there will be more achievements to come.

Mr. Speaker, in this spirit, I believe that the accomplishments of the 2006 "Lady Eagles," and the work of their coaches, teachers and administrators, are truly worthy of our recognition here today.

#### IN RECOGNITION OF ESSIE MAE MAXWELL

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to recognize Ms. Essie Mae Maxwell, of Coosa County, Alabama. Ms. Maxwell turned 103 years old on April 20th, which she celebrated with family and friends in her Kellyton home.

From 1903 until today, Ms. Maxwell has lived a full life that has seen many transitions in our country's history. She remembers growing up as a witness to the introduction of cars, computers, and laundry machines. She enjoys reading the Bible and newspaper, both without her glasses, on a daily basis. A mother of eleven, she has inspired her family from her oldest child to her youngest great-great grandchild.

I am proud to recognize Ms. Maxwell today in the House, and congratulate her on her 103rd birthday. I wish her the best and many more enjoyable times with her family and friends.

#### PAYING TRIBUTE TO LYDIA MOORE

**HON. JON C. PORTER**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor Lydia Moore for her 38 years of service to the Boulder City Hospital.

Lydia Moore came to Boulder City Hospital on November 2, 1968 as a Certified Nursing Assistant. While working she developed a program for unit clerks. Desiring to further her education she enrolled in Clark County Community College and received her Licensed Practical Nursing degree and later returned to Clark County Community College receiving a Registered Nursing degree. She has held several supervisory positions including night Charge Nurse, House Supervisor, Medical Surgical Unit Manager, and is currently the Social Services Manager.

Lydia received the Clark County March of Dimes Nurse of the Year in 1992 and is Vice President of Lend a Hand. She continues to be an advocate for the prevention of domestic violence and is active in the Clark County immunization program for children.

Lydia has served her community continuously throughout her life and Boulder City Hospital has been privileged to benefit from her knowledge and service for the past 38 years.

Mr. Speaker, I am proud to honor Lydia Moore for her years of service to the Boulder City Hospital and the Boulder City community.

She has been a great asset to Southern Nevada and deserves recognition for her valuable efforts.

CONFERENCE REPORT ON H.R. 4297,  
TAX INCREASE PREVENTION  
AND RECONCILIATION ACT OF  
2005

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2006*

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to the tax reconciliation conference report, H.R. 4297, that will cost \$70 billion over 10 years and provides little to no tax relief for working American families. Today is yet another missed opportunity by the Republican-controlled Congress to provide real tax relief to working families. For example, this bill would extend the capital gains and dividends tax cut set to expire in 2008 for an additional 2 years through 2010. While on the other hand, the bill would only provide a 1-year extension in relief for the Alternative Minimum Tax (AMT) that affects an estimated 15 million middle-class taxpayers and already expired in 2005.

Originally intended to ensure the wealthy taxpayers paid their fair share, the AMT has become a tax on the middle-class. Without adjustments for inflation like the federal income tax, the AMT targets a growing number of people each year. Those most affected by the AMT are taxpayers in States like my home State of New York, with high property taxes, high local and state income taxes, and high sales taxes. These taxpayers are middle-class families. Instead of taking this opportunity to pass real AMT reform, the House Republicans have chosen to barely patch this problem without providing any real relief for working families.

Making matters worse, this conference agreement also drops three provisions in the Senate bill that would have rolled back nearly \$5.4 billion over 10 years in unneeded tax breaks and loopholes for the oil industry. This is truly unbelievable when we see oil companies earning record profits and consumer paying record prices.

I wish this Congress could get their priorities straight and pass real AMT reform and provide leadership for true fiscal responsibility.

IN RECOGNITION OF STAMP OUT  
HUNGER. THE ANNUAL FOOD  
DRIVE ORGANIZED BY THE NA-  
TIONAL ASSOCIATION OF LET-  
TER CARRIERS

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to commend the National Association of Letter Carriers as they prepare to stage their fourteenth annual Stamp Out Hunger food drive this Saturday. Letter carriers in over 10,000 cities and towns will participate in this effort, the largest one-day food drive in the United States.

In the Fourth Congressional District, the National Association of Letter Carriers Pioneer Branch 2 partners with the Hunger Task Force to ensure that all food collected gets distributed quickly, fairly and safely. Last year's effort netted over 1.29 million pounds of food, and solicited the participation of 800 volunteers. Thousands of families contributed food, and letter carriers throughout the Milwaukee area worked tirelessly to make the event a success. As a result, this annual food drive is a true community effort that enables all of us to serve our neighbors. I have no doubt this year's event will meet or exceed last year's impressive achievements, and thousands of Milwaukeeans will have access to food throughout the summer as a result.

It is simply unconscionable that so many Americans have insufficient food to meet their needs. Stamp Out Hunger is a true testament to the strength of our community and our commitment to ensuring the security of our most vulnerable residents. I am honored to express my gratitude to the Hunger Task Force, NALC Pioneer Branch 2, and the constituents of the Fourth Congressional District who give to this year's Stamp Out Hunger food drive.

CONGRATULATING COLONEL EI-  
LEEN COLLINS ON HER RETIRE-  
MENT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. UDALL of Colorado. Mr. Speaker, it is my pleasure today to honor the achievements of Colonel Eileen Collins, an inspirational member of the aerospace community. Last week, she announced her decision to retire from NASA, where her passion for discovery and her leadership skills will be greatly missed.

Building on a childhood love for airplanes and space, Col. Collins studied mathematics and science, earning her associate degree from Corning Community College in 1976, her bachelor's degree from Syracuse University in 1978, her master of science degree from Stanford University in 1986, and her master of arts degree from Webster University in 1989.

Col. Collins' career included many firsts: she was the first woman to enter Air Force pilot training straight from college, the first woman to pilot a space shuttle, and the first woman to serve as commander for a space shuttle mission. She also served her country as an Air Force pilot and as a mathematics teacher at the Air Force Academy. Her last space flight took place during the summer of 2005 when she commanded the STS-114 space shuttle mission, the first mission following the 2003 Columbia space shuttle disaster. As we've all come to expect, she carried out her duties on this mission with distinction. In sum, as noted by the Colorado Springs Gazette referred to her nearly 30-year career as an "era" in spaceflight. And I think that that is a truly fitting description of her legacy.

I would like to include the following article with more details about Col. Collins' extraordinary work. The progress she made for both her gender and her country are admirable.

[From the Colorado Springs Gazette, May 8, 2006]

HAPPY (CON)TRAILS TO COLLINS

For some reason, perhaps buried deep in the subconscious, people love to mark events in their lives. The media are especially fond of memorializing moments we think should be important to readers and viewers. Last week, when Eileen Collins announced her retirement from NASA, it truly marked the end of an era in spaceflight. She was an astronaut who represented the pioneering spirit that drove mankind to explore space.

From an early age, she longed to fly airplanes and dreamed of space travel. One biography pointed out that her parents used to take her to the airport to watch planes land and take off. She worked hard in school and earned multiple degrees in mathematics and space-related subjects. After college, her career literally took off.

She was among the first women to go directly from college to Air Force pilot training. She spent several years flying various aircraft for Uncle Sam and continued her education as a student at the Air Force Institute of Technology. From 1986-1989 she taught mathematics and was an instructor pilot at the Air Force Academy.

Tapped by NASA for astronaut training while she was attending the Air Force's test pilot school in 1990, she later became the first woman selected for shuttle pilot training, was the first woman pilot of the space shuttle and the first woman commander of a space shuttle mission. She retired from the Air Force in January 2005 and will leave her NASA duties later this month.

Collins has had a career of which anyone could be proud and many can only dream of. We wish her blue skies and tailwinds as she pursues other interests in the aerospace industry.

TRIBUTE TO TOYOTA MOTOR  
MANUFACTURING

**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mrs. CAPITO. Mr. Speaker, this year marks the 10th anniversary of the Toyota Motor Manufacturing, West Virginia. While Toyota is considered leader in the "new American auto industry," this anniversary clearly demonstrates that Toyota is well established in the United States. With a 10-year history and West Virginia investment rapidly approaching the \$1 billion mark, Toyota has been contributing to the U.S. and local economies for a long time—hopefully with more to come.

The Buffalo plant, which produces four-cylinder engines for Corolla, Matrix, and Pontiac Vibe; V6 engines for the Sienna and Lexus RX 330; and automatic transmissions for North American-built Camry, Solara, Lexus RX 330 and Sienna, currently provides quality jobs for over 1,000 team members. Employment is projected to grow to 1,150 when the current transmission plant is expanded.

As a testament to the Mountain State's workforce, Toyota Motor Manufacturing, West Virginia has been named four times the "Most Productive Engine Plant in North America" and has earned a global reputation for producing high quality engines and transmissions.

Importantly, the jobs Toyota has created in the Second Congressional District have not come at the expense of our environment. The



West Virginia Department of Environmental Protection presented this facility with its environmental award in 2004 due to the facility's focus on the environment through the products it produces and its environmentally-sound business practices.

Throughout the last decade, Toyota Motor Manufacturing, West Virginia has understood that people are the most valuable resources available, and it continues to develop their talents and strengths for future success in the auto industry.

Mr. Speaker, again I want to congratulate Toyota for this important milestone. We are proud to have them as West Virginia corporate citizens, and I look forward to celebrating similar anniversaries in the many years ahead.

IN RECOGNITION OF GEORGE  
WEBB ROWELL

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the House's attention today to recognize George Webb Rowell of Lee County, Alabama, in anticipation of his 90th birthday on May 31, 2006.

In 1916, Mr. Rowell was the seventh born child to a poor farming family in Loachapoka, Alabama, where he resides today. He was the only son to serve overseas in World War II, beginning his service with the U.S. Army in June of 1941. He served in the 1st Army under General Eisenhower, with the 3rd Armored Division in the 703rd Tank Battalion. It was his division that landed on the beach in Normandy on D-Day, fought in the Battle of the Bulge, entered France and marched through Belgium to Germany to defeat the enemy. Mr. Rowell spent four years and four months in the Army, and his service was awarded with a Silver Star.

When he returned home he attended a trade school to learn farming techniques. He and his wife raised five children on a small farm. Mr. Rowell is a devout Christian, a patriot, and an American Hero to his family and his country.

Thank you, Mr. Speaker, for the House's attention to the life of George Rowell today, and I thank my colleagues for helping honor an American who so bravely served our Nation as a member of our Greatest Generation.

PAYING TRIBUTE TO SALOME  
JARVIS

**HON. JON C. PORTER**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. PORTER. Mr. Speaker, I rise today to honor Salome Jarvis and her service to the health care community.

Salome has a long and distinguished career dating back 20 years. She received her certificate in Gerontology from Chaffey College in California in 1985 and also took numerous nursing courses at San Bernardino Community College. After working in a California hospital for nearly 15 years, Salome moved to the Las

Vegas Area in 1991 and began working at the Boulder City Hospital. She subsequently obtained her National Certification as an Activities Director. The professional affiliations of which she is a member include the National Association of Activities Professionals and the Southern Nevada Activity Professionals Association, both of which she serves as an officer of the board. Salome is also very active in the community primary working with programs designed to promote positive change for youths.

Mr. Speaker, I am proud to honor Salome Jarvis for her distinguished record of service to the health care community. I wish her the best with her future efforts.

IN HONOR OF THE 40TH ANNIVERSARY OF THE ZION CHAPEL MISSIONARY BAPTIST CHURCH

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the leaders and members, past and present, of Zion Chapel Missionary Baptist Church of Cleveland, Ohio, as they celebrate forty years of faith, guidance and support, embracing citizens of all ages within our Cleveland community and far beyond.

Zion Chapel Missionary Baptist Church was founded in the spring of 1966, when a small group of devoted Christians met at the home of Reverend and Mrs. Rudy York and decided that an organized mission of faith and service was needed in the neighborhood. On Monday, May 2, 1966, the Church was officially established and the Reverend Robert M. Berry was called upon to lead as the first Pastor.

Reverend Berry guided the early days of the church with commitment and compassion. When he became ill, Reverend Thomas Shearer served as interim pastor, and did so with great care and dedication. In June of 1969, Reverend George O. Stewart was called to serve as Pastor. For 37 years, Reverend Stewart has led this congregation with grace, energy and steadfast faith in the resilience and goodness of the human heart, raising lives into the light of self-awareness, forgiveness and service to others. Reverend Stewart's kind heart and charismatic demeanor inspires thousands of churchgoers every week. His dynamic leadership is reflected in faith-based initiatives for families, children and teens; is evidenced within a congregation that continues to flourish; and is visible in structural expansions that include a new fellowship hall, new parking lots and new residential properties.

Mr. Speaker and Colleagues, please join me in honor and recognition of every member and leader, past and present, of the Zion Chapel Missionary Baptist Church, as they celebrate 40 years of faith, hope and healing. The guidance and compassion offered here serves to strengthen the lives of countless families and individuals, and offers light and hope along Lee Road and horizons beyond.

CONGRATULATING ATTORNEY  
CHARLES BUFALINO FOR 50  
YEARS OF SERVICE TO THE  
WILKES-BARRE LAW AND LI-  
BRARY ASSOCIATION

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Charles Bufalino, of West Pittston, Pennsylvania, on the occasion of his 50th anniversary of membership in the Wilkes-Barre Law and Library Association.

A graduate of Wyoming Seminary Preparatory School, Villanova University and the University of Pennsylvania Law School, Attorney Bufalino was admitted to the practice of law in 1956 and he continues to be an active practitioner before the Luzerne County Court, all of the appellate courts of Pennsylvania and the United States Courts for the Third Circuit and the Middle District of Pennsylvania. He is admitted to practice before the Supreme Court of the United States and is a member of the Pennsylvania Bar Association.

Attorney Bufalino has been involved in precedent-setting litigation involving both First Amendment rights and freedom of the press as well as workers' compensation law.

A First Amendment landmark case was considered by the United States Supreme Court and a workers' compensation case was decided earlier this year by the Pennsylvania Supreme Court.

Attorney Bufalino served as special assistant attorney general, Luzerne County solicitor, law clerk to the late Judge Harold Flannery and as solicitor to many municipalities.

The Wilkes-Barre Law and Library Association was located in the county Court House located on Wilkes-Barre's Public Square from 1859 to 1909 when it was moved to the second floor of the current county Court House at 200 N. River Street in Wilkes-Barre.

The Law Library contains over 20,000 volumes of law books, reports and journals. The Law Library also operates the Luzerne Legal Register, the law journal of Luzerne County and the official reporter of the decisions of the Court of Common Pleas of Luzerne County. A lawyer referral service is also operated out of the law library for people who need a lawyer but do not know whom to contact.

The Law and Library Association also operates a charitable foundation that supports charitable and humanitarian projects throughout Luzerne County. It is intended to enhance the public's understanding and appreciation of the legal system in Luzerne County, ensure access to legal information and representation to all members of the Luzerne County community and foster good relations between members of the Bar, Judiciary and the public.

Mr. Speaker, please join me in congratulating Attorney Bufalino for a half century of membership in the Wilkes-Barre Law and Library Association. His devoted service and the service of other distinguished legal practitioners have enabled the Association to grow and thrive and be a continuous source of support to its members.



CONGRATULATING WILLIAM  
CLIFFORD ADAMS ON GRAD-  
UATING FROM THE UNITED  
STATES NAVAL ACADEMY

### HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mr. EDWARDS. Mr. Speaker, I rise today to pay a special tribute to an exceptional young man from Central Texas. I am happy to announce that William Clifford Adams will graduate with a degree in Political Science from the United States Naval Academy on May 26th, with the midshipmen class of 2006. He will go on to serve specializing in surface warfare in the U.S. Navy.

As the highest ranking midshipman in his class, Cliff has demonstrated incredible leadership abilities and strength of character. This top ranking was based not only on his outstanding academic achievement, but also on his standing among his peers. He has led countless demonstrations and is clearly a respected student leader on campus.

I have had the great pleasure of working with Cliff personally, and there could not be anyone more worthy of this prestigious honor. Cliff grew up in Goldthwaite, Texas, and has excelled in all of his academic and community activities. As an intern in my Congressional office in 2003, I learned first-hand of Cliff's outstanding dedication to the community, his intelligence and tremendous wit. He is a remarkable young man who, without a doubt, will go on to become one of Texas' and America's great leaders.

Mr. Speaker I ask you to join me today in recognizing William Clifford Adams on his remarkable achievement of graduating from the United States Naval Academy.

A TRIBUTE TO THE THOMAS JEF-  
FERSON GIRLS' BASKETBALL  
TEAM

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the Thomas Jefferson Girls' Varsity Basketball Team, champions of the 2006 Public School Athletic League of New York City, Girls Varsity Basketball—B Division. In one year, under the direction of Head Coach Calvin Young, Assistant Coach Unique Nelson, Assistant Coach Helms, and Student Manager Natoya Sylvester, the Lady Orange Wave excelled to a regular season record of 15 wins and only three losses, while going undefeated with 5 more victories in the city playoffs.

I also want to especially recognize the work of Athletic Director, Fred Landron; Principals Michael A. Alexander, Ms. Almonte, Ms. Gibbs, Mr. Palmer, and Ms. Lawrence; and Superintendent Varleton McDonald. These educators have worked hard to infuse excellence, respect and accountability not only in athletic programs, but in academic departments as well. In addition, Coaches Young, Nelson and Helms have instilled a team first approach and a tough regimen of discipline

and no excuses that has lead to the team's current success.

However, academics have not taken a backseat. In an era when sports achievements have sometimes replaced excellence in English, math, science and other academic areas, the coaches have demanded a high level of academic performance from team members.

Moreover, long after the last shot has been taken and the last ball dribbled, the members of the 2006 Lady Orange Wave: Crystal Berry, Chanell Bracker, Shaequana Brathwaite, Raven Cumberbatch, Wuraoa Dipeolu, Esther Farmer, Elisabeth Ferby, Melonie Jones, Takima Lucky, Makini Manning, Shameek Pollard, Talaya Robinson, and Chrysty Taylor will benefit from the leadership, love and guidance given to them by their coaches, teachers and administrators at Thomas Jefferson High School.

I am certain the 2006 Lady Orange Wave's experiences in basketball and their days at Thomas Jefferson will guide them through life's journey and there will be more achievements to come.

Mr. Speaker, in this spirit, I believe that the accomplishments of the 2006 Lady Orange Wave, and the work of their coaches, teachers and administrators, are truly worthy of our recognition here today.

HONORING THE WORK OF DEBRA  
STEINBERG, RECIPIENT OF THE  
AMERICAN BAR ASSOCIATION'S  
PRO BONO PUBLICO AWARD

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to congratulate a constituent of mine who is being honored by the American Bar Association (ABA) as a recipient of their Pro Bono Publico Award. Ms. Steinberg is being recognized by the ABA for her work in assisting families of World Trade Center Victims.

I will be submitting for the record the ABA's description of her service, but I also want to personally recognize the work that she has done for our community. I have been proud to work with Ms. Steinberg to draft legislation, H.R. 3575, The September 11th Family Humanitarian Relief and Patriotism Act. This legislation would provide humanitarian assistance to the non-citizen victims of 9/11 by providing them with an adjustment of their immigration status. Ms. Steinberg's commitment to this legislation is a very personal one, as she has dedicated countless hours assisting these families. I commend her commitment to humanity and I congratulate her on this well deserved recognition by her peers.

ABA's Description of Debra Steinberg's work:

DEBRA BROWN STEINBERG

Ms. Steinberg led the Cadwalader firm's 9/11 pro bono efforts providing representation of families of World Trade Center victims. She personally represented several families of 9/11 victims. Furthermore she played a leading role in the creation and development of the New York Lawyers for the Public Interest 9/11 Project which came together in early October 2001.

She drafted The Association of the Bar of the City of New York's comments on the in-

terim and final regulations for the 9/11 Victim Compensation Fund, she drafted a substantial portion of the 9/11 Victims and Families Relief Act in NY, and she's assumed a leading role in advocating at both the state and national levels on behalf of victims' families. In particular, she drafted substantial portions of legislation to provide legal recognition and protection to family members of non-citizen victims of the attacks—the September 11 Family Humanitarian Relief and Patriotism Act (pending in both the House and Senate).

Ms. Steinberg's public service was honored in the United States House of Representatives (May 18, 2004) and in a New York State Senate Legislative Resolution (April 29, 2003). Ms. Steinberg also received the New York State Bar Association's 2003 Pro Bono Service Award.

IN TRIBUTE TO MRS. RUTH  
BACHHUBER DOYLE

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the life and accomplishments of an extraordinary Wisconsin woman, Mrs. Ruth Bachhuber Doyle. Mrs. Doyle died May 6, 2006, after a long life dedicated to public service.

Born in Milwaukee and raised in Wausau, Ruth Bachhuber met Jim Doyle Sr. when both were students at the University of Wisconsin-Madison in the 1930s. They married in 1940, and had three children together, including the current governor of Wisconsin, The Honorable Jim Doyle. Though three generations of her family preceded her in political life, Mrs. Doyle was one of the first women elected to the state Legislature. As a result of her election, the Bachhuber family became the only one in Wisconsin history to see four generations serve in the state Legislature. Mrs. Doyle is also known for helping to revitalize Wisconsin's Democratic Party. She reenergized the party by engaging women as leaders and activists. She later served on the Dane County Board, and as the first woman president of the Madison School Board.

In addition to her exemplary political career, Mrs. Doyle and her husband—who served at one point as U.S. district attorney—raised four children. She was a true public servant in every meaning of the term, with a keen interest in education, and a strong commitment to acting always with integrity and maintaining and honoring the integrity of the democratic process.

Mrs. Doyle pioneered a new public role for women. I consider myself very fortunate to be one of those who has benefited from the trail she blazed. Women, men, and families throughout our state have been blessed by her quiet wisdom and sincerity and her constant efforts to safeguard the interests and needs of Wisconsin citizens. I am honored to have this opportunity to recognize her life and achievements, and send my condolences to her family.

ON INTRODUCTION OF CREDIT  
CARD LEGISLATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing legislation to add some common-sense rules to the laws governing issuance of credit cards.

Americans benefit from the widespread availability of consumer credit, and their use of that credit has been important to our economy. But there are some warning signs that signal a need for some additional legislation.

Overall, during the last decade, total credit-card debt rose by about 70 percent, and this clearly has an effect on consumers. Some polls have reported that about 70 percent of surveyed families said the quality of their lives is adversely affected by the extent of their debts, and young people are more worried about going deeply into debt than about a terrorist attack.

For many Americans, consumer credit is more than a convenience. It is something that many people need to use to pay for their everyday needs. For them, it is a necessity.

And, of course, another word for credit is debt.

In its most recent report on family finances, the Federal Reserve says that from the third quarter of 2001 to the same period in 2004, inflation-adjusted household debt increased by more than 26 percent. During the same period, when incomes remained about the same, more families carried a credit-card balance and the average balance owed on a card rose nearly 16 percent, to \$5,100.

Some have argued that much of this debt was caused by recklessness and an erosion of financial responsibility. That was one of the main arguments advanced in support of the legislation to revise the bankruptcy laws that Congress passed last year.

There was something to that argument, but it was not the whole story and it put too much emphasis on borrowers alone.

Instead of just focusing on borrowers, Congress should also do more to promote responsibility by those who provide the credit—and one place to start is with credit card companies.

For example, let's talk about interest rates. Credit is not free, and it should not be. But consumers should be treated fairly.

We have all seen print ads and commercials that advertise very low interest rates, but don't make clear that these rates can change, sometimes without warning, and that higher rates can apply even if a consumer gets a warning and then acts to cancel a card.

The bill would address that by requiring that a credit card company provide advance notice of any increase (unless the increase results from the expiration of an introductory rate for new accounts or a change in another rate to which the credit-card rate is indexed) and notice of the right to avoid paying the higher rate by cancelling the card before the new rate takes effect. And it says that if the consumer does cancel the card in time, any remaining amounts owed on that card will be subject to the terms and conditions that applied at the time of cancellation.

Similarly, the bill would require that card holders be more fully informed about the rela-

tionship between the monthly minimum payments and the full amounts owing on their cards and what monthly payment would be required to eliminate the outstanding balance in 36 months if they do not use their cards to make additional purchases.

Further, the bill would require that card holders be given clear notice of any fees, other charges, or increases in interest rates that would result from their making late payments.

For payments made by mail, card holders would have to be given a reasonable time for their payments to be received and would have to be told the date on which a mailed payment must be postmarked in order to avoid fees, charges, or increased interest rates.

And if a card issuer accepts payments made in person, a payment made at least one day before the due date would mean that no late-payment penalties would be in order.

The bill also would bar charging fees or other penalties because a card holder pays more than the monthly minimum or pays in full an existing account balance.

And it would bar imposing a fee for a charge that would mean a card holder has gone over the total credit authorized on a card if the card issuer has authorized that charge either in advance or at the time of a purchase.

The bill also would limit issuance of credit cards to people under the age of 18.

People under that age applying for a credit card will need one of three things—the signature of a parent or guardian willing to take responsibility for the applicant's debts; information indicating that the applicant has some other means of repaying any debt; or a certification that the applicant has completed a credit counseling course by a qualified nonprofit budget and credit counseling agency. These requirements would apply to issuance of both regular credit cards and college "affinity cards."

And, finally, the bill increases the amounts people injured by violations of the rules can collect from card issuers.

Mr. Speaker, like a similar (but not identical) bill introduced by Senator DODD, the bill I am introducing today takes some simple, common-sense steps to stop abusive practices, educate cardholders, and stiffen the penalties for violations. I think it deserves to be enacted.

For the benefit of our colleagues, I am attaching a short digest of the bill's provisions.

## OUTLINE OF THE BILL

*Section One* provides a short title and table of contents. The short title is "Credit Card Accountability, Responsibility, and Disclosure Act of 2006 or 'Credit CARD Act of 2006'."

*Section Two* authorizes the Federal Reserve's Board of Governors to issue rules or publish model forms to implement the bill and the changes it makes in existing law.

## TITLE I

*Title I amends the Truth in Lending Act regarding certain credit card rates and fees.*

*Section 101* requires at least 15 days' notice of certain increases in interest rates and requires card holders to be told of their right to cancel an account before the increases take effect.

*Section 102* imposes a freeze on interest-rate terms and fees applicable to accounts closed or canceled before a scheduled rate increase.

*Section 103* bars charging penalty fees for on-time payments or for either full payment of a balance owed or a payment larger than the minimum required amount.

*Section 104* bars imposing fees for a purchase that exceeds a credit card's limit if the lender approves the charge in advance or at the time the card holder makes the purchase.

## TITLE II

*Title II amends the Truth in Lending Act's provisions regarding disclosures to card holders.*

*Section 201* specifies information that must be provided regarding outstanding balances, required monthly minimum payments, grace periods for avoiding additional charges, and the monthly payments needed to pay off the balance in 36 months.

*Section 202* requires that card holders be told the date by which mailed payments must be postmarked to avoid late fees, whether (and by how much) interest rates will be increased because of one or more late payments, whether (and if so, where) a payment can be made in person and when it must be made to avoid late fees (which must be no sooner than one business day before the payment is due).

## TITLE III

*Title III adds provisions to the Truth in Lending Act dealing with issuing credit cards to people under age 18 and amends the Act's provisions regarding penalties.*

*Section 301* requires that a credit card can be issued to someone under 18 only if the application includes either (1) the signature of a parent, legal guardian, spouse, or other person willing and able to be jointly liable for amounts charged on the card before the card holder becomes 18; or (2) financial information showing the applicant has enough independent means to be able to repay amounts charged on the card; or (3) proof that the applicant has completed a credit-counseling course by a nonprofit budget and credit counseling agency meeting certain specified requirements.

*Section 302* allows borrowers injured by violations of credit card rules to collect increased amounts from card issuers. Current law says they can recover at least \$200 but no more than \$2,000. This section would increase that to at least \$500 or twice the amount of an improper finance charge (whichever is higher), with an overall limit of \$5,000 for isolated violations or appropriately higher amounts for established patterns or practice of violations.

*Section 303* makes the rules specified in section 301 for regular credit cards apply as well to college "affinity cards" (a card with the logo or name of an institution of higher education in addition to that of the lender) issued to someone under age 18.

## TRIBUTE TO SANDY KING

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mrs. CAPITO. Mr. Speaker, I rise today to recognize Sandy King as the recipient of the 2006 Weston Democrat Citizen of the Year Award. Sandy is receiving this award in recognition for her life long commitment and commendable service to Lewis County by enhancing the dignity and worth of all of its citizens.

Sandy has always been known as ready and willing to help neighbors and friends in need. She has long been involved with the community through Our Neighbor, CEOS activities, and the Irish Spring Festival. Sandy is currently the president of the Shamrock CEOS Club and attends the Ireland United Methodist Church. She also works as a liaison between

the Salvation Army, local churches, and the public.

I commend Sandy for being an outstanding citizen and a dedicated asset to her county and her state. The citizens of Lewis County will forever be indebted to Sandy for her tireless dedication.

Mr. Speaker, I would like to congratulate Sandy King for her life long commitment to the community of Lewis County. She works tirelessly to give so much that she is truly the Citizen of the Year.

IN RECOGNITION OF SANDRA  
BRIDGES NEWKIRK

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay tribute to Sandra Bridges Newkirk, who has devoted her life to her work and service in Lee County, Alabama. After 40 years with Auburn University's Department of Health and Human Performance, Mrs. Newkirk is anticipating retirement on May 15, 2006.

Mrs. Newkirk has accomplished much at Auburn University and is wholly deserving to be recognized for contributing to some of the University's firsts. As the first volleyball coach, the first intramural director, and the first Women's Athletic Director at Auburn, she has proven to be a monumental supporter of health and wellness. Mrs. Newkirk advanced women's sport programs in Alabama and worked to elevate such programs to a competitive basis. The Department of Health and Human Performance is sure to miss her as one of its professors.

In addition to her dedication to Auburn University, Sandra Bridges Newkirk has also contributed greatly to the Lee County community, including her service as a mediator with the Lee County Court System for adults.

I salute Mrs. Newkirk for her contributions to Auburn University, Lee County, and for the betterment of the entire State of Alabama.

IN HONOR OF JAMES A.  
TUCCARONE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of James A. Tucciarone, upon his retirement that follows an exemplary, thirty-six year career with the Federal Aviation Administration (FAA), throughout Ohio, Michigan and Illinois.

In 1971, Mr. Tucciarone began his career as an FAA air traffic controller at the Akron-Canton control tower, and later served as Manager of the Akron Municipal Air Traffic Control Tower, Akron-Canton Air Traffic Control Tower and the Columbus Air Traffic Control Tower. He was called upon to serve as Manager of the Cleveland Center, and as Sectional Supervisor of the Operations Branch at the Great Lakes Regional Office in Des Plaines, IL. Mr. Tucciarone also worked as Assistant Air Traf-

fic Manager at Cleveland and Detroit Metro Towers, and also at the Cleveland Air Route Traffic Control Center. In every place he worked, Mr. Tucciarone's integrity, expertise and focus on flight safety never wavered.

Mr. Tucciarone's boundless enthusiasm, energy, kind heart and steadfast integrity frame both his personal and professional life. Aside from his numerous accomplishments in the field of aviation, Mr. Tucciarone is an active member of his community. He is a member of the Board of Directors and Advisory Board for "Kids in Flight," a non-profit organization whose mission is to use aviation as a tool of empowerment for seriously ill children and their families. He is a member of numerous civic agencies and also volunteers his time coaching and umpiring youth basketball and softball teams.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of Mr. James A. Tucciarone, upon his retirement from the FAA that follows thirty-six years of outstanding service and accomplishment. His dedication, expertise, leadership, and energy, focused on excellence and safety in aviation, also extends outward into the community, where he offers his time and talent to children and their families who struggle daily with illness, uplifting their lives to a place where hopes and dreams take flight. I wish Mr. Tucciarone and his family an abundance of health, peace and happiness as his journey begins from here.

CONGRATULATING MICHAEL  
BUTERA, ESQ., ON A SUCCESS-  
FUL TERM AS PRESIDENT OF  
THE WILKES-BARRE LAW AND  
LIBRARY ASSOCIATION

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Michael Butera, immediate past president of the Wilkes-Barre Law and Library Association in Luzerne County, Pennsylvania.

Attorney Butera performed in an exemplary manner by providing leadership and direction to a proud and prestigious organization founded 156 years ago on June 18, 1850.

A graduate of the University of Scranton and Temple University School of Law, Attorney Butera has been in the private practice of law since 1976 in Pittston, Pennsylvania.

He is also active with the Pennsylvania Bar Association, the American Bar Association, Northeastern Pennsylvania Trial Lawyers Association and the Pennsylvania Criminal Defense Lawyers Association. Attorney Butera served on the Wyoming Area School Board for six years. He also served as president of the board of Luzerne Intermediate Unit 18, president of the board of the Greater Pittston YMCA and was vice president of the Third Legislative District for the Luzerne County Democrat Party. He is also a charter member of the St. Martin Society.

The Wilkes-Barre Law and Library Association was located in the county Court House located on Wilkes-Barre's Public Square from 1859 to 1909 when it was moved to the sec-

ond floor of the current county Court House at 200 N. River Street in Wilkes-Barre.

The Law Library contains over 20,000 volumes of law books, reports and journals. The Law Library also operates the Luzerne Legal Register, the law journal of Luzerne County and the official reporter of the decisions of the Court of Common Pleas of Luzerne County. A lawyer referral service is also operated out of the law library for people who need a lawyer but do not know whom to contact.

The Law and Library Association also operates a charitable foundation that supports charitable and humanitarian projects throughout Luzerne County. It is intended to enhance the public's understanding and appreciation of the legal system in Luzerne County, ensure access to legal information and representation to all members of the Luzerne County community and foster good relations between members of the Bar, Judiciary and the public.

Mr. Speaker, please join me in congratulating Attorney Butera on a job well done. His devotion to community service is reflected in his tireless pursuit of excellence on behalf of the Wilkes-Barre Law and Library Association.

HONORING THE 50TH ANNIVER-  
SARY OF THE FRESNO METRO-  
POLITAN FLOOD CONTROL DIS-  
TRICT

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. COSTA. Mr. Speaker, I rise today to honor the Fresno Metropolitan Flood Control District for reaching a momentous milestone—its 50th anniversary.

Over 50 years ago, the Fresno Metropolitan Flood Control District was created in order to regulate flooding that had plagued the community for over 80 years. From the outset, the Flood Control District committed itself to managing the flood, storm, surface and ground water resources of the area with the goal of preventing property damage and personal injury as a result of floods. The agency works to conserve such waters for local, domestic and agricultural use. In addition, it seeks to maximize the public use and benefit of the District's programs and infrastructure. This has resulted in the use of ponding basins for recreational purposes such as soccer fields, baseball diamonds and parks. The district has generated 22 recreational sites, including the Sloan Johnson Oso de Oro Lake Park in Fresno, which serves to accommodate disabled children. This recreational facility has received numerous awards, including the Innovations in American Government Award from the John F. Kennedy School of Government at Harvard University.

With such a mission in mind, the Fresno Metropolitan Flood Control District has established infrastructure projects and completed systems in Fresno and its surrounding areas. These projects, valued at over \$600,000,000, include 149 ponding basins, 57 pumping plants, 513 miles of pipeline, three dams, seven flood detention basins, two major stream diversion channels, 145 miles of natural streams and eight river outfalls.

In addition to the creation of these infrastructure projects, the Fresno Metropolitan

Flood Control District has worked resolutely for over 50 years to create programs such as "Clean Storm Water" that seek to educate the community on the importance of water resource management and the prevention of pollution to help protect and preserve groundwater supplies for the future. Moreover, many of its policies on outsourcing construction, professional services and maintenance of certain facilities have not only helped the flooding problems, but also have created countless local jobs as well.

The Fresno Metropolitan Flood Control District has had long standing and effective working partnerships with State and Federal agencies such as the California Department of Water Resources and U.S. Army Corps of Engineers. The agency and its partners have created a successful model for cooperative interagency planning, management, and execution of local public works projects among the Fresno Irrigation District, County of Fresno, City of Fresno and the City of Clovis. Moreover, it has greatly enhanced the safety and quality of life in the Fresno and Clovis areas.

For all its efforts, I would like to commend the Fresno Metropolitan Flood Control District. The organization has tirelessly worked to meet the flood control, drainage and water resource management needs of its constituency; while adhering to high standards of performance, environmental sensitivity, economic efficiency and maximization of public benefit. On this special occasion I would like to extend congratulations to the Fresno Metropolitan Flood Control District on its milestone 50th Anniversary.

RECOGNITION OF CHIEF WARRANT  
OFFICER TWO CHRISTOPHER B.  
DONALDSON

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Chief Warrant Officer Two Christopher B. Donaldson who was recently killed in a helicopter crash during combat operations fighting for freedom in Kunar Province, Afghanistan.

Donaldson was a 28-year-old from Effingham, Illinois and was assigned to the 3rd Battalion, 10th Aviation Regiment, 10th Mountain Division out of Fort Drum, New York. He was a 1995 graduate from Effingham High School in Effingham, IL. His awards and decorations include the Army Commendation Medal, Army Good Conduct Medal, National Defense Service Medal, Kosovo Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, NATO Medal, Air Assault Badge and the Army Aviator Badge.

Donaldson paid the ultimate sacrifice for his country. He is survived by his mother, Lynne Donaldson of Effingham; his father, William Donaldson of Beecher City and many other family, friends and loved ones. I am proud of the service this young man gave to his country and the service his fellow troops perform everyday. Not enough can be said about Chief Warrant Officer Two Donaldson. It is soldiers like him that are risking their lives day in and

day out to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy. God bless them and may God continue to bless America.

TRIBUTE TO OWOSSO MASONIC  
LODGE

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. CAMP of Michigan. Mr. Speaker, I rise tomorrow, Friday, May 12, 2006, to congratulate all the members of the Owosso Masonic Lodge as they celebrate the 150th anniversary since the founding of the lodge.

Since its establishment, the lodge has built a storied tradition of service and charity. This tradition of support to the residents of Michigan continues today through activities including the Special Olympics and support for the local police and fire departments and youth programs. The Owosso Masonic Lodge should be proud of their accomplishments, and I commend their dedication to the community for the last 150 years.

On behalf of the 4th Congressional District of Michigan, I applaud the Owosso Masonic Lodge for this outstanding achievement.

HONORING MR. LINDSLEY  
FRENETTE

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. STUPAK. Mr. Speaker, I rise today to honor the work of an extraordinary man who has dedicated his life to serving and bettering his community.

Mr. Lindsley Frenette started his public service career in 1953, when he began serving as Doyle Township Supervisor. For 13 years, he served in that capacity before he was elected Schoolcraft County Board Commissioner in 1966.

Not only has Mr. Frenette made his community a better place through 52 years of involvement with local government, but he has spent decades working to improve mental health in Michigan.

As a co-founder of the Schoolcraft County Community Mental Health program and its successor agency, the Hiawatha Community Mental Health Authority, he has helped to provide mental health services to many people who would otherwise not have had access to them. In addition to creating these agencies Mr. Frenette helped grow and sustain them, spending 33 years on the Schoolcraft County Mental Health Board.

Mr. Frenette also spent many years on the Legislative Committee for the Michigan Association of County Mental Health Boards. In that capacity he played a key role educating state and federal legislators about the importance of mental health. My own father spent a number of years serving alongside Mr. Frenette on the Mental Health Board and he had nothing but good things to say about Mr. Frenette and his dedication.

By all reports, Mr. Frenette is not only a devoted public servant, but a genuinely kind person who is concerned about the welfare of his fellow citizens.

Together he and his wife Guerda raised seven children and saw the arrival of many grandchildren.

On Friday, Lindsley Frenette will be honored by friends, family and colleagues for his 33 years of service as a Community Mental Health Board member. While he is not retiring, the people closest to him decided it was time to come together and pay tribute to Mr. Frenette.

Mr. Speaker, that recognition is truly deserved. I join Mr. Frenette's friends and family in wishing him and his family all the best, in saluting him for his years of service and in wishing him the best for his many future endeavors.

TRIBUTE TO EDDY ARNOLD

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to take a moment today to honor Eddy Arnold on his 88th birthday.

I'm fortunate enough to call him a friend and neighbor, but like so many Americans, I'm also a fan of his wonderful musical talent.

Raised on a Tennessee farm, the "Tennessee Plowboy" started playing guitar at ten and he's been entertaining us all ever since.

He shattered the country and pop charts with 28 number one hits. And he proved that a beautiful song never gets old with hits like "You Don't Know Me."

Eddy's songs spanned 5 decades. Whether you saw him at the Grand Ole Opry, watched Eddy Arnold Time on television, or heard one of his songs just the other day on the radio—there's no mistaking that Eddy Arnold is an American icon and we wish him all the best on his birthday.

TRIBUTE TO STUDENTS FROM  
SADDLE BROOK MIDDLE SCHOOL

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. ROTHMAN. Mr. Speaker, I rise today to congratulate four outstanding students from Saddle Brook Middle School in my district: Ursula Kapinos, Heather Kuehnle, Ashley LaRose, and Kasia Truskowska. This team of girls was recently named the national winners of the Christopher Columbus Awards competition, a science and technology program for middle school students, for their invention called the Auto-MAT-ic. As the winners of the competition, the girls received a \$25,000 award to further develop their prize winning invention.

The dedication that Ursula, Heather, Ashley, and Kasia have demonstrated to this project is a true testament to the excellent work that is being done in New Jersey public schools. After learning that 1.6 million senior citizens are treated in emergency rooms for injuries caused by falls in the home and that

many of these falls are caused by darkness, these four members of the Saddle Brook Gifted and Talented Program figured out a way to help solve one of the causes of this problem. As a result of four months of intensive research and design, they invented a pressure sensitive floor mat, the Auto-MAT-ic, that automatically illuminates a bedside lamp enabling seniors to see, so they can walk safely at night. Preventing falls will not only save injuries and medical costs, but it will also help seniors retain their independence.

In many ways, the work has only started for these young ladies. They are currently putting their \$25,000 prize to good use. The girls have contracted with a company to help them make their product wireless and to date they have made progress in creating four prototypes that are being tested by seniors. In addition, the students have created their own corporation, Safety Steps LLC. On Monday, May 15, 2006 the group will be in Washington, D.C. to meet with Congressional staff, the American Association of Retired Persons, and the Center for Aging Services Technology about their product and to continue their advocacy on behalf of seniors.

Mr. Speaker, I am very proud of these four students. I commend Urszula Kapinos, Heather Kuehnle, Ashley LaRose, and Kasia Truszkowska for their continued pursuit of trying to help keep seniors safe by creating devices to help prevent falls in the home. On behalf of the people of the Ninth Congressional District of New Jersey, I congratulate them on winning the Christopher Columbus Award. I wish them continued success in their work and advocacy.

#### CONGRATULATIONS TO THE 4-LIFE PROJECT

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate the 4-Life Project in Lexington, Missouri. On May 12, 2006, the 4-Life Project will receive the Bishop John J. Sullivan Award by the Catholic Charities of Kansas City—St. Joseph. The award, the Catholic Charities' most distinguished honor, is given to individuals or organizations whose deeds, character, leadership, and accomplishments best exemplify the mission of the Catholic Charities.

The 4-Life Project consists of 4 programs critical to the Lafayette County area: the Margaret Gray Senior Center, the Rodgers-Lafayette Community Health Center, the Lexington School District Preschool, and Vocational Childcare Training Program. The Senior Center opened on February 15, 2006. It provides a wide array of home and community based services for persons 60 and over, including on-site and home delivered meals, computer classes, and a new program called ProjectEnhance, which assists seniors with ongoing health and wellness issues. The Rodgers-Lafayette Community Health Center opened on January 15, 2006, and provides comprehensive medical care, including dental and mental health care. The Lexington School District Preschool and the Vocational Childcare Training Program provides the area

with a much needed total early childhood center.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating the staff of the 4-Life Project for their accomplishments and in thanking them for their contributions to the community.

#### HONORING EVA HALLER AND WOMEN'S eNEWS

#### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to a great friend, constituent and tireless advocate for women's issues, Ms. Eva Haller.

Eva Haller began her political activism in Budapest, Hungary during World War II by printing and distributing anti-Hitler leaflets. She eventually moved to the United States, where she earned a master's degree in social work while maintaining full-time employment in the service-industry. After graduating, Eva worked as a social worker in New York's Lower East Side. She then took time to volunteer for UNICEF with her husband in Southeast Asia, officially beginning her career as a philanthropist.

A dedicated activist as well, Eva serves on the board of Women for Women International, a Washington-based agency that helps women in war-torn regions rebuild their lives. She also chairs the American board of Free the Children U.S.A., an organization dedicated to eradicating child poverty, exploitation and the use of child soldiers.

Dedicated and talented women such as Eva Haller deserve to be recognized by such credible institutions as Women's eNews. Serving as the definitive source of substantive news—unavailable anywhere else—covering issues of particular concern to women and providing women's perspectives on public policy, Women's eNews enhances women's ability to define their own lives and to participate fully in every sector of human endeavor.

Eva is an excellent example for all of us to live up to and I am proud to recognize the inspiring work she does on her own and in conjunction with Women's eNews. It is no accident that the organization will honor Eva, among other admirable women, at its gala dinner, "21 Leaders for the 21st Century" on May 16. In these trying times there is more and more need for the leadership exemplified by Eva and Women's eNews.

#### SALUTE TO THE 50TH ANNIVERSARY OF THE ZILWAUKEE LIONS CLUB

#### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. KILDEE. Mr. Speaker, today I ask the House of Representatives to join me in congratulating the Zilwaukee Lions Club as it celebrates 50 years of service to the community of Zilwaukee, Michigan. The Lions Club will gather on June 9th to mark the occasion with a banquet.

The Zilwaukee Lions Club was founded in March 1956 by a group of men looking to fulfill the Lions motto, "We Serve." Lions Clubs offer their associates the opportunity to give back to the community and the members of the Zilwaukee Club have embraced this philosophy wholeheartedly.

That same year, the members built the first boat dock in Zilwaukee. Not content to be limited to one endeavor, the Zilwaukee Lions Club has spent the past 50 years providing such diverse services as arranging eye exams and glasses for the needy; taking blind men fishing; expanding the tape library for the blind; building a pavilion in the Zilwaukee City Park; holding an annual Christmas Dinner for the senior citizens of Zilwaukee; and many other worthwhile projects too numerous to name.

Lions Clubs International has 1,300,000 members in 196 countries all contributing to the Vision Program. The Zilwaukee Lions Club participates with its fellow clubs to achieve the goal of bringing sight to the world's blind as well as improving their individual communities. The Zilwaukee Club has continuously maintained this commitment throughout its 50 year history.

Mr. Speaker and Members of the House of Representatives, please join me in congratulating the Zilwaukee Lions Club on the wonderful job they have done over the past 50 years serving the residents of Zilwaukee, Michigan and the surrounding area. They are to be commended for their good work, their dedication to others and their pledge to continue to serve.

#### HONORING STAFF SGT. GREG WARNER

#### HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of Staff Sgt. Greg Wagner who died May 8, 2006, from wounds suffered while serving in Iraq.

Every member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, Greg lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

The lives of countless people were enormously enhanced by Greg's compassion and service. Greg, who represented the best of the United States, South Dakota, and the military, continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service, and the best way to honor him is to emulate his devotion to our country.

I join with all South Dakotans in expressing my sympathies to the family of Staff Sgt. Greg Wagner. His commitment to and sacrifice for our Nation will never be forgotten.

TRIBUTE TO THE CENTAURI HIGH  
SCHOOL FALCONS GIRLS

**HON. JOHN T. SALAZAR**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. SALAZAR. Mr. Speaker, I rise today to commend and applaud the Centauri High School Falcons Girls Basketball team for their thrilling victory over the Denver Christian High Crusaders in the Colorado State Championship this past March. This riveting victory marks Centauri High School's second girls state championship, one undoubtedly deserved by this group of hard-working and devoted players.

Displaying their tenacious defense, the Falcons forced 31 turnovers against the Crusaders. Even though they were down by 8 points at the end of the first half, Centauri High proved its maturity and experience, regrouping and coming back in the second half to win the game 62 to 57.

The Falcons are soaring high today not only because they are great individuals, but because they are great athletes who work together. Led by coach Dave Forster, teammates Janette McCarroll, Amanda Gylling, Marcie Cooley, Wynona Miller, Lucia Muniz, Jeree Booth, Krystina George, Raina Gylling, Venessa Jaramillo, Lisa McCarroll, Lindy Norton, Amanda Ruybal, and Lacey Smith all displayed the determination, focus, and teamwork needed to defeat their challenging opponent. The Falcons' victory was based on a combination of accurate shooting, powerful defense, and masterful passing. Throughout the intense second half, the team never lost its focus or concentration, sinking pivotal free throws and continually executing plays with perfection.

The Falcons' ability to work together is a true inspiration to any person who has ever been on a team or worked with others. Once again, congratulations to these amazing student athletes and all of Centauri High School on their great victory!

TRIBUTE TO DR. DON MICHAEL  
RANDEL

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. RUSH. Mr. Speaker, I rise today to offer recognition to Dr. Don Michael Randel, the outgoing president of the University of Chicago. Dr. Randel has presided over the University of Chicago since 2000, and he has been instrumental in strengthening the humanities and the arts on the campus. Dr. Randel has also been active in overseeing a broad range of interactions with the city of Chicago and further strengthening the University's programs in the physical and biomedical sciences and its relationship with the Argonne National Laboratory. He also led the Chicago Initiative, an ongoing campaign for \$2 billion, the largest in the University's history, which has raised more than \$1.3 billion toward this goal.

Dr. Randel came to Chicago after 32 years at Cornell University, where he served as a faculty member in the department of music and in many administrative posts, including

department chair, vice-provost, and associate dean and then dean of the College of Arts and Sciences. He became provost of Cornell University in 1995.

Dr. Randel is one of the nation's leading musicologists and served as the editor of the *Journal of the American Musicology Society*. He also is editor of the *Harvard Dictionary of Music* 4th ed., published in 2003, the *Harvard Biographical Dictionary of Music*, published in 1996, and the *Harvard Concise Dictionary of Music and Musicians*, published in 1999.

During Dr. Randel's presidency, substantial improvements to the University of Chicago's facilities were completed, including the Palevsky residence halls, the Ratner Athletic Center, the new Graduate School of Business and the \$200 million Center for Integrative Sciences, the largest building in the University's history. The University also completed several joint programs with the city along the Midway, including opening a highly successful charter school, which has now been joined by another, under the auspices of the University's Center for Urban School Improvement. The University also has launched the Collegiate Scholars Program, a College bridge program aimed at preparing Chicago public school students for elite academic institutions.

Dr. Randel will leave a long-lasting impact on the First Congressional District by encouraging a greater awareness of the value of diversity. Speaking on the importance of combating prejudice, Dr. Randel noted the related virtue of diversity, both of ideas and of experience when he commented, "No part of the University community can think of itself as immune from this concern for diversity. An unprecedented number of programs are in place to increase diversity in the functioning of our academic programs and in the ways in which we carry on our business affairs and our relations with the neighborhood and city of which we are a part. Each of us must believe that embracing—not merely tolerating—diversity is a personal obligation."

Mr. Speaker, the University of Chicago, as well as the city itself, will be losing an exceptional, first-class leader, but we want to wish Dr. Randel well on all of his future endeavors, as well as thank him for his many contributions to the school and to the great city of Chicago.

CONFERENCE REPORT ON H.R. 4297,  
TAX INCREASE PREVENTION  
AND RECONCILIATION ACT OF  
2005

SPEECH OF

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2006*

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my opposition to the conference report on H.R. 4297, the FY06 tax reconciliation bill.

As I stated in December 2005, when I voted against the House tax reconciliation bill, I do not oppose tax cuts, and in a more stable fiscal climate I would support reduced tax rates for capital gains and dividend income. What I do oppose is borrowing money to pay for tax cuts, particularly for tax cuts that do not expire for another 3 years. According to the Joint

Committee on Taxation, the conference report before us today would cost approximately \$91 billion over the next 10 years, and would raise taxes by approximately \$22 billion over the same period. Considering the state of our current fiscal situation, this conference report would do more harm than good at this time.

In 2001, I was one of only 28 House Democrats to vote for President Bush's 2001 tax cuts that reduced marginal income tax rates. Since 2001, however, our country's fiscal condition has dramatically reversed course. In 2001, the Congressional Budget Office [CBO] predicted that the 10-year budget surplus would be \$5.6 trillion. That projected 10-year surplus of \$5.6 trillion has deteriorated into a projected \$3.9 trillion deficit during the same period. In FY 2005, the Federal Government ran a budget deficit of \$319 billion, the third largest deficit in our Nation's history.

Further, on February 17, 2004, the national debt of the United States exceeded \$7 trillion for the first time in our Nation's history. On October 21, 2005, the national debt of the United States exceeded \$8 trillion for the first time in our Nation's history. That is an increase of \$1 trillion in our national debt over the last 2 years. It took our country 193 years, from 1787 to 1980, to accumulate an additional \$1 trillion in debt.

Unfortunately, our national debt is only getting worse. When I voted against the House tax reconciliation bill in December, our national debt was \$8.1 trillion. Today, our national debt is \$8.4 trillion, an increase of \$300 billion in only 5 months. An \$8.4 trillion national debt comes down to approximately \$28,000 per person in our country. That is simply unacceptable.

Mr. Speaker, the conference report on H.R. 4297 extends several tax cut measures, including reduced rates for capital gains and dividend income and relief from the alternative minimum tax, that I support and would vote for in a balanced, revenue neutral measure. I would also support several provisions, including the above-the-line deduction for higher education and classroom expenses and the research and development credit, that were included in the House tax reconciliation bill and are not included in this conference report. I hope that extensions of these provisions in the tax code will be included in a future tax measure this year.

Further, while the conference report includes multiyear extensions of lowered capital gains and dividend tax rates, it includes only a one-year extension of relief from the alternative minimum tax [AMT]. I strongly support AMT relief, and voted for H.R. 4096, the Stealth Tax Relief Act, on December 7, 2005, which extended AMT relief and indexed it for inflation. The AMT is the most significant looming tax concern for middle-class American families; if AMT relief is allowed to lapse, the number of taxpayers subject to the AMT will increase from 3 million in 2004 to 21 million this year. The Congressional Budget Office estimates that extending AMT relief and indexing it for inflation would reduce Federal revenue by \$191 billion over the next 5 years. This is an immediate problem that Congress and the administration need to work together to fix in a responsible, bipartisan, and long-term manner, before millions of Americans are hit with large, unexpected tax increases.

Mr. Speaker, I will continue to work with my colleagues in both parties to advance commonsense, bipartisan approaches to solving

our country's fiscal problems. I urge my colleagues on both sides of the aisle to act as soon as possible, in a fiscally sound way, to prevent serious consequences for current and future generations.

**FREEDOM FOR EMILIO LEYVA  
PÉREZ**

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Emilio Leyva Pérez, a political prisoner in totalitarian Cuba.

Mr. Leyva Pérez is a pro-democracy activist, President of the opposition group Hard Front Line and a delegate of the pro-freedom coalition Assembly to Promote Civil Society. Because of Mr. Leyva Pérez's steadfast conviction in human liberty and his constant work to bring freedom to an island enslaved by the nightmare that is the Castro regime, he has been a constant target of the dictatorship.

Amnesty International classified him as a prisoner of conscience after he was arrested by the terrorist regime on February 22, 2002. He was locked in the totalitarian gulag for over 2 years, without ever being convicted of a supposed "crime."

The U.S. Department of State's Country Reports on Human Rights Practices—2005, describes the deplorable conditions in the totalitarian gulag, "Prison conditions continued to be harsh and life threatening. Conditions in detention facilities also were harsh. Prison authorities frequently beat, neglected, isolated, and denied medical treatment to detainees and prisoners, particularly those convicted of political crimes or those who persisted in expressing their views . . . Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, with continuous semi-dark conditions, no available water, and only a hole for a toilet."

Despite over 2 years in this hellish gulag, Mr. Leyva Pérez never wavered in his commitment to freedom for all Cubans. As part of the tyrant's heinous July 2005 crackdown on peaceful pro-democracy opponents, on July 13, 2005, Mr. Leyva Pérez and other opposition activists were detained whilst commemorating the "13 de Marzo" tugboat sinking of 1994, when the dictatorship murdered dozens of unarmed men, women and children. Once again, the tyranny has locked Mr. Leyva Pérez in the totalitarian gulag awaiting "trial."

Mr. Leyva Pérez is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba. His bravery and courage in defiance of tyranny serve as a tragic reminder that the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, Mr. Leyva Pérez is suffering in a grotesque gulag because he believes in freedom, democracy and human rights. My colleagues, it is categorically unacceptable that peaceful pro-democracy activists are languishing in the depraved prisons of tyrants.

**TRIBUTE TO FATHER BRENDAN  
NALLY**

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. MCGOVERN. Mr. Speaker, I rise today in recognition of Father Brendan Nally. I am proud to join with the members of Our Lady of the Rosary in Clinton, Massachusetts in saluting him with a special celebration of his retirement as well as the 50th Anniversary of his Ordination to the priesthood in the Catholic Church.

Since 1989, Father Nally has served as Pastor of "Holy Rosary," as the Church located in the Acre District of Clinton is known. As the one priest assigned to the Parish during the past 17 years, Father Nally has singularly ministered to the spiritual needs of all the parishioners—saying all the daily and weekly Masses, performing all the religious sacraments and ceremonies including baptisms, weddings and funerals, visiting the sick and elderly, as well as performing all the administrative tasks and duties required for the operation of the Church. Throughout this period, Father Nally has endeared himself not only to the many families and members of his Parish but to countless citizens of the Town of Clinton.

As a recognized community leader, Father Nally has been a strong supporter of the local youth of the town. In addition to coordinating and overseeing a strong religious education program for the children of Holy Rosary, he has ensured that a program of other youth activities be maintained. He has also been a loyal fan and booster of the local school athletic teams, attending and cheering on the town's athletes to victory. When the Clinton Public Schools needed a clergy member to participate in the Baccalaureate Exercises for graduating seniors, Father Nally was there. Whenever other organizations needed help, Father Nally was only too glad to be of assistance—as, for example, when a local Alcoholics Anonymous chapter or an Irish step-dancing group needed a meeting place and the parish hall was made available to them.

As if he didn't already have enough duties and obligations to fulfill during his busy days, Father Nally also answered the call and served for a number of years as Chaplain to the Massachusetts Department of Corrections Pre-Release Center in the nearby town of Lancaster.

Prior to his most recent assignment as Pastor of Our Lady of the Rosary, Father Nally had served as a Pastor and Associate Pastor at a number of other Parishes throughout the Diocese of Worcester in Central Massachusetts. Additionally, his priestly service included periods as a faculty member and Headmaster at several Catholic High Schools in the region.

A native of Fitchburg, Massachusetts, Father Nally attended LaSalette Preparatory Seminary and LaSalette Major Seminary in Ipswich, Massachusetts and was ordained a Priest on May 5, 1956.

The 50th Anniversary of Father Nally's Ordination as a Priest, and his remarkable record of outstanding service to the Church, certainly deserves to be applauded and celebrated. His rich legacy of religious ministry and service has touched and improved the lives of so

many people, and I am truly honored to offer my personal thanks and congratulations. I know that my colleagues will join me in paying tribute to this wonderful man of God and in extending very best wishes for a retirement blessed with continued health and happiness to Father Brendan Nally.

**NATIONAL CHILDCARE PROVIDER  
APPRECIATION**

**HON. BARBARA CUBIN**

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mrs. CUBIN. Mr. Speaker, I rise to recognize May 12th, 2006 as National Childcare Provider Appreciation Day. Child care providers are all too often unsung heroes. Yet early childhood is a critical developmental period for children and it takes a special person to work in this field. The contribution of childcare providers to the quality of family life is certainly deserving of recognition by this body.

Started in 1996 by a group of volunteers, National Childcare Provider Appreciation Day is appropriately celebrated each year on the Friday before Mother's Day. This recognition takes many forms, including state and municipal government proclamations, local media coverage, business and community events, and the personal acknowledgment of providers by parents.

The childcare profession not only plays a critical role in supporting healthy families and children, but is also a key part of the economy. A recent National Child Care Association study shows that there are at least 2.8 million people who earn their living by teaching or caring for young children. It is also estimated that of the 21 million children under age 6 in America, 13 million are in child care at least part-time. An additional 24 million school-age children are in some form of child care outside of school-time.

I am proud to recognize Wyoming childcare providers and their efforts to make Wyoming's bright future even brighter through their dedicated care. In a state with wide open spaces, Wyoming's daycare providers have wide open arms with which they embrace our children to help them grow and prosper.

With that, I commend our nation's childcare providers and invite my colleagues to do the same on National Childcare Provider Appreciation Day.

**STATEMENT HONORING THE TOWN  
OF CANTON, CONNECTICUT ON  
THE OCCASION OF ITS 200TH AN-  
NIVERSARY**

**HON. NANCY L. JOHNSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to pay tribute to the Town of Canton, Connecticut, on the occasion of its 200th Anniversary on May 20, 2006.

While the Town of Canton officially celebrates its bicentennial on this date, the community that became Canton actually traces its roots as far back as 1737, when it was known



as the First Ecclesiastical District of West Simsbury. The community officially separated from the Town of Simsbury on May 20, 1806, taking the name Canton, which means "division of territory."

Many generations of hard-working people have lived and worked in Canton throughout its 200 years. When David and Samuel Collins and their cousin William Wells sought natural waterways for factory power, they settled in Canton in 1826. Through their industriousness, they developed the world's first factory devoted to making axes, which eventually became the world's largest manufacturer of edged tools. The Collins Company also gained recognition as one of the world's most innovative manufacturers, after Samuel Collins developed the utilization of anthracite coal for factory operation—a significant step in igniting our country's Industrial Revolution.

Of course, the Collins Company would not have realized this impressive and historical success were it not for the hard-working citizens who helped establish a very solid industrial base in the region. Many generations of Canton residents have stood out and have had important roles in shaping the town's history for the past 200 years. One of Canton's most famous citizens, William Edgar Symonds, earned the Medal of Honor for bravery while fighting with the Union Army in the Civil War. After the war, Mr. Symonds became a well-known patent attorney and political figure, rising to the position of Speaker of the House in the State Legislature. Later, as a U.S. Congressman, he helped pass legislation to protect patents on an international level, and was awarded the French Legion of Merit.

Mr. Speaker, I rise today to honor Canton, Connecticut, upon achieving its 200th Anniversary. I applaud the generations of Canton citizens who have helped this town grow since its founding in 1806, and I commend today's Canton residents for everything they do to make sure that this great town will enjoy a prosperous and productive future.

#### CHRONIC HEPATITIS B NEEDS PRIORITIZATION AS A SERIOUS HEALTH CONCERN

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mr. HONDA. Mr. Speaker, I rise today to thank my colleagues for sending so many staff members to today's "AIM for the B" briefing designed to elevate awareness of chronic hepatitis B, a serious health issue in the United States. This briefing emphasized the importance of increasing diagnosis, screening, and treatment, particularly for Asian Pacific Islander Americans who are disproportionately affected with the disease.

I joined my colleague, Rep. CHARLIE DENT of Pennsylvania, and representatives from the Centers for Disease Control and Prevention (CDC), National Institutes of Health (NIH), patient advocacy organizations, physicians, and patients to convey the potential consequences of chronic hepatitis B and to layout actions needed to increase awareness and address the continued progression of this infectious disease.

Rep. DENT and I have introduced H.R. 4550, the National Hepatitis B Act, which

would authorize additional resources to more effectively research, track, diagnose, treat and manage chronic hepatitis B. I urge my colleagues to recognize chronic hepatitis B as a potentially life-threatening disease and to help us enact this bill in the 109th Congress. Together, we can make a difference in addressing this national and global public health issue.

We are extremely fortunate to have vaccines and treatments available that were not available 25 years ago. With treatment, patients have a better chance at beating this disease and preventing its progression to liver disease. However, there is much work that remains to be done. We need to increase public education about chronic hepatitis B and its relation to liver disease, help infected patients and their physicians identify and manage this disease, and work to increase the length and quality of life for patients chronically infected with chronic hepatitis B. Unfortunately, vaccination rates remain low and the hepatitis B virus continues to be one of the most commonly reported vaccine preventable diseases in the United States.

Mr. Speaker, as Chair of the Congressional Asian Pacific American Caucus, I am especially concerned about the tremendous impact that chronic hepatitis B has on the Asian Pacific Islander American community. As many as 1 in 10 Asian Pacific Islander Americans have chronic hepatitis B.

Today's "AIM for the B" briefing and next week's National Hepatitis B Awareness Week events in California and New York are encouraging steps in the right direction. We have the ability to stop the spread and progression of this disease and it is the responsibility to help our constituents affected by chronic hepatitis B.

#### THE TRUTH ABOUT HIGH GAS PRICES

**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Mr. HENSARLING. Mr. Speaker, on May 3, 2006, the House of Representatives voted on legislation, H.R. 5253, to federally prohibit price gouging in the sale of gasoline, diesel, home heating oil, and biofuels. While I am committed to working with my colleagues to enact energy policies that will lower gas prices and help out American families, I do not believe that this legislation will help.

I voted against this legislation because I believe it irresponsible to criminalize an action without defining exactly what we would be criminalizing. As my constituents in East Texas would say, this legislation simply does not pass the smell test. Not only does this legislation criminalize an action without defining the crime, but it passes off that responsibility to unelected bureaucrats at the Federal Trade Commission. Thus, this legislation could effectively criminalize profit making by companies according to some artificial and arbitrary definition determined by bureaucrats in Washington—and that's not the American way.

Additionally, at a November 9, 2005, joint hearing of the Senate Energy and Natural Resources Committee and Senate Commerce, Science, and Transportation Committee, Fed-

eral Trade Commissioner Deborah Platt Majoras testified that federal price gouging laws would unnecessarily hurt consumers, instead emphasizing that enforcement of our current antitrust laws is the best method by which to protect American consumers. I find it interesting that not even the Federal Trade Commission believes that federal price gouging laws are an effective protection for consumers.

While I believe that price gouging may exist in limited circumstances, such as the immediate aftermath of a hurricane where market forces have broken down, I have seen no evidence that we are experiencing high gas prices because of price gouging. Instead, I believe that the following factors are responsible for high gasoline prices: (1) A huge increase in worldwide demand, especially in China and India; (2) Supply uncertainty and political instability from large producers like Iran, Venezuela and Nigeria; (3) Over-reliance on the Gulf Coast region; (4) Environmental concerns limiting domestic production and refining; (5) Failure of new technologies to yet mature. Only through increasing our domestic production and reducing excessive federal regulations will we create conditions for lower gasoline prices in the future.

In the face of high gas prices, Congress must not pass knee-jerk reaction legislation that will only worsen the problem in the future. We owe it to our constituents to pass solid, sensible legislation that will promote American energy independence in the future and address this issue in the long term. Ultimately, I did not believe this bill would do anything to lower gas prices for my constituents.

#### IN CELEBRATION OF THE MILWAUKEE YOUTH SYMPHONY ORCHESTRA'S 50TH ANNIVERSARY

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today in Celebration of the 50th Anniversary of the Milwaukee Youth Symphony Orchestra, MYSO. MYSO was started in 1956, with assistance from the Junior League Children's Arts Program, the Milwaukee Art Center and later the Rotary Club. It has since grown into a valued community institution and the largest youth orchestra program in the Nation.

MYSO provides valuable education and character development for all of its young participants. Through participation in MYSO programs, young musicians develop discipline and creative problem-solving skills, and learn to work as part of a team. MYSO provides young artists with exposure to professional musicians and master teachers. Since its inception, the Milwaukee Youth Symphony Orchestra has become one of the most respected youth orchestras in the United States, serving almost 800 young musicians in a range of programs that include several large orchestras in addition to smaller and more specialized ensemble groups. MYSO alumni have gone on to distinguished careers as professional musicians, and have become accomplished and dedicated supporters of arts in the community.

MYSO has also made a significant commitment to bringing arts into the community. As

budget cuts trim funding for arts and music education in the Milwaukee Public Schools, MYSO has created new programs that ensure everyone has the opportunity to learn about and appreciate music. Programs like Progressions and MYSO Jazz Studies bring instrumental instruction and ensemble performance to students who might otherwise never have the opportunity to play an instrument or learn to read music. Together with several other youth arts organizations, MYSO collaborated to develop the Milwaukee Youth Arts Center, creating a dedicated space for youth arts that fosters excellence and honors the creative talents of Milwaukee-area youth. This project has contributed to the revitalization of a key central city neighborhood.

For all of these good works, I am honored to commend the Milwaukee Youth Symphony Orchestra. I thank them for 50 years of exemplary leadership and teaching, and look forward to their continued efforts to provide Milwaukee's youth with outstanding arts education.

TRIBUTE TO KATHERINE ROSE MYERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a truly exemplary student and constituent as she prepares to graduate from C.A. Johnson Preparatory Academy on May 23, 2006. Not only is Katherine Rose Myers valedictorian of her high school, she is a student leader among leaders and an outstanding example for all young people.

Katherine is the daughter of Kenneth Myers, Sr. and Emma McGraw Myers of Columbia, South Carolina. She has grown up in the same home where her mother was raised. However, she made a different choice than her mother regarding her high school education. Katherine's mother helped integrate a nearby high school during the early days of desegregation. Although Katherine could have chosen to attend any high school in her school district, she chose to go to C.A. Johnson, the neighborhood school. She felt very strongly about her choice, telling the local newspaper "It's my community and it's a nurturing environment."

It is certainly an environment in which Katherine thrived. Academically, she earned a 4.93 grade point average and has been recognized as a National Achievement Finalist, Palmetto Fellow Scholar and an Academic All-Star. Outside the classroom, Katherine has been a student leader as well. Her peers elected her to serve as Student Body President, and she is on the leadership team of the Fellowship of Christian Athletes. She is a varsity member of the Lady Hornets Basketball team and the track team. During the summer of 2005, Katherine was chosen to attend the prestigious Palmetto Girls State where she was chosen by her peers to serve as Governor. To honor this significant accomplishment Columbia City Council proclaimed October 5, 2005 Katherine Myers Day and awarded her the key to the city.

Despite all of these accomplishments, Katherine still finds the time to contribute to her

community. She is the former state vice president of the L.M. Atkinson Federated Youth Club Ladies of Essence and a Senior Cadette in the Girl Scouts Council of the Congaree Area. She also sings in the W.H. Neal Youth Choir at First Nazareth Baptist Church in Columbia.

This fall, Katherine will attend Furman University in Greenville, South Carolina as the recipient of the Herman W. Lay Scholarship, and will study political science. Prior to beginning her college experience, Katherine has already been selected to be one of ten Furman incoming freshmen to study in China for three weeks in July.

Mr. Speaker, I invite you and my colleagues to join me in commending Katherine Rose Myers as a leader of tomorrow. She has demonstrated that she will be a young person to watch in the coming years, and I will certainly be following her progress.

INTRODUCTION OF THE "DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEE EQUITABLE TREATMENT ACT OF 2006"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. GEORGE MILLER of California. Mr. Speaker, the Department of Energy, DOE, recently announced that it will no longer reimburse its contractors for the cost of providing defined benefit pensions for new employees. Beginning in March 2007, contractors will only be reimbursed for defined contribution, 401(k)-type plans. Furthermore, DOE will only reimburse for a "market-based medical benefit plan," thus encouraging contractors who provide comprehensive medical coverage for their employees to drop or reduce that coverage. In short, the DOE's action is a direct threat to workers' retirement and health care security.

That is why I rise today to introduce legislation to put an immediate halt to this policy. At a time when even well-funded companies are choosing to terminate their pension plans and Congress is struggling to find ways to encourage employers to provide meaningful health and retirement benefits to workers, penalizing federal contractors for offering guaranteed retirement benefits and quality health insurance is hypocritical and counterproductive. This bill, "the Department of Energy Contractor Employee Equitable Treatment Act of 2006," will simply prevent DOE from using its funds to implement this wrong-headed proposal.

According to a Department press release, the purpose of the new policy is "based on sound business practices and market-based benchmarks for cost management." However, at a speech at the National Press Club in January of last year, Labor Secretary Elaine Chao claimed that "President Bush has made retirement security one of the highest priorities of his second term. A critical component of his agenda is ensuring that the defined benefit pension system is viable and that the promises made to the workers enrolled in these plans are kept." This new DOE policy, particularly after the President's effort to privatize Social Security, contradicts that statement and reveals a true agenda of undermining guaranteed retirement benefits.

The DOE rationale—that defined benefit pension plans are too volatile—is particularly ironic given the pressure the Bush Administration is pushing for a House-Senate pension conference bill to change pension law in ways that will make the cost of a pension plan higher and less predictable.

Moreover, by tying reimbursement to a "market based medical benefit plan," the DOE encourages contractors who provide comprehensive medical coverage to reduce such coverage and to further shift health care cost burdens onto employees, rather than addressing rising health care costs. The DOE directive requires all contractors to make clear that they can "unilaterally change, suspend, or terminate any medical plan, coverage or contribution at any time." It further limits the conditions under which retirees may receive retiree health benefit coverage. Encouraging the loss or reduction of health benefits of any workers or retirees, including workers and retirees serving our country at nuclear facilities, is just plain wrong.

I encourage my colleagues to join me in support of this legislation.

IN HONOR OF DR. DANIEL R. MISHELL, JR. ON THE OCCASION OF HIS 75TH BIRTHDAY

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to pay tribute to Dr. Daniel R. Mishell, Jr., an outstanding physician and pioneer in the field of women's health. This Saturday, May 13, 2006, family, friends and admirers will gather to celebrate Dr. Mishell's 75th birthday—which occurred on May 7—and salute his many achievements as husband, father and consummate professional.

Daniel Mishell, Jr., earned his BA with great distinction in 1952 and his medical degree in 1955 from Stanford University. As a faculty member at the University of California, Los Angeles in the 1960s, Dr. Mishell's breakthrough research resulted in the first pregnancy tests in the United States not involving animals. In 1969, he joined the faculty of the University of Southern California's Keck School of Medicine. As the Lyle G. McNeile Professor in the Department of Obstetrics and Gynecology and as its chairman from 1978 to 2005, Dr. Mishell has left an indelible hand print upon this nationally recognized institution of women's health.

Throughout his career, Dr. Mishell has held several prominent national posts and consulted internationally throughout the years in the field of obstetrics and gynecology. Since 1970, he has served as editor-in-chief of *Contraception*, the Association of Reproductive Health Professionals' official journal. He served as president of the American Board of Obstetrics and Gynecology from 1986 to 1990 and then as its chairman from 1990 to 1994. In 2003, he was elected as a fellow ad eundem of the Royal College of Obstetricians and Gynecologists of Great Britain. Respected as an international trailblazer in his field, Dr. Mishell led the World Health Organization's only clinical research and training center for

human reproduction in the United States. Included, Dr. Mishell has received numerous awards and honors throughout the years, including the Distinguished Scientist Award from the Society of Gynecologic Investigation in 1994 and the Guttmacher lectureship of the Association of Reproductive Health Professionals in 1999.

The countless studies and research that he has conducted and guided throughout his career have placed Dr. Mishell at the forefront in the field of women's health. His studies in the late 1960's resulted in the development of many of the devices and hormonal methods used for contraception today, including the Copper IUD, Norplant and the Contraceptive Ring. He directed research that led to technologies and tools that make it easier for women to conceive. He published more than 260 scientific papers in peer review journals, co-edited 34 medical textbooks, and wrote more than 140 textbook chapters on contraception, reproductive endocrinology, and infertility. There's no doubt that you will agree with me when I say that Dr. Mishell continues to influence the field of women's health today.

Dr. Mishell regards as one of his greatest achievements having "trained over 400 residents and made sure they would provide excellent health care in the field of Ob/Gyn." Imagine that! There are over 400 residents who have had the opportunity to learn from Dr. Mishell and they continue to build on his work in the field of women's health and share his enthusiastic commitment to ensuring that all women have the healthcare they deserve. Mr. Speaker, I can make this declaration with full confidence in its accuracy because I am the fortunate spouse of one of those superbly trained obstetrician/gynecologists. Moreover, as another of America's finest physicians, Dr. Paul Brenner, professor of obstetrics and gynecology at the Keck School, points out, Dr. Mishell has been instrumental in opening the field to more female physicians. With Dr. Mishell playing a major role in the education of numerous residents, fellows and junior faculty, it is easy to see why Dr. Brenner acknowledges that "in my lifetime, I don't think there's been anyone else who's had a greater impact on the field of ob/gyn."

Mr. Speaker, as Carol, Dr. Mishell's wife of almost 45 years, their children Sandra, Daniel and Tanya, and their four grandchildren gather with family and friends to toast his 75th birthday, it is with great admiration and pride that I ask my colleagues to join me today in saluting this thoughtful human being and tireless champion of women's health.

#### THE PROTECTION OF UNIVERSITY GOVERNANCE ACT

**HON. DAN BOREN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. BOREN. Mr. Speaker, on May 9, 2006, I withdrew my support for H.R. 5289, the Protection of University Governance Act. I co-sponsored the legislation believing at the time that it would help schools such as Southeastern Oklahoma State University in Durant recoup costs associated with eliminating offensive mascots. Upon further inspection it is clear to me that this bill does not achieve that

goal. Rather, this bill helps those schools that refuse to change and I cannot support that effort.

Changing a mascot is a costly proposition for a public college or university. For this reason, I feel our public institutions that have voluntarily decided to no longer associate themselves with offensive mascots need whatever assistance we can provide to them. Additionally, I feel that easing the financial burden of this undertaking could also encourage other schools to follow this responsible course of action.

#### NATIONAL NURSES WEEK 2006

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. HOLT. Mr. Speaker, I rise to pay tribute to the 2.9 million nurses across the country whose vital contributions to our healthcare system are rightfully honored this week during "National Nurses Week."

The theme of National Nurses Week (NNW) 2006 is "Nurses: Strength, Commitment, Compassion." These are 3 qualities that nurses show on a daily basis in caring for patients during times of disaster and crisis, at the bedside, and through continuing education.

In my own healthcare and that provided to my family and friends, I am continually impressed by the knowledge, professionalism, and kindness that nurses demonstrate in their patient care. They are literally at the front lines of our healthcare system, and their important role deserves to be recognized. That is why I am pleased to support House Resolution 245, supporting the goals and ideals of National Nurses Week.

There are immediate challenges facing the profession of nursing, and there are concrete steps that Congress should take in order to ensure that patients can benefit from their care now and in the future. Most notably, we must take steps to address the growing shortage of nurses and the aging of the nursing workforce.

Recruitment and retention of nurses is important, as is ensuring that schools of nursing have the faculty and resources they need to teach and train students. That is why I introduced H.R. 2184, the Nursing School Capacity Act, which would authorize an Institute of Medicine (IOM) study to identify constraints encountered by schools of nursing in admitting an adequate number of nurses for our healthcare system, and develop recommendations to alleviate the constraints.

We must fully fund nurse workforce development programs through Title VIII of the Public Health Service Act. Unfortunately, as the nursing shortage has worsened, funding has remained flat. We must ensure that healthcare providers are adequately staffed with nurses, and protect nurses from mandatory overtime. We also must support the right of nurses to bargain collectively with their employer, a basic right that should be afforded to workers in all sectors of our economy.

I thank all nurses for the contributions that they make to our health and to our communities.

ENCOURAGING ALL ELIGIBLE MEDICARE BENEFICIARIES TO REVIEW AVAILABLE OPTIONS TO DETERMINE WHETHER ENROLLMENT IN A MEDICARE PRESCRIPTION DRUG PLAN BEST MEETS THEIR NEEDS FOR PRESCRIPTION DRUG COVERAGE

SPEECH OF

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2006*

Mr. CUMMINGS. Mr. Speaker, I rise in support of the resolution and to call for an extension of the May 15th deadline to allow our Nation's seniors more time to enroll in the Medicare Part D Prescription Drug program.

While I support the resolution sponsored by Representative NANCY JOHNSON, I believe that seniors need more than just encouragement to enroll in Medicare Part D. They need time—to time to figure out their myriad of choices under this new benefit.

Mr. Speaker, seniors do not need an extension of the arbitrary May 15th deadline because they don't know the deadline is fast approaching. They need time because the benefit is so complicated.

They need time because the prescription drug benefit is not a direct add-on to Medicare centrally administered through CMS—which is what seniors and Democrats wanted, but a labyrinth of private companies, premiums, deductibles, co-payments, formularies, and pharmacy access that varies widely from plan to plan. In fact, in most states, beneficiaries have a choice of more than 36 drug plans.

They need time because the Medicare Modernization Act passed in the wee hours of the morning by the slimmest of margins in the 108th Congress, protects the interests of big pharmaceutical companies at the expense of our seniors by not allowing the Secretary of HHS to negotiate the best price for lifesaving drugs for our seniors.

They need time because they have to figure out how much their choice will cost them and whether or not they're in or out of the doughnut hole.

They need time because a recent GAG Report indicates that 60 percent of callers to the CMS regarding this benefit were given inadequate and incomplete information.

They need time because they face a maze of options provided by private insurance and pharmaceutical companies, entities which stand to reap great profit windfall that were placed in the bill by those who received enormous benefit from these industries.

Mr. Speaker, private companies wanted to be in this business, but they didn't want to risk losing any money. So the law was specifically designed to maximize profits and ensure the participation of many private plans. That is why the choice of providers is plentiful, collective bargaining power is non-existent, and the confusion to seniors is so great. It is truly by design.

Assuring that seniors have access to a high-quality and affordable prescription drug plan has been a top priority for me and my Democratic colleagues.

When seniors tell me that they must cut their pills in half or skip meals just to pay for the medicines they need, it breaks my heart. The injustice of this incenses me.

So despite its flaws, this benefit may provide relief to some seniors. That is why I have been holding town halls in my district to provide information to hundreds of seniors about this benefit since sign-up began. That is how I know first-hand that even months later that the plethora of plans is confusing and the various components of the benefit are still not clear to many.

I am convinced that there is a better way. That is why I am a cosponsor of the Medicare Prescription Drug Savings and Choices Act, H.R. 752 introduced by Representative BERRY and H.R. 5263, recently introduced by Representative DONNA CHRISTENSEN. These bills would extend the enrollment period and provide immediate fixes to the Medicare Part D benefit.

However, the will to make these changes for the benefit of our seniors by the Republican leaders in the House and Administration does not exist.

Given this fact, while the federal legislation that authorized these plans is far from perfect, until a more comprehensive and more affordable prescription drug plan becomes available, I urge seniors to research your options.

Seniors who do not already have prescription drug coverage should consider enrolling in a Medicare Part D plan of their choice before the May 15, 2006 deadline.

Seniors who already have prescription drug coverage should check with their existing plan and consider whether a change in insurance is in their best interest before May 15, 2006.

The May 15 deadline is less than one week away.

There could be serious consequences for seniors if you delay, resulting in an unfair 7 percent lifetime premium penalty.

The consequences of not making a choice are dire, so I urge seniors to make a choice before May 15, 2006 about Medicare Part D.

Mr. Speaker, our Nation's seniors deserve comprehensive and affordable prescription drug coverage through the Medicare benefit.

Making this a reality should be our goal for the future. In the meantime, let's extend the deadline and fix the flaws of the Medicare Part D program for our seniors. They deserve no less.

## SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

SPEECH OF

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 4, 2006*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes:

Ms. ROYBAL-ALLARD. Madam Chairman, while I would have preferred a more proactive and comprehensive plan such as that proposed by the Democratic "Real Security Agenda", I rise today in support of H.R. 4954, the Security and Accountability For Every (SAFE) Port Act because it is a step in the right direction.

As a member of the Homeland Security Appropriations subcommittee, I am well aware of

the vulnerabilities of our nation's ports. In fact, the 9/11 Commission report concluded that terrorists have the "opportunity to do harm as great or greater in maritime and surface transportation" than the September 11 terrorist attacks.

Our nation's seaports handle over 95 percent of our foreign trade, more than \$1 trillion annually. The ports of Los Angeles/Long Beach near my district form the largest container port complex in the nation. These ports processed more than 35,000 cargo containers a day in 2005, and accounted for some 40 percent of all container traffic nationwide.

Given the volume of our shipping trade, a terrorist attack against the ports of Los Angeles/Long Beach, or any major commercial seaport for that matter, would freeze commercial shipping business, close all seaports for an indefinite time, and have a devastating impact on our national economy. This is not a wild estimate or an exaggeration for effect. We have only to look at the work stoppage at the LA/Long Beach ports in 2002 that directly impacted businesses across the country and cost the national economy approximately \$1 billion a day.

When approved, the SAFE Port Act will make progress toward protecting the physical infrastructure of our seaports as well as our national economy which is so clearly dependent on the commercial shipping business.

I believe the following three provisions in the bill are particularly important.

First, the bill requires the development of plans to address supply chain security and the resumption of trade in the aftermath of a terrorist attack. Securing the supply chain against cargo-tampering is critical to decreasing the likelihood that weapons of mass destruction make it aboard ships bound for the United States. Ensuring that our ports can resume trade operations as soon as possible following any terrorist will mitigate the economic cost of any such attack.

Second, the bill also mandates that Transportation Worker Identification Cards to be issued to port workers. Standardizing identification cards will better enable us to determine who should have access to sensitive areas at our ports and it will make it more difficult to counterfeit the ID cards.

Lastly, the bill more than doubles present funding for the successful port security grant program to \$400 million At the current rate of funding, securing the physical infrastructure of our ports would take decades to complete.

Despite these and other important provisions, I continue to be disappointed that the rule for this bill did not allow consideration of amendments by my Democratic colleagues that would have further enhanced the protection of our ports and our economy.

For example, the Thompson Amendment would have added 1600 new Customs and Border Protection officers at our Nation's ports. Having adequate staff to inspect incoming cargo is a basic first step toward securing incoming cargo.

Additionally, the Langevin Amendment would have accelerated the installation of radiation detection monitors at our seaports. This is important because inspection of every incoming cargo container isn't realistic given the volume of trade. We are foolish not to maximize and expedite the full use of technology to scan containers for radiation that may reveal weapons of mass destruction.

Lastly, Democrats sought to mandate 100 percent screening overseas, of cargo containers bound for U.S. seaports to protect the homeland from hidden shipments of weapons of mass destruction.

Democratic proposals were common sense improvements to the bill and would have better prepared us for the increased security concerns facing our country. The House should not have been denied the opportunity to openly debate these important issues.

The additional inspection officers, scanning equipment, and mandated cargo screening that these amendments proposed are not inexpensive plans and would have required significant investments. However, we cannot afford to not make these necessary investments and risk a far greater cost in terms of our economy and loss of American lives.

Madam Chairman, port security is national security. This bill is a good step in the right direction toward securing our ports, our economy, and our Nation. However, I hope the conference committee will improve the bill further by addressing the issues of customs inspection officers, radiation detection monitors, and cargo screening that the Democrats proposed.

## THE PLATFORM EQUALITY AND REMEDIES FOR RIGHTS HOLD- ERS IN MUSIC ACT OF 2006

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2006*

Mr. BERMAN. Mr. Speaker, today I join my colleague MARY BONO in introducing "The Platform Equality and Remedies for Rights Holders in Music Act of 2006" (Perform Act) which we hope will be the first step in addressing the convergence of digital radio and distribution technology. This bill mirrors the PERFORM ACT introduced by my colleagues two weeks ago in the Senate. The purpose of the PERFORM ACT is to address current inequities in the Section 114 compulsory license of the Copyright Act.

One of America's greatest treasures is its intellectual property. In cities and towns across the nation and in countries around the world, American music is heard throughout the streets. People are consuming more music than ever. Yet the music industry is in crisis. The total value for the music industry at retail declined from \$14.5 billion in 1999 to \$12.1 billion in 2004. In March 2005 alone, 243 million songs were downloaded from illicit peer-to-peer services (NPD Musicwatch).

Our Founding Fathers recognized that in order for America to be at the forefront of creativity they must support and incentivize musicians to pursue their art by providing necessary protection to these original works to produce a return on investment in those works.

In that vein, in 1995 Congress took a step forward and established a limited performance right for digital sound recordings. However, while with one hand Congress granted a right to creators when their music is performed digitally, with the other hand it took away by requiring that this new limited right be subject to a government compulsory license for radio-like services. Therefore, as we continue with

this debate we must remember that copyright owners cannot negotiate a fair market price for their works in the marketplace for digital radio, and cannot withhold access to their works as leverage in the marketplace to negotiate for necessary content protection on digital radio.

Cable, satellite, and Internet radio services are granted a compulsory license to broadcast (perform) music as long as they pay the statutorily defined fee (or another negotiated rate) and abide by the terms and conditions of the government license.

We are fortunate that with the evolution of new technologies there are many legal music distribution services currently available. Cable, Internet and satellite platform providers all compete to provide consumers their choice of music, anytime, in any place, in any format. While I am encouraged by the many options, I am concerned that certain features of the new devices turn radio, or performance services, into distribution services. This increased functionality may cause the unintended consequence of bypassing the typical marketplace distribution channels by allowing the consumer to turn broadcasts into downloads. This utility enables consumers to create an unlicensed music library without paying the artist.

However, just as consumers have certain expectations when it comes to radio usage, copyright owners have a reasonable expectation to be compensated for both the performance right (where a copy is listened to but not kept by the consumer such as a broadcast or concert) and the copying of their works into a library (such as a download or reproduction). This bill seeks the appropriate balance between promoting the creativity of music and fostering the innovation of technology.

Some say the legislation is unnecessary because they assert that current business models are technically legal. While I myself refrain from statutory interpretation, the question for Congress now is how to formulate the right policy to ensure that creators receive adequate compensation for their work and that fair rules apply evenly across all platforms of music that deliver similar services to consumers. Some say this legislation is lacking because it does not provide parity across all broadcasting platforms. While I believe there should be a full performance right for all digital transmissions, across all broadcasting platforms, the bill provides a step in the right direction.

We hope that with introduction of this companion bill in the House to the PERFORM Act in the Senate, Congress will act quickly to level the playing field between technologies and ensure rightful compensation to artists.

In order to level the playing field for those technologies currently covered by Section 114, this bill establishes parity in the rules and regulations covering service platforms (satellite, webcasters, cable) by ensuring that satellite, webcasters, and cable operators are required to operate under the same rate standard and content protection rules. Under the bill, the performance license will only be available for behavior that constitutes a performance, and will require a radio service that wants to engage in a distribution business model to get a distribution license in the free marketplace like its competitors.

For services coupled with new and proposed devices that permit subscribers to search for and keep permanent copies of songs included in the broadcaster's program-

ming without ever listening to the program and where subscribers simply scroll through a list of songs and pick those they want to keep without ever buying the song or paying additional subscription fees a service will not be able to take advantage of the 114 license unless they get a necessary distribution license in the marketplace.

The ability to enable automatic, organized copying and storage of individual songs that replace the sale of downloads or subscriptions by competitive distribution services such as Napster, Rhapsody, and iTunes should not be allowed without similar rules and compensation requirements. If listeners are able to instantly make a free copy of the song they are listening to, they will have little reason to purchase it. The use of a performance license should not be a shield against providing the requisite payment for the reproduction or distribution.

Section 1 provides parity in the rate standard for the technologies currently covered under the section 114 license. All licenses under section 112 and 114 will have their rates set under the same standard, a fair market value standard, that would more closely replicate aggregate deals in the marketplace. Fair Market Value is a standard that is used hundreds of times in the laws of the United States and is one that replicates to the closest extent possible to free marketplace. Currently, the rate for satellite and cable music services are set under factors contained in Section 801(b) of the Copyright Act. The rate for Internet services is a "willing buyer, willing seller" standard that approximates what a particular willing buyer would pay a particular willing seller in the marketplace. The bill sets the standard at "fair market value" to provide broad-based market-influenced compensation to creators across all platforms.

Section 2 provides that the technologies which broadcast sound recordings provide adequate protection to the content. These provisions ensure that all licensees under section 114 have similar content protection requirements, which respond to marketplace developments but include recording for legitimate time shifting purposes.

The bill also requires that licensees use reasonably available technology to prevent copying of the transmission to prevent against third party "stream-ripping"—the use of tools created by third parties that captures the stream, and then disaggregates the songs for storage in a manner that substitutes for a sale. However, any content protection system must allow for reasonable recording. Most notably the bill allows for all manual consumer recording to the extent such recording is consistent with fair use under Section 107 of the Copyright Act.

Section 3 provides a placeholder for the Copyright Office to convene a meeting with interested stakeholders to discuss creation of a category of new interactive services. Currently, one of the most contested issues in the license is the definition of interactivity. The question is "how much consumer influence is allowed before the experience has transitioned from a purely listening service to an interactive service?". The definition of interactivity itself impacts whether one can take advantage of the compulsory license, and the share of the royalty to the artists, musicians and other vocalists. I am hopeful that the Copyright Office will be able to provide some guidance and recommendations for Congress.

Finally, while not included in the bill, I do believe at some point soon, Congress needs to take another look at the Audio Home Recording Act. I don't believe that the royalties provided by the AHRA were ever intended to substitute for the marketplace licenses afforded end-to-end transmission and distribution services. The AHRA was intended to protect music creators from serial copying using off-the-shelf consumer electronics devices, not to enable transmission services to transform themselves into distribution services that provide an unlicensed download that substitutes for record sales. The time has come to re-evaluate the act in light of new technologies and changing business models.

I do not want to suggest that this bill is a "perfect" solution. Thus, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences.

This bill attempts to strike a balance between providing adequate protection to our musicians and continuing to support new innovative technologies. My goal is to preserve the legitimate marketplace by reserving downloading capability for those services that appropriately pay for it. I hope the parties can work together to reach further consensus on how to achieve parity between technologies and provide rightful compensation to our artists.

#### OPENING OF THE MOTHER HALE LEARNING CENTER

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 12, 2006*

Mr. RANGEL. Mr. Speaker, I rise today to recognize the significance of the Mother Hale Learning Center by entering into the record an article from the New York CaribNews that celebrates the official opening of the MHLC in Harlem, New York.

Clara Hale, best known as "Mother Hale," was a prominent philanthropist, social activist and child care worker who founded Hale House in New York City and created a sanctuary for drug-addicted and AIDS-infected infants and their mothers.

As a foster care parent in 1940, Mother Hale provided a home to over 40 children of all ethnic and religious backgrounds over the next 25 years. As problems associated with drug abuse exploded in Harlem, Mother Hale expanded her home for infants addicted before birth. It was the first—and only known program—in the U.S. designed to deal with infants born addicted to illegal drugs.

Clara Hale was a rare individual who devoted her life to caring for over 800 unwanted children. She left her loving imprint on the lives of thousands. When Mother Hale passed away in December, 1992, her daughter, Lorraine Hale carried on her mother's mission.

The Mother Hale Learning Center is an expansion of the work Hale House does through its residential programs. It also allows for affordable childcare to the Harlem community.

This dedication of the Mother Hale Learning Center, as detailed in the attached article, is recognized as the perfect present to honor the legacy of Mother Clara Hale.

Mr. Speaker: I congratulate everyone associated with this notable community resource

expansion known as the Mother Hale Learning Center. This center is truly a testament to the life work of Clara Hale.

DEPUTY MAYOR & CHILDREN'S CHARACTER  
CLIFFORD THE BIG RED DOG JOIN IN OPEN-  
ING MOTHER HALE LEARNING CENTER

NEW YORK, NY.—Dennis Walcott, Deputy Mayor for Education and Community Development and beloved children's character Clifford The Big Red Dog, recently joined Zachary Carter, Hale House Chairman of the Board, and Randolph McLaughlin, Executive Director of Hale House, civic leaders, parents and children to officially open the Mother Hale Learning Center (MHLC), located at 300 Manhattan Avenue in Harlem.

"The opening of the Mother Hale Learning Center is a natural expansion of the work Hale House does through its residential programs and gives us the opportunity to provide educational and affordable childcare to the community-at-large," said Mr. McLaughlin. "It also is the perfect present to honor the legacy of Mother Hale, who would have been 101 on April 1st."

Following the opening ceremony, attendees were led on a tour of the facilities and Deputy Mayor Walcott and Clifford The Big Red Dog greeted the excited children.

MHLC offers high-quality, yet affordable educational childcare for infants, toddlers and preschoolers of families in the community. Classes are led by the Center's experienced and highly trained childcare staff, who create an atmosphere that is caring, nurturing and supportive to each child's educational needs. Adhering to the standards of excellence set forth by the National Association for the Education of Young Children, the curriculum is designed to foster the growth of each child by focusing on social, emotional, physical and cognitive development.

There are classrooms for each age group, each with a daily curriculum and activities specifically designed for that particular group, including: Infants (6 weeks to 1 year old) curriculum which utilizes tactile toys and stimulating activities to help infants gain awareness of their senses; Young Toddlers (1 to 2 years old) and Older Toddlers (2 to 3 years old) curriculum which focuses on building language, creativity, motor skills and social interaction to help children process the new and exciting things they discover each day; and Preschoolers (3 years old to their 5th birthday) curriculum which provides hands-on learning experiences that foster independent thinking and self-expression, and daily group activities that help enhance cognitive and social skills to prepare children for kindergarten.

As one of the few educational programs in Harlem that works with both infants and toddlers, the fully secured facility can ac-

commodate up to 38 children and is open Monday through Friday, 7:30 a.m. to 6:30 p.m. It also features a computer room with three child-friendly computer stations—donated by I.B.M. and United Way—a sleep room for the infants, as well as an outdoor recreation courtyard. The Center will also provide parent workshops, a resource library and referrals to other appropriate services.

#### HONORING DAMU SMITH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 12, 2006*

Ms. LEE. Mr. Speaker, I rise today with a heavy heart to join my colleagues here in the Congressional Black Caucus, throughout the United States and across the globe in commemorating and honoring the extraordinary life of Damu Smith. A leader in the ongoing struggles for civil rights as well as social and environmental justice for more than 30 years, Damu is known worldwide for his lifelong commitment to advancing equality, human rights and nonviolence. Damu passed away on May 5, 2006 after a courageous battle with cancer.

Born in 1952 in St. Louis, Missouri to Sylvester and Vernice Smith, Damu was raised with his three brothers and sisters in the Carr Square Village housing project. A working-class family, they often struggled to make ends meet, sometimes receiving welfare or other government assistance. Damu has said that having this experience growing up developed in him a great sensitivity to the plight of low-income communities, and played a central role in shaping his views as an adult and as an activist.

As a high school student, Damu had the chance to attend some of the Black Solidarity Day rallies in Cairo, Illinois, where he listened to speeches by Amiri Baraka, Nina Simone and Jesse Jackson, and toured black neighborhoods where white supremacists had sprayed houses with gunfire, a sight that changed his life. As a freshman at St. John's University in Minnesota, and president of the Organization of Afro-American Students, Damu led a protest and takeover of the school's administrative offices to demand a Black studies program. It was during that time that he changed his name to Damu Amiri Imara Smith, the first three words meaning "blood," "leadership," and "strength" in Swahili, respectively. In 1973, he moved to Wash-

ington D.C., where he began the next chapter in his lifelong mission of advocating for social justice in the United States and abroad.

Over the next thirty years, Damu's activism included vigilance in the fight against Apartheid in South Africa as Executive Director of the Washington Office on Africa and co-founder of Artists for a Free South Africa. Additionally, Damu focused his energy and attention on broad-based efforts to expose gun violence and police brutality, and was also active in peace and nuclear weapons freeze campaigns, working as the Associate Director of the Washington Office of the American Friends Service Committee.

Furthermore, Damu was known for his pioneering leadership in the environmental justice movement, working as the first environmental justice coordinator for the Southern Organizing Committee for Economic and Social Justice. After touring cities severely impacted by chemical pollution and seeing the devastating impacts of these practices on low income and African American communities, he organized Toxic Tours in the South for Greenpeace. In 1999, he coordinated the largest environmental justice conference ever held, an event which led to the formation of the National Black Environmental Justice Network, which was the first ever network of Black environmental justice activists, and of which he served as the Executive Director.

Throughout his historic and far-reaching career of activism and advocacy, Damu was widely respected and viewed as a leading voice for social justice and progressive change in the United States and abroad. Revered by his colleagues and all who knew him as not just a leader but a true visionary in the fight for justice, peace and equality, Damu's contributions to the effort to affect genuinely democratic reforms in the United States and around the world are truly immeasurable.

My life was personally touched by Damu. I met him many years ago and his intellect, heart and soul brought joy and clarity to my life. Like all who knew and loved him, I will deeply miss his presence on this earth.

Though his death is a great loss to our country and to our entire global family, the legacy of his work will continue to improve countless lives for generations to come. My thoughts and prayers are with Damu's family, as well as the numerous friends, colleagues and other individuals that he inspired during his lifetime as we mourn the loss of this exemplary leader.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S4507–S4527*

**Measures Introduced:** Three bills and one resolution were introduced, as follows: S. 2796–2798, and S. Res. 476. **Page S4523**

**Measures Passed:**

*Supporting Haiti:* Senate agreed to S. Res. 476, supporting democracy, development, and stabilization in Haiti. **Pages S4526–27**

**Comprehensive Immigration Reform Act—Agreement:**

A unanimous-consent agreement was reached providing that at 2 p.m. on Monday, May 15, 2006, Senate begin consideration of S. 2611, to provide for comprehensive immigration reform. **Page S4527**

**Nominations Confirmed:** Senate confirmed the following nominations:

Uttam Dhillon, of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security.

Marc L. Kesselman, of Tennessee, to be General Counsel of the Department of Agriculture.

Gale A. Buchanan, of Georgia, to be Under Secretary of Agriculture for Research, Education, and Economics.

Boyd Kevin Rutherford, of Maryland, to be an Assistant Secretary of Agriculture.

Linda Avery Strachan, of Virginia, to be an Assistant Secretary of Agriculture.

Timothy Anthony Junker, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Patrick Carroll Smith, Sr., of Maryland, to be United States Marshal for the Western District of North Carolina for the term of four years. **Page S4527**

**Nominations Received:** Senate received the following nomination:

1 Air Force nomination in the rank of general. **Page S4527**

**Measures Placed on Calendar:** **Page S4523**

**Additional Cosponsors:** **Page S4523**

**Statements on Introduced Bills/Resolutions:** **Pages S4523–26**

**Authorities for Committees to Meet:** **Page S4526**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 12:42 p.m., until 2 p.m., on Monday, May 15, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4527.)

### Committee Meetings

*(Committees not listed did not meet)*

#### NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the Nominations: of William B. Taylor, Jr., of Virginia, to be Ambassador to Ukraine, Anne E. Derse, of Maryland, to be Ambassador to the Republic of Azerbaijan, who was introduced by former Senator Mathias, and Daniel S. Sullivan, of Alaska, to be Assistant Secretary of State for Economic and Business Affairs, who was introduced by Senator Murkowski, after the nominees testified and answered questions in their own behalf.



# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 1 resolution, H. Res. 814 was introduced. **Page H2588**

**Additional Cosponsors:** **Page H2588**

**Reports Filed:** Reports were filed today as follows: H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007 (H. Rept. 109-463). **Page H2588**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Thornberry to act as Speaker pro tempore for today. **Page H2587**

**Chaplain:** The prayer was offered by the guest Chaplain, Rev. Dr. Barry C. Black, Chaplain, United States Senate. **Page H2587**

**Senate Message:** Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page H2587.

**Senate Referrals:** S. 2245 was referred to the Committees on Resources and Energy and Commerce. **Page H2587**

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H2588-94.

**Quorum Calls—Votes:** There were no Yea and Nay votes, and there were no Recorded votes. There were no quorum calls.

**Adjournment:** The House met at 2 p.m. and adjourned at 2:05 p.m.

## Committee Meetings

No committee meetings were held.

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## CONGRESSIONAL PROGRAM AHEAD

Week of May 15 through May 20, 2006

### Senate Chamber

On *Monday*, at 2 p.m., Senate will begin consideration of S. 2611, Comprehensive Immigration Reform Act.

On *Tuesday*, at 10 a.m., Senate will begin consideration of the nomination of Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit, with a vote on confirmation thereon. Also, Senate will continue consideration of S. 2611, Comprehensive Immigration Reform Act.

During the balance of the week, Senate may consider any other cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

**Committee on Agriculture, Nutrition, and Forestry:** May 17, to hold hearings to examine the United States Department of Agriculture Rural Utilities Service Broadband Program, 10:30 a.m., SR-328A.

**Committee on Appropriations:** May 19, 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 National Institutes of Health, 9 a.m., SD-192.

**Committee on Banking, Housing, and Urban Affairs:** May 16, to hold hearings to examine the nominations of James Lambright, of Missouri, to be President of the Export-Import Bank of the United States, Armando J. Bucelo, Jr., and Todd S. Farha, both of Florida, each to be a Director of the Securities Investor Protection Corporation, Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation, John W. Cox, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development, and William Hardiman, of Michigan, to be a Member of the Board of Directors of the National Institute of Building Sciences, 10 a.m., SD-538.

May 16, Subcommittee on Securities and Investment, to hold hearings to examine the role of hedge funds in U.S. capital markets, 2 p.m., SD-538.

May 18, Full Committee, to hold hearings to examine the report to Congress on International Economic and Exchange Rate Policies, 9:30 a.m., SD-538.

**Committee on the Budget:** May 16, business meeting to consider the nomination of Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget, Time to be announced, SD-207, Capitol.

**Committee on Commerce, Science, and Transportation:** May 16, to hold hearings to examine Transportation Worker Identification Credential, 10 a.m., SD-562.

May 18, Full Committee, to hold hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes, 10 a.m., SD-106.

May 18, Full Committee, business meeting to mark up the proposed innovation bill, 2:30 p.m., SD-562.

**Committee on Energy and Natural Resources:** May 15, to hold hearings to examine the implementation of the Energy Policy Act of 2005's electricity reliability provisions, 2:30 p.m., SD-366.

May 16, Full Committee, to hold hearings to examine the status of Yucca Mountain Repository Project within the Office of Civilian Radioactive Waste Management at the Department of Energy, 10 a.m., SD-366.

May 16, Subcommittee on National Parks, to hold hearings to examine S. 1686, to amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center, S. 2417 and H.R. 4192,

bills to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, S. 2419 and H.R. 4882, bills to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial, S. 2568, to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail, S. 2627, to amend the Act of August 21, 1935, to extend the authorization for the National Park System Advisory Board, and S. Res. 468, supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service, 2:30 p.m., SD-366.

*Committee on Environment and Public Works:* May 17, to hold hearings to examine the nominations of Dale Klein, of Texas, to be Member of the Nuclear Regulatory Commission, and Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, 9:30 a.m., SD-628.

*Committee on Finance:* May 16, to hold hearings to examine the nomination of Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador; to be followed by a business meeting to consider proposed legislation implementing the U.S.-Oman Free Trade Agreement, and the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security, 10 a.m., SD-215.

May 17, Full Committee, to hold hearings to examine physician-owned specialty hospitals, 10 a.m., SD-215.

*Committee on Foreign Relations:* May 16, to hold hearings to examine energy security and oil dependence issues, 9:30 a.m., SD-419.

May 17, Full Committee, to hold hearings to examine Iran's political/nuclear ambitions and U.S. policy options, 9:30 a.m., SD-419.

May 17, Full Committee, to hold hearings to examine the nominations of Michael D. Kirby, of Virginia, to be Ambassador to the Republic of Moldova, John A. Cloud, Jr., of Virginia, to be Ambassador to the Republic of Lithuania, April H. Foley, of New York, to be Ambassador to the Republic of Hungary, Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, and Michael Wood, of the District of Columbia, to be Ambassador to Sweden, 2:30 p.m., SD-419.

May 18, Full Committee, to continue hearings to examine Iran's political/nuclear ambitions and U.S. policy options, 9:30 a.m., SD-419.

*Committee on Health, Education, Labor, and Pensions:* May 16, Subcommittee on Retirement Security and Aging, to hold hearings to examine naturally occurring retirement communities, 10 a.m., SD-430.

May 17, Full Committee, business meeting to consider the proposed Ryan White Modernization Act of 2006, proposed Mine Safety and Health Act of 2006, proposed Older Americans Act Amendments of 2006, S. 860, to amend the National Assessment of Educational Progress

Authorization Act to require State academic assessments of student achievement in United States history and civics, and the nominations of Jerry Gayle Bridges, of Virginia, to be Chief Financial Officer, and Vince J. Juaristi, of Virginia, to be a Member of the Board of Directors, both of the Corporation for National and Community Service, Harry R. Hoglander, of Massachusetts, and Peter W. Tredick, of California, each to be a Member of the National Mediation Board, J.C.A. Stagg, of Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation, Kent D. Talbert, of Virginia, to be General Counsel, Department of Education, and Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission, 10 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* May 17, to hold hearings to examine the nomination of Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget, 10 a.m., SD-342.

May 17, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to resume hearings to examine the Federal government's security clearance process, focusing on the progress of the Office of Personnel Management in implementing a plan to address the longstanding backlog of security clearance investigations, including the next steps by the Office of Management and Budget, and the recent halt by the Defense Security Service in processing government contractor security clearances, 2:30 p.m., SD-342.

May 18, Full Committee, to hold hearings to examine the nomination of Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics, Office of Personnel Management, 10 a.m., SD-342.

May 18, Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine unobligated balances, focusing on their treatment and how they affect agency budgeting and programming, including what happens to these accounts when they expire, and how Office of Management and Budget, the Treasury and the agencies treat them, 2:30 p.m., SD-342.

*Committee on Indian Affairs:* May 17, to hold an oversight hearing to examine Indian youth suicide, 9:30 a.m., SR-485.

*Committee on the Judiciary:* May 16, to hold hearings to examine the continuing need for Section 5 pre-clearance requirements of the Voting Rights Act, 9:30 a.m., SD-226.

May 17, Full Committee, to hold hearings to examine understanding the benefits and cost of Section 5 pre-clearance requirements of the Voting Rights Act, 9:30 a.m., SD-226.

May 18, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine AT&T and BellSouth merger and what it means for consumers, 3 p.m., SD-226.

*Select Committee on Intelligence:* May 16, to hold hearings to examine the nomination of Kenneth L. Wainstein, of Virginia, to be Assistant Attorney General for National Security, Department of Justice, 10:30 a.m., SH-216.

May 17, Full Committee, closed business meeting to consider pending calendar business, 2:30 p.m., SH-219.

May 18, Full Committee, to hold hearings to examine the nomination of General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency, 9:30 a.m., SH-216.

*Special Committee on Aging:* May 18, to hold hearings to examine caring for seniors during a national emergency, 10 a.m., SD-628.

### Joint Meetings

*Commission on Security and Cooperation in Europe:* May 17, to hold hearings to examine the role of the Office for Democratic Institutions and Human Rights relating to advancing the human dimension in the OSCE, focusing on the Office for Democratic Institutions and Human Rights and its role in monitoring elections in OSCE countries, 2 p.m., SD-226.

### House Committees

*Committee on Appropriations,* May 16, to consider the following appropriations for Fiscal Year 2007: Homeland Security; and Energy and Water Development, and Related Agencies, 3:30 p.m., 2359 Rayburn.

*Committee on Education and the Workforce,* May 18, hearing on No Child Left Behind: How Innovative Educators Are Integrating Subject Matter To Improve Student Achievement, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* May 18, Subcommittee on Energy and Air Quality, hearing entitled "Unlocking America's Energy Resources: Next Generation," 10 a.m., 2322 Rayburn.

May 18, Subcommittee on Telecommunications and the Internet, hearing on H.R. 5126, Truth in Caller ID Act of 2006, 9 a.m., 2123 Rayburn.

*Committee on Financial Services,* May 17, hearing on the State of the International Financial System, 10 a.m., 2128 Rayburn.

May 17, Subcommittee on Domestic and International Policy, Trade, and Technology, hearing on H.R. 5337, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, 2 p.m., 2128 Rayburn.

May 18, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 5341, Seasoned Customer CTR Exemption Act of 2006, 2 p.m., 2128 Rayburn.

May 18, Subcommittee on Oversight and Investigations, hearing entitled "Financial Services Needs of Military Personnel and Their Families," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* May 16, Subcommittee on Energy and Resources and the Subcommittee on National Security, Emerging Threats and International Relations, joint hearing entitled "Energy as a Weapon: Implications for U.S. Policy," 2 p.m., 2154 Rayburn.

May 16, Subcommittee on Federal Workforce and Agency Organization, hearing entitled "Fair and Bal-

anced? The Status of Pay and Benefits for Non-Article III Judges," 2 p.m., 2247 Rayburn.

May 17, full Committee, hearing entitled "Low Clearance" Why Did DOD Suddenly Stop Processing Private Sector Security Clearances?" followed by consideration of pending business, 1 p.m., 2154 Rayburn.

May 17, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled "RU-486—Demonstrating a Low Standard for Women's Health?" 2 p.m., 2203 Rayburn.

*Committee on Homeland Security,* May 16, hearing entitled "Are We Ready?: Implementing the National Strategy for Pandemic Influenza," 2 p.m., 311 Cannon.

May 17, to mark up the following measures: H.R. 5451, National Emergency Management Reform and Enhancement Act of 2006; and H. Res. 809, Directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia, 10 a.m., 311 Cannon.

May 18, Subcommittee on Management, Integration and Oversight, hearing entitled "Retention, Security Clearances, Morale, and Other Human Capital Challenges Facing the Department of Homeland Security," 9:30 a.m., 311 Cannon.

*Committee on International Relations,* May 16, Subcommittee on Africa, Global Human Rights and International Relations, hearing on Medical Outreach: An Instrument of U.S. Diplomacy, 2 p.m., 2172 Rayburn.

May 17, Subcommittee on Asia and the Pacific, hearing on the United States and South Asia: An Expanding Agenda, 1:30 p.m., 2172 Rayburn.

May 17, Subcommittee on the Middle East and Central Asia, hearing to Review U.S. Assistance Programs to Egypt, 2 p.m., 2200 Rayburn.

May 18, full Committee, hearing on the Prospects for Peace in Darfur, 10 a.m., 2172 Rayburn.

May 18, Subcommittee on Africa, Global Human Rights and International Operations, hearing on Nigeria's Struggle with Corruption, 2 p.m., 2172 Rayburn.

May 18, Subcommittee on International Terrorism and Nonproliferation, to mark up H.R. 5333, Shoulder-fired Missile Threat Reduction Act of 2006, 2 p.m., 2200 Rayburn.

*Committee on the Judiciary,* May 16, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Section 115 Reform Act (SIRA) of 2006, 4 p.m., 2141 Rayburn.

May 17 Subcommittee on Commercial and Administrative Law, oversight hearing on Privacy in the Hands of the Government: The Privacy Officer for the Department of Homeland Security and the Privacy Officer for the Department of Justice; followed by markup of H.R. 2840, Federal Agency Protection of Privacy Act of 2005, 2 p.m., 2141 Rayburn.

May 18, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 817, Animal Fighting Prohibition Enforcement Act of 2005, 11:30 a.m., 2141 Rayburn.

May 18, Subcommittee on Immigration, Border Security, and Claims, hearing on H.R. 4997, Physicians for Underserved Areas Act, 2 p.m., 2141 Rayburn.

*Committee on Resources*, May 18, Subcommittee on Energy and Mineral Resources, oversight hearing on the Energy and Mineral Requirements for Renewable and Alternative Fuels Used for Transportation and Other Purposes, 11 a.m., 1324 Longworth.

*Committee on Rules*, May 16, to consider the following: H.R. 4200, Forest Emergency Recovery and Research Act; and H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, 5 p.m., H-313 Capitol.

*Committee on Science*, May 17, Subcommittee on Energy, hearing on Plug-in Hybrid Electric Vehicles: Legislation

To Promote Research and Development, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, May 17, to mark up H.R. 5352, Small Business Reauthorization Act of 2006, 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, May 17, to mark up the following: additional lease resolutions from the GSA FY 2007 Capital Investment and Leasing Program; H.R. 5013, Disaster Recovery Personal Protection Act of 2006; H.R. 5187, to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy for the Performing Arts for fiscal year 2007; and H.R. 5316, RESPOND Act of 2006, 11 a.m., 2167 Rayburn.

May 18, Subcommittee on Water Resources and Environment, oversight hearing on EPA Grants Management 2003–2006: Progress and Challenge, 10 a.m., 2167 Rayburn.

*Permanent Select Committee on Intelligence*, May 18, Subcommittee on Intelligence Policy, executive, Briefing on Denial and Deception, 9 a.m., H-405 Capitol.

*Next Meeting of the SENATE*

2 p.m., Monday, May 15

## Senate Chamber

**Program for Monday:** Senate will begin consideration of S. 2611, Comprehensive Immigration Reform Act.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Monday, May 15

## House Chamber

**Program for Monday:** To be announced.

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