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

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

WASHINGTON, DC, May 16, 2006.

I hereby appoint the Honorable CHARLES W. BOUSTANY, Jr. to act as Speaker pro tempore on this day.

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

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

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

NSA’S PHONE RECORDS PROGRAM

Mr. DEFAZIO. I thank the Chair. Well, when we first heard about widespread wiretapping by the administration without legal authority under the Federal Intelligence Surveillance Act, the President said not to worry, just a handful of individuals, and only when they are communicating with people outside the U.S. Well, maybe not a handful. Maybe a few hundred. No, maybe 10,000 or thousands.

Oops. Now it actually turns out that they are monitoring and have asked for the records of the phone calls of hundreds of millions of Americans. Over a trillion phone call records, we are told. They say they need this to protect America. What are they going to do with this mountain of data? They are going to apply a complicated mathematical algorithm to it and they are going to find some terrorists. Thus far they have raided two takeout services and one call center. That is what they have yielded from this. How about good old-fashioned intelligence with humans and police work?

Let’s look at the bungling that led up to 9/11. Actually the new nominee who headed the NSA who has perhaps piqued himself about these billions of monitored records, he had in his hands a communication from al Qaeda on 9/11, actually on 9/10, saying, tomorrow is zero hour. But the NSA didn’t bother to translate that until after 9/11.

Then we had the FBI. Now, Agent Samit said he had a communication about Moussaoui from French intelligence in August after he had been arrested by the FBI saying he was very dangerous, indoctrinated in radical Islamic fundamentalism, completely devoted to radical fundamentalism and Osama bin Laden. But his superiors didn’t think that was enough to give him a warrant to open Moussaoui’s computer and perhaps stop 9/11. That’s why we need to monitor the phone calls of billions of phone calls made by Americans, because of the incompetence of the people running these agencies.

Now, Agent Samit sent a letter to FBI headquarters accusing Moussaoui of plotting international terrorism and air piracy. This is August, August, before 9/11. Then Agent Rowley came forward and also gave us the same information. Agent Samit also asked for help from the FBI’s London, Paris and Oklahoma City offices, FBI headquarters, CIA counterterrorism center, Secret Service, Immigration and Naturalization Service, Federal Aviation Administration, an intelligence agency not identified but presumed to be the National Security Agency headed by General Hayden who failed to translate the warning before 9/11. But we need to monitor the phone calls of law-abiding Americans, billions of them. What a wild goose chase. They want to cover up the extraordinary incompetence that allowed these stumblingblocks to launch a devastating attack on America by saying they are doing something now by monitoring billions of phone calls. This is absolutely outrageous.

Let’s go back a little further. There were two other guys involved, Nawafal Hazmi and Khalid al Mihdhar. Now, they were tracked to the planning meeting, pretty good work, by the CIA over in Southeast Asia. That’s good. Unfortunately, they didn’t have listening devices. They didn’t have agents go through them, they didn’t know what they were planning, but they knew they were bad guys planning something. Then they lost track of them. Where did they go? Well, they traveled legally to the United States of America with visas issued by the Bush State Department, they lived openly in San Diego with listed phone numbers, but they were never visited or monitored by the FBI or anybody else, even though the CIA knew these were bad guys.

But what are we going to do in response to this incompetence? Well, we’ll give the people involved gold medals and great retirements. Mr. Tenet, who was heading the CIA, he got a gold medal for freedom from the President. No one has ever taken the fall for this incompetence. Now, instead, they are trying to divert us and say, what we’re going to do is monitor all the telephone conversations of all Americans and apply a mathematical algorithm. So the next time we have a terrorist in hand, we won’t open his computer, either, because we’ll be watching the algorithms and the phone calls of law-abiding Americans.
NEWBORN SCREENING SAVES LIVES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized during morning hour debates for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, this past Sunday was Mother’s Day. Across our Nation, America’s mothers were honored with cards, gifts, flowers and phone calls. But for any mother, the most precious gift of all is a strong and healthy baby. Today, to help ensure that mothers receive that most precious of gifts, I am introducing the Newborn Screening Saves Lives Act of 2006.

Newborn screening is a public health intervention that involves a simple blood test used to identify many life-threatening genetic illnesses before any symptoms begin. Approximately 5,000 babies are born each year with detectable and treatable disorders. Forty years ago, these disorders would have gone undetected until symptoms appeared. As a result, these children unnecessarily died or suffered lifelong disabling consequences. Today, these severe disorders, mostly inborn errors of metabolism, can be detected in newborn babies and treated in time to prevent serious complications. But due to the fact that a national newborn screening law does not exist in this country, there is great disparity and variation from State to State in the quality and number of newborn screening tests an infant may receive. Consequently, approximately 2,000 infants are permanently disabled or die from otherwise treatable disorders. This bill could prevent these tragedies and save millions of dollars in health care costs to both families and States.

The Newborn Screening Act of 2006 seeks to eliminate these unnecessary deaths and severe disabilities by educating parents and health care professionals about the advisability of newborn screening which improves the system for follow-up care for infants detected with an illness through the newborn screening tests. The bill encourages States to uniformly test for all recommended disorders and provides resources for States to expand and improve their newborn screening programs. It also requires the CDC to ensure the quality of laboratories involved in newborn screening and establishes a system for collecting and analyzing data that will help researchers develop better detection, prevention and treatment strategies.

Mr. Speaker, somewhere in our country today, there is a mother holding her newborn son or daughter totally unaware that her seemingly healthy baby is being attacked by a genetic disease because her State or birthing facility did not offer the one test that could have provided her with this critical information. If she knew, she could have begun the very treatment needed to protect her baby from permanent disability or death.

Mr. Speaker, we have the power to help prevent this tragedy. By passing the Newborn Screening Saves Lives Act of 2006, we ensure that parents and health providers are knowledgeable about newborn screening and that babies receive the comprehensive and consistent testing they need. It is a challenge we simply cannot ignore.

I urge my colleagues to join me in presenting a Mother’s Day gift to the 4 million women who give birth each year by becoming cosponsors of the Newborn Screening Saves Lives Act of 2006 and helping to pass it into law.

RECESS

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

Accordingly (at 12 o’clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

PRAYER

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

Eternal God, You are forever faithful. Our history reveals Your constant protection and guidance of this Nation, so we have placed all our trust in You. As Your faithful people, we are always optimistic about the future because we rest not on human endeavor alone, but upon Your promises. “I am Your Lord God. I am with You.” As Your people, we become a people filled with promise. That does not mean we expect to see everything fulfilled according to our own timing. We simply mullet over the seed of promise in our own hearts and plant Your promises in others.

With hope rooted in Your promises, O Lord, we foster the growth of vision in a world of neighbors and in the next generation by what we say and how we act. You alone fulfill every promise and will recreate the face of the earth now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KELLER 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.

NATIONAL GUARD TROOPS BELONG ON THE BORDER

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

Mr. KELLER. Madam Speaker, I rise today to applaud President Bush’s decision to place additional National Guard troops on the Mexican border. I recently returned from a week long trip to the Mexico-California border. And as this photograph shows, I met with National Guard troops who were constructing a border security fence in the San Diego area.

President Bush’s decision has been criticized from two sources. First, some American politicians have complained that National Guard troops have no business being involved with border security. Well, this photograph clearly shows that National Guard troops are already playing a key role in helping to secure our borders.

Second, Mexico’s President Vicente Fox complained about the U.S. possibly militarizing our border. This is the height of hypocrisy. Mexico was the first one to put their military on their southern border to stop illegals from coming into Mexico from Guatemala. The American people want less whining from the open borders crowd and more action from the rest of us to secure our borders. This is a step in the right direction.

RECOGNIZING ELIZABETH STEPP

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

Mr. WILSON. Madam Speaker, thousands of high school students across America are participating in Poetry Out Loud, a national competition which helps students master public speaking skills and learn about their literary heritage.

On April 8, Elizabeth Stepp proudly represented Richland Northeast High School in the 2006 National Endowment for the Arts South Carolina Poetry Out Loud State Competition. After performing poetry before Poet Laureate Marjory Wentworth and Kwame Dawes, founder of the South Carolina Poetry Initiative, Elizabeth was awarded the South Carolina State Championship.

Tonight Elizabeth will represent South Carolina in the Poetry Out Loud South Carolina State Championship.
National Finals held at the Lincoln Theater in Washington. As she prepares for this exciting event, I would like to recognize her tremendous accomplishment and wish her best wishes for continued success.

In closing, I will not forget September 11.

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

Mr. POE. Madam Speaker, today I would like to remember the 155 men and women ripped from the ranks, gunned down, stabbed, ambushed, killed. Not soldiers in Iraq or Afghanistan, but American peace officers fighting an insurgency on American streets.

We honor those who died and those who survive them. They drape their badges in the black cloth of sacrifice to respect their fellow warriors. They lay their friends to rest, but they still risk their own lives to protect and serve.

One of the 13 Texas officers murdered last year, Officer Hank Nava, Jr., of Fort Worth, was savagely gunned down by an outlaw on parole who shot Officer Nava in the face.

Just days ago, Detective Vicky Armel of Fairfax County, Virginia, was ambushed by a street punk firing more than 70 rounds from an attack rifle.

We do not know the agony of these officers, but we know their indifference to danger. This Police Week we honor the honorable. We give our gratitude to police officers nationwide for their courage. We say thank you to those who turn toward turmoil so that we may turn toward safety.

And that's just the way it is.

NATIONAL GUARD IS A GOOD FIRST STEP
(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, last night the President spoke to the American people about his plan for establishing a secure border and a sound immigration policy.

The highlight of President Bush's plans is to send up to 6,000 National Guard, Border Patrol agents, and I applaud the President for taking steps necessary to try and secure the borders. For far too long this Nation has had a policy of benign neglect, one that has left our system of immigration fundamentally broken. National Guard troops are an efficient short-term solution. However, this action must not be part of a real effort to enforce our laws and must not be coupled with a thinly veiled attempt to grant amnesty. The American people want assurances that our sovereignty and security are being respected.

America is a nation of immigrants. It is built upon the dreams and sacrifices of those who came to share in our common goals of liberty, fairness and adherence to law. It is in celebration of these principles and in honor of those who came before us that we should act in respect for law and in respect for liberty.

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

Record votes on postponed questions will be taken tomorrow.

RIGHT-TO-RIDE LIVESTOCK ON FEDERAL LANDS ACT OF 2005
Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 596) to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes.

The Clerk read as follows:

H. R. 596
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 “Right-to-Ride Livestock on Federal Lands Act of 2005.”

SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS ON PUBLIC LANDS.

(a) NATIONAL PARK SYSTEM LANDS.—Section 12 of Public Law 91–383 (16 U.S.C. 1a–7) is amended by adding at the end the following new subsection:

(c) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

(1) GENERAL RULE.—The Secretary shall provide for the management of National Park System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

(b) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

(5) A The Secretary shall provide for the management of System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

(c) NATIONAL PARK SYSTEM LANDS.—Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following new subsection:

(6) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

(1) GENERAL RULE.—The Secretary shall provide for the management of public lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits;

(C) to create a preference for one recreational use for any unit of the System,


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

Mr. KIND asked and was given permission to revise and extend his remarks.

Mr. KIND. Madam Speaker, H.R. 586 has a checkered history. While there has been no action by the Resources Committee on the legislation in this Congress, questions and concerns were raised about identical legislation in the last session of Congress. In fact, the Bush administration has gone on record saying the legislation was both unnecessary and unwise.

Numerous recreational uses occur on our public lands, including hunting, fishing, hiking, camping. Singing out the recreational use of pack and saddle animals for special treatment creates the potential for conflict with these other recreational uses and complicates resource management of the public lands. At the very least, I think the Resources Committee should take a second look at the legislation to explore the ramifications of what is being requested here. This will be the only recreational use codified in law.

With this noted, however, I will not object to the consideration of H.R. 586 today, there are certain problems with the legislation. In effect, the bill hampers the ability of local federal land managers to administer trails under their jurisdiction in a flexible fashion taking into account changed local circumstances. In effect, the pending bill says that trails historically open to pack and saddle stock horses shall always remain open to them within units of our National Park System, National Forest System, Wildlife Refuges and BLM lands. This not only ties the hands of the local land managers to make adjustments if warranted, but appears to be a nationwide rubber stamp approach to what has not been a national problem with respect to public trail usage.

I would observe there is one out, one means to make a change in the horse first rule this legislation advances, and that would be to go through a full-scale review under the National Environmental Policy Act. Here, I applaud those of my colleagues who are promoting legislation because many of these have consistently voted in the Resources Committee to overturn, override, and exempt the application of NEPA to other matters.
I am also concerned about the precedent we are setting here. It is my understanding that the American Horse Council fully backs the pending bill. A noble organization, which does good service for the equine community. Yet, what if the American Motorcyclist Association catches wind of this bill. Can we expect a counter-protest from them, to make trails open to off-road motorcycles also deemed to be the highest and best use of public trails. I would expect their members would not want to be viewed as second class citizens when it comes to trail use. And the bikers, the ATV riders, the list goes on.

With that Madam Speaker, I have some trepidation over the course this legislation sets, and this comes from a gentleman who is a strong defender of our horse tradition in this country.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2978. The motion is ...Madam Speaker, I have some trepidation over the course this legislation sets, and this comes from a gentleman who is a strong defender of our horse tradition in this country.

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2978) to allow the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to convey water to non-Indian communities.

In northeastern Montana, water supplies are very scarce. For this reason Congress authorized a federal water supply protection for the Fort Peck Indian Reservation and some of its neighbors a few years ago. As the project is now under construction, water users realize that the underlying law needs to be clarified in order to ensure a water transfer. This bill makes this commonsense clarification on the Federal level. This bill makes this common-sense clarification on the Federal level.

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

H.R. 2978, introduced by our colleague DENNIS REHBERG of Montana, allows two Fort Peck Indian Reservation Tribes to lease water to nearby non-Indian communities.

In northeastern Montana, water supplies are very scarce. For this reason Congress authorized a federal water supply protection for the Fort Peck Indian Reservation and some of its neighbors a few years ago. As the project is now under construction, water users realize that the underlying law needs to be clarified in order to ensure a water transfer. This bill makes this commonsense clarification on the Federal level. This bill makes this common-sense clarification on the Federal level.

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

Mr. RADANOVICH. Madam Speaker, I stand to support the adoption of H.R. 2978. Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1869) to reauthorize the Coastal Barrier Resources Act, and for other purposes.

The Clerk read as follows:

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2005

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1869) to reauthorize the Coastal Barrier Resources Act, and for other purposes.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coastal Barrier Resources Reauthorization Act of 2005”.

SEC. 2. DEFINITIONS.

In this Act:

(1) OTHERWISE PROTECTED AREA.—The term “otherwise protected area” has the meaning given in the term in section 12 of the Coastal Barrier Resources Reauthorization Act of 1999 (16 U.S.C. 3503 note; Public Law 106-541).

(2) PILOT PROJECT.—The term “pilot project” means the digital mapping pilot project authorized under section 6 of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106-541).

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

(4) SYSTEM UNIT.—The term “System unit” has the meaning given in the term in section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502).

SEC. 3. DIGITAL MAPPING PILOT PROJECT FINANCIALIZATION.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps of the System units and otherwise protected areas created under the pilot project.

(b) Consultation.—The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which any System units and otherwise protected areas are located; and

(c) Contents.—The report required under subsection (a) shall contain:

(1) the final recommended digital maps created under the pilot project;

(2) recommendations for the adoption of the digital maps by Congress;

(3) a summary of the comments received from the Governors of the States, other government officials, and the public regarding the digital maps;
(4) a summary and update of the protocols and findings of the report required under section 6(d) of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; (Mr. Kind asked and was given permission to revise and extend his remarks;)

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out this section, FWS shall use any digital spatial data that are possessed by Federal, State, and local agencies. FWS may request that non-Federal agencies provide electronic copies of the data.

(2) PROVISION OF DATA BY NON-FEDERAL AGENCIES.—A Federal agency that possesses data referred to in paragraph (1) shall, on request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) CONTENTS.—The report required under (1) shall contain—

(A) a description of the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps;

(B) a summary of the comments received from Governors, other government officials, and the public, and the digitized maps created under this section;

(C) recommendations for the adoption of the digital maps created under this section by Congress;

(D) recommendations for expansion of the John H. Chafee Coastal Barrier Resources System and otherwise protected areas, as in existence on the date of enactment of this Act;

(E) a summary and update on the implementation and use of the digital maps created under this section;

(F) a description of the feasibility of, and the amount of funding necessary for—

(i) making all of the System unit and otherwise protected area maps available to the public in digital format; and

(ii) facilitating the integration of digital System unit and otherwise protected area boundaries with Federal, State, and local planning tools.

(4) ADDITIONAL DATA.—The head of a Federal agency that possesses data referred to in paragraphs (1) through (3) shall, on request of the Secretary, promptly provide the data to the Secretary at no cost.

(5) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order No. 12906 (59 Fed. Reg. 18761); and

(B) any other standards established by the Federal Geographic Data Committee established by the National Management and Budget circular numbered A-16.

(c) REPORT.—

(1) GENERAL.—Not later than 5 years after the submission of the report under section 3(a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps created under this section.

(2) CONSULTATION.—The Secretary shall prepare the report required under paragraph (1)—

(A) in consultation with the Governors of the States in which the System units and otherwise protected areas are located; and

(B) after—

(i) providing an opportunity for the submission of public comments; and

(ii) considering any public comments submitted under clause (i).

(3) CONTENTS.—The report required under paragraph (1) shall contain—

(A) a description of the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps;

(B) a summary of the comments received from Governors, other government officials, and the public, and the digitized maps created under this section;

(C) recommendations for the adoption of the digital maps created under this section by Congress;

(D) recommendations for expansion of the John H. Chafee Coastal Barrier Resources System and otherwise protected areas, as in existence on the date of enactment of this Act;

(E) a summary and update on the implementation and use of the digital maps created under this section;

(F) a description of the feasibility of, and the amount of funding necessary for—

(i) making all of the System unit and otherwise protected area maps available to the public in digital format; and

(ii) facilitating the integration of digital System unit and otherwise protected area boundaries with Federal, State, and local planning tools.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section $500,000 for each of fiscal years 2006 through 2010.


(5) BOUNDARY REVISED.—The Speaker pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) asks unanimous consent that all Members may be given 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

This legislation, which was introduced by the distinguished chairman of the Senate Environment and Public Works Committee, would extend the authorization of appropriations for the Coastal Barrier Resources Act until September 30, 2010.

This law, first enacted in 1982, governs the John H. Chafee Coastal Barrier Resources System, which is made up of coastal barrier units delineated on maps adopted by Congress. Today this system is comprised of 856 units and more than 3 million acres of fastland and associated aquatic habitat.

In addition to allowing the Fish and Wildlife Service to continue to administer this vital program, the bill authorizes the digital mapping of the entire coastal barrier system. After more than 20 years of using outdated and many times inaccurate paper maps, it is time we provided this agency with the modern technology.

According to the Department of the Interior, the Coastal Barrier Resources Act has saved the taxpayers in excess of $1.2 billion. In fact, any property within the Coastal Barrier Resources System does not prevent private development of the land, and the Fish and Wildlife Service is responsible for advising landowners whether their coastal property is within the boundaries of the system. Due to the nature of the existing maps, Congress has approved several technical corrections to the bills that have restored Federal flood insurance to taxpayers who were unfairly penalized by mapping errors.

I compliment Senator JAMES INHOFE for moving this program into the 21st century. I urge adoption of S. 1869.

Madam Speaker, I reserve the balance of my time.
the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1869. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed. A motion to reconsider was laid on the table.

NEOTROPICAL MIGRATORY BIRD CONSERVATION IMPROVEMENT ACT OF 2006

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H. R. 518) to require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds, as amended.

The Clerk read as follows:

H.R. 518

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 “Neotropical Migratory Bird Conservation Improvement Act of 2006.”

SEC. 2. AMENDMENTS TO NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

(a) FINDINGS.—Section 2(1) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101(1)) is amended by inserting “but breed in Canada and the United States” after “include the Caribbean.”

(b) PURPOSES.—Section 3(2) of such Act (16 U.S.C. 6102(2)) is amended by inserting “Canada,” after “United States.”

(c) DEFINITION OF CARIBBEAN.—Section 4 of such Act (16 U.S.C. 6103) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(2) by inserting after paragraph (1) the following:

“(2) CARIBBEAN.—The term ‘Caribbean’ includes Puerto Rico and the United States Virgin Islands.;” and

(3) by inserting after paragraph (3), as so redesignated, the following:

“(3) all amounts received by the Secretary in the form of donations under subsection (d); and

“(4) other amounts appropriated to the Fund.”

SEC. 3. AUTHORIZATION OF PROJECTS TO ENHANCE CONSERVATION IN CANADA.

(a) FUND.—Section 5(e)(2)(C) of such Act (16 U.S.C. 6106(c)(2)) is amended by striking “$50,000” and inserting “$150,000.”

(b) ADMINISTRATIVE EXPENSES.—Section 5(c)(11) of such Act (16 U.S.C. 6106(e)), by striking “$30,000” and inserting “$50,000.”

(c) REPORT.—Section 8 of such Act (16 U.S.C. 6107) is amended by striking “October 1, 2002,” and inserting “2 years after the date of the enactment of the Neotropical Migratory Bird Conservation Improvement Act of 2006.”

(d) REPORT.—Section 8 of such Act (16 U.S.C. 6107) is amended by striking “October 1, 2002,” and inserting “2 years after the date of the enactment of the Neotropical Migratory Bird Conservation Improvement Act of 2006.”

(e) ADJUSTMENT OF APRORPRIATIONS.—Section 10 of such Act (16 U.S.C. 6109) is amended to read as follows:

“(a) FUND.—The term ‘Fund’ means the Neotropical Migratory Bird Conservation Fund established by section 9(a).”.

(b) AUTHORIZATIONS—Section 9(c)(2) of such Act (16 U.S.C. 6108(c)(2)) is amended by inserting “and increasing the authorization levels from $5 million to $6.5 million in fiscal year 2010.”

(c) REPORT.—The Secretary of the Interior may transfer to the Neotropical Migratory Bird Conservation Fund amounts that were in the Neotropical Migratory Bird Conservation Account immediately before the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of such Act (16 U.S.C. 6109) is amended to read as follows:

“(1) FUND.—The term ‘Fund’ means the Neotropical Migratory Bird Conservation Fund established by section 9(a).”.

“(b) AUTHORIZED AMOUNT.—The amount referred to in subsection (a) is—

“(1) $5,000,000 for each of fiscal years 2006 and 2007;

“(2) $5,000,000 for fiscal year 2008;

“(3) $6,000,000 for fiscal year 2009; and

“(4) $5,500,000 for fiscal year 2010.

“(c) AVAILABLE.—Amounts appropriated under this section may remain available until expended.

“(d) ALLOCATIONS.—Of amounts appropriated under this section for each fiscal year, not less than 75 percent shall be expended for projects carried out outside the United States.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

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

Mr. RADANOVICH. Madam Speaker, I would urge my colleagues to support this legislation to extend the Secretary of the Interior’s authority to approve grants for the conservation of neotropical migratory birds. The Neotropical Migratory Bird Conservation Act was established in 2000 and has been widely popular.

In fact, the Fish and Wildlife Service, which administers the program, has received 690 grant requests to assist neotropical migratory birds. To date, the service has approved 146 conservation projects in 30 different countries. These projects have cost the Federal Government about $13.8 million, but they have generated almost $65 million in private matching funds. This is a remarkable achievement.

This bill would reauthorize the act for 4 years, expand the definition of the Caribbean to include Puerto Rico and all the U.S. Virgin Islands, reduce the matching fund requirement, allow conservation projects to be funded in Canada, and increase the authorization levels from $5 million to $6.5 million in fiscal year 2010.

I urge an “aye” vote on H.R. 518. Madam Speaker, I reserve the balance of my time.

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

Mr. KIND. Madam Speaker, I rise today in support of H.R. 518, the Neotropical Migratory Bird Conservation Improvement Act of 2006. This important legislation provides a competitive approach for addressing the varied and significant threats facing numerous species of migratory birds.

This act was first passed by Congress in 2000 and has a proven track record of reversing habitat loss and degradation. It also has advanced innovative management and habitat restoration strategies for a broad range of neotropical birds. This noncontroversial legislation would make technical and conforming improvements, most notably to broaden its scope to include Canada and authorize Federal matching fund requirements.

It is fitting that we are debating this bill on the House floor given that the
International Migratory Bird Day was just celebrated last week on May 12. The International Migratory Bird Day was created in 1993 to focus public attention on the need to protect birds and their habitats. This annual event celebrates some of the most important and spectacular events in the life of a migratory bird: its annual journey between summer and winter homes.

Moreover, last Saturday the Department of Interior announced $3.9 million in grants for neotropical migratory bird conservation to be provided to 43 conservation partners in 34 States and 17 Latin American and Caribbean countries. These partners will contribute an additional $17 million in matching funds to undertake projects that include researching, monitoring, and managing migratory bird populations.

Migratory birds contribute to our environmental and economic well-being. Many of these species protect crops and forest from damage by eating insect pests. In addition, birds support a significant component of the economy. I know throughout my congressional district, which borders more shoreline along the Mississippi River than any other congressional district in the Nation, bird watching has become a large part of our recreational economy. In fact, the Upper Mississippi River Basin is North America’s largest waterfowl migrating route. Each year 40 percent of all waterfowl species pass through the basin during migration. Additionally, nearly 70 million Americans spend more than $20 billion each year participating in bird-related activities. Birding is the fastest growing outdoor recreational activity in many parts of the country.

Finally, this legislation would provide a very modest increase in funding over 5 years. While I feel more funding is needed given the tremendous track record of this program, the additional contributions that the partners make to these programs, I believe this legislation is important and the reauthorization needs to move forward. Therefore, I urge my colleagues to support this bill.

I also want to personally thank Chairman Pombo and Ranking Member Rahall, as well as the Chair and ranking member of the subcommittee, Mr. Gilmore and Mr. Pallone, for their help and effort in the reauthorization process.

Again, I encourage adoption of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 518, as amended.

The Clerk read as follows:

S. 1165
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 "James Campbell National Wildlife Refuge Expansion Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States Fish and Wildlife Service manages the James Campbell National Wildlife Refuge for the purpose of promoting the recovery of 4 species of endangered Hawaiian waterbirds;

(2) the United States Fish and Wildlife Service Manage approximately 244 acres of high-value wetland habitat (including ponds, marshes, freshwater springs, and adjacent land) and manages the habitat in accordance with the National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd note; Public Law 105-312);

(3) the United States Fish and Wildlife Service entered into a contract to purchase in fee title the land described in paragraph (2) from the estate of James Campbell for the purposes of—

(A) permanently protecting the endangered species habitat; and

(B) improving the management of the Refuge;

(4) the United States Fish and Wildlife Service has identified for inclusion in the Refuge approximately 800 acres of additional high-value wildlife habitat adjacent to the Refuge that are owned by the estate of James Campbell;

(5) the land of the estate of James Campbell on the Kauai Coast features coastal dunes, coastal wetlands, and stands of trees that promote biological diversity for threatened and endangered species, including—

(A) the 4 species of endangered Hawaiian waterbirds described in paragraph (1);

(B) migratory shorebirds;

(C) waterfowl;

(D) seabirds;

(E) endangered and native plant species;

(F) endangered monk seals; and

(G) green sea turtles;

(6) because of extensive coastal development, habitats of the type within the Refuge are increasingly rare on the Hawaiian islands;

(7) expanding the Refuge will provide increased opportunities for wildlife-dependent public uses, including wildlife observation, photography, and environmental education and interpretation; and

(8) acquisition of the land described in paragraph (4)—

(A) will create a single, large, manageable, and ecologically-intact unit that includes sufficient buffer land to reduce impacts on the Refuge; and

(B) is necessary to reduce flood damage following heavy rainfall to residences, businesses, and public buildings in the town of Kahuku.

SEC. 3. DEFINITIONS.

In this Act:

(1) Director.—The term "Director" means the Director of the United States Fish and Wildlife Service.

(2) Refuge.—The term "Refuge" means the James Campbell National Wildlife Refuge established pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) will each control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Madam Speaker, I am pleased to urge the adoption of S. 1165, introduced by Senator Daniel Inouye. This bill is virtually identical to H.R. 2866, sponsored by our distinguished Resources Committee colleague, Congressman Neil Abercrombie.

The bill would increase the size of the James Campbell National Wildlife Refuge on the Island of Oahu by up to 800 acres of land. This refuge, which
was created in 1976, provides essential wetland habitat for some 75 endangered plants and animals including four species of highly imperiled waterbirds. The birds depend on the protection of the James Campbell Refuge for their survival.

The sole owner of the property is the James Campbell Estate, and their legal representative testified that the estate is a willing seller of this property for inclusion within the refuge. The timing of this transaction is critical because the James Campbell Trust, which was created over 100 years ago, terminates on January 20, 2007. By acquiring this property, the two noncontiguous existing parts of the refuge will be connected. Historical wetland habitat will be restored and a new protected flyway will be created, and the Army Corps of Engineers will have the opportunity to provide some badly needed flood protection for a neighboring community.

This refuge expansion will also conserve and maintain large sand dune ecosystems on Oahu, preserve native strand plants and protect threatened coastal wildlife including sea turtles, migratory shorebirds, and Hawaiian monk seals.

I urge an "aye" on S. 1165.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. KIND. Madam Speaker, as described by my good friend from California, this noncontroversial legislation would authorize the expansion of the existing James Campbell National Wildlife Refuge, located on the north shore of the Island of Oahu in the State of Hawaii.

Members should also be aware that this legislation would accomplish other important conservation objectives such as wetland restoration, local flood protection, and the preservation of beach habitat for threatened and endangered species, especially green sea turtles and Hawaiian monk seals.

S. 1165 is virtually identical to H.R. 2866, companion legislation introduced in the House by my colleague from Hawaii, Congressman NEIL ABERCROMBIE.

In order to allow the U.S. Fish and Wildlife Service to proceed with these acquisitions at the earliest possible date, Mr. ABERCROMBIE has agreed to move this bill, passed by the other body, in order to expedite its passage by the Congress and by the signing by the President.

I commend the gentleman from Hawaii for his vision and foresight in developing this thoughtful conservation legislation, and I urge Members to support this noncontroversial bill.

Mr. CASE. Madam Speaker, I rise today in strong support of passage of S. 1165, the James Campbell National Wildlife Refuge Expansion Act of 2005. I cointroduced the House version of this bill (H.R. 2866) with my colleague, Congressman NEIL ABERCROMBIE.

S. 1165 expands the authorized boundary of the James Campbell National Wildlife Refuge in Honolulu, Hawaii, to include approximately 1,100 acres of land. The U.S. Fish and Wildlife Service, under the James Campbell National Wildlife Refuge in Kahuku, Hawaii, for the past 30 years to protect four endangered Hawaiian water birds—the Hawaiian stil (ae'o), the Hawaiian moorhen (alae 'ula), the Hawaiian coot (alae ke'oke'o), and the Hawaiian duck (ka'oke'o), and at least 25 different North American migratory birds. In 2005, USFWS acquired fee title to the 240-acre refuge located in two separate parcels. The expansion area will allow for acquisition of adjacent land to create a single, large, manageable, and ecologically intact unit that includes sufficient buffer land to reduce impacts on the Refuge. The acquisition will also facilitate a solution to area flooding problems.

The expanded acreage would allow for restoration of critical wetland habitat, which would serve as the largest managed freshwater wetland in Hawaii. The project would secure existing habitat units and create a protected corridor between them to provide essential habitat for four endangered water bird species and migratory waterfowl. It would also protect the last remaining large-scale and intact coastal dune ecosystem on Oahu and preserve native strand plants and protect coastal wildlife such as threatened green sea turtles, seabirds, migratory shorebirds, and possibly the endangered Hawaiian monk seal. Support facilities could be constructed on upland areas to support environmental education and interpretation programs, visitor services, and habitat management programs. All land proposed for purchase is owned by the Estate of James Campbell, a willing seller.

Heavy floods occur frequently in this area, devastating residents who live in the adjacent town of Kahuku. Because of the location and natural function of this floodplain, the land acquisition also serves as the crucial component for the proposed Kahuku flood control project by preserving the floodwater retention of these wetlands and providing a flood area where flood control efforts can be made more efficient.

This habitat restoration proposal represents the most significant wetland enhancement project ever undertaken in Hawaii. By combining effective wetland restoration, endangered species conservation, environmental education, visitor opportunities, and flood control, benefits provided will serve not only the local communities, but also Hawaii residents and visitors for generations to come.

Mr. ABERCROMBIE. Madam Speaker, thank you for S. 1165 on the floor today. By authorizing the expansion of the James Campbell National Wildlife Refuge, NWR, we are protecting endangered and migratory birds from the effects of an increasingly urban island.

Located on the northern end of the island of Oahu, the Campbell NWR is the premier recovery area on the island for all four endangered Hawaiian water birds. The refuge consists of approximately 241 acres of naturally occurring, spring-fed marsh and manmade ponds in two separate parcels. Although the refuge was established specifically to benefit the endangered Hawaiian stil (ae'o), coot (alae ke'oke'o), moorhen (alae 'ula), and duck (koloa maoli), it also provides essential habitat for at least 25 species of wintering migratory birds coming from as far away as Alaska, New Zealand, and Asia.

The expansion proposed by S. 1165 would connect these two parcels, providing a protected flyway and essential habitat. The expansion would also incorporate significant coastal property and create the last remaining large scale sand dune ecosystem. This boundary enlargement will preserve native strand species as well as coastal wildlife such as threatened green sea turtles, seabirds, migratory shorebirds and possibly the threatened Hawaiian monk seal.

As a dual benefit, this expansion would also help protect the neighboring town of Kahuku from devastating floods. The refuge expansion serves as an important component of the Kahuku flood control project by increasing drainage capacity and preserving the floodwater retention of these protected wetlands.

In turn, the flood mitigation project could potentially enhance the wetland area to ensure maximum production and survival of endangered Hawaiian waterbird populations. The importance of this added benefit has been made clear by recent rains in Hawaii have flooded the town of Kahuku along with its schools and homes.

The Campbell NWR is a haven to endangered and migratory birds. Its expansion would further the goals of the refuge and the Refuge System while helping to protect an adjacent town from intermittent flooding.

I would also like to thank Chairman POMBO and Ranking Member RAHALL for their support and efforts in addressing this issue. I respectfully request my colleagues to support this measure and its intent to protect the wildlife on the north shore of Oahu.

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

Mr. RADANOVICh. Madam Speaker, I thank the gentleman from Wisconsin. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICh) that the House suspend the rules and pass the Senate bill, S. 1165.

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

A motion to reconsider was laid on the table.

ELIZABETH HARTWELL MASON NECK NATIONAL WILDLIFE REFUGE

Mr. RADANOVICh. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3682) to redesignate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge. The Clerk read as follows:

H.R. 3682

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

SECTION 1. ELIZABETH HARTWELL MASON NECK NATIONAL WILDLIFE REFUGE.

(a) REDENOMINATION—Mason Neck National Wildlife Refuge in Virginia, is hereby redesignated and shall be known as the
The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

The Chair recognizes Mr. RADANOVICH.

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

Madam Speaker, H.R. 3682 was introduced by two of our distinguished Virginia colleagues, Tom Davis and Frank Wolf. This measure would rename the Mason Neck National Wildlife Refuge after Mrs. Elizabeth Hartwell. While I never had the opportunity to meet this remarkable woman, there seems to be no debate that she dedicated her life to conservation.

After nearly 20 years of tireless work to stop the destruction of the Mason Neck Peninsula, Mrs. Hartwell and her supporters were successful in their efforts to create the Mason Neck National Wildlife Refuge. This refuge, which was the first established to protect the American bald eagle, has grown to 2,277 acres of land.

In addition to one of the largest concentrations of bald eagles in the lower 48 States, Mason Neck is home to the largest great blue heron rookery in the mid-Atlantic region and more than 200 species of birds, 41 species of reptiles and amphibians, and 31 species of mammals.

I am sure the authors of this legislation will attest that this refuge would not exist had it not been for Mrs. Elizabeth Hartwell. Despite powerful and well-financed opponents, she was successful because she lived her life committed to the philosophy of one of our Nation's greatest conservationists, Theodore Roosevelt, who reminds us "it is not what we have that makes us a great Nation; it is the way in which we use it."

This legislation proposes a fitting tribute to someone who was affectionately called the "Eagle Lady." I urge an "aye" vote on H.R. 3682.

Madam Speaker, I reserve balance of my time.

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

Madam Speaker, we have no objection to this legislation that would rename the Mason Neck National Wildlife Refuge to honor the late Elizabeth Hartwell, a local conservationist who dedicated much of her life to protecting this refuge located along the Potomac River.

I encourage my colleagues to support the name change.

Madam Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. Tom Davis). Mr. Tom Davis of Virginia. Madam Speaker, I am honored today to speak in support of H.R. 3682, a bill to rename the Mason Neck National Wildlife Refuge after Elizabeth Hartwell.

For almost 20 years, Mrs. Hartwell spearheaded efforts to protect the Mason Neck area. Her efforts led to the establishment of the 2,500-acre Mason Neck National Wildlife Refuge, the 1,800-acre Mason Neck State Park, and the 1,000-acre Pohick Bay Regional Park.

Mrs. Hartwell began her environmental crusade in February 1965 when she learned about a rezoning application in Fairfax County for the development of a satellite city of 20,000 people on the most ecologically sensitive area of Mason Neck. She decided to lead an effort to stop this development and to preserve Mason Neck habitat for the endangered American bald eagle.

During the ensuing weeks and months, she organized a watchdog group called the Conservation Committee of Mason Neck. She made films of the wildlife that thrived there to show other civic organizations around the region. Mrs. Hartwell even gave tours by boat along Mason Neck's waterways and enlisted the support of several environmental organizations at the local, regional, State, and Federal levels.

The Mason Neck National Wildlife Refuge was established in 1969 for the protection of nesting, feeding, and roosting habitat for the bald eagle. It was the first Federal refuge established specifically for the then-endangered bald eagle. Today, there are multiple nests on the refuge and on neighboring public and private lands.

I am pleased to support the effort of several Mason Neck area homeowners associations to rename the Mason Neck National Wildlife Refuge in honor of Mrs. Hartwell, who passed away on December 14, 2000. She dedicated her life to nature and to helping the environment, and it would be a fitting tribute to rename the Mason Neck Refuge after the woman who fought so valiantly for its creation.

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

Mr. RADANOVICH. Madam Speaker, I too have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3682.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

Mr. TOM DAVIS of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 788) supporting the goals and ideals of Peace Officers Memorial Day.

The Clerk reads as follows:

Whereas the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel; and

Whereas more than 76,000 law enforcement personnel in the United States serve their fellow citizens as guardians of peace; and

Whereas peace officers are on the front line in preserving the right of the people of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools; and

Whereas 155 peace officers across the Nation were killed in the line of duty during 2005, well below the decade-long average of 164 deaths annually, and a major drop from 2001 when 237 officers were killed, including 72 officers in the September 11th terrorist attacks; and

Whereas a law enforcement officer is killed in the United States every 53 hours, and there are 56,000 assaults against our law enforcement officers each year, resulting in 16,000 injuries; and

Whereas section 136 of title 36, United States Code, requests that the President issue an annual proclamation designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty; and

Whereas on May 15, 2006, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor these heroes and all others who have fallen before them: Now, therefore, be it

Resolved, That the House of Representatives,
(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and
(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. Tom Davis) and the gentlemen from the District of Columbia (Ms. Norton) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?
There was no objection.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, each day, law enforcement officers in this country face grave dangers as they protect the rights and freedoms we enjoy as Americans. Their commitment and sacrifice make our streets safer, our neighborhoods stronger, and our families more secure. May 15 is set aside each year to honor the extraordinary service and sacrifices of America’s law enforcement officers and their families. It also promotes increased public support for the law enforcement profession and helps to promote law enforcement safety. The more than 850,000 men and women who guard our communities do so at great risk. Each year, one in 15 officers is assaulted, one in 46 is injured, and one in 5,255 is killed in the line of duty.

After the hijacked planes hit the World Trade Center in New York City on 9/11, the American people were trying to ensure their fellow citizens got to safety. That act of terrorism resulted in the highest number of peace officers killed in a single incident in the history of this country.

June 28, 1983, was the tragedy of an officer killed in the line of duty struck my community in Fairfax County. Police officer Vicky Armel was killed and two officers were wounded after a gunman opened fire with high-powered weapons in the parking lot of a Charity police station during a shift change. These tragic events shook the community, and the Fairfax police force, to the core.

It is important to recognize the sacrifices that these officers and their families make each day to ensure that we will have a safe environment in which to live, work, and raise our families. National Peace Officers Memorial Day will provide the people of the United States with an opportunity to honor the extraordinary service and sacrifice given year after year by our police forces.

The annual ceremony, which was held the evening of May 13, featured several contributions from police officers all over the country, including the singing of the National Anthem by Fairfax County, Virginia, police officer Laura Zambic. Following the ceremony, prominent law enforcement leaders, survivors, and law enforcement supporters share the stories of the fallen officers whose names were officially added to the memorial.

I urge all Members to come together to honor the dedication of these brave men and women, like Detective Armel, by adopting House Resolution 786.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank my good friend and colleague from the District for yielding me this time.

Madam Speaker, I do rise in support of this resolution which is supporting the goals and the ideals of the Peace Officers Memorial.

Madam Speaker, as a former prosecutor and special prosecutor in the State of Wisconsin, it was my honor, or perhaps, my privilege, to work each day with these law enforcement officers in our community and throughout the State. I have always been impressed with their dedication and professionalism, their commitment to the community.

These and women who are uniform wake up every morning with a shared goal of trying to make our communities just a little bit safer, trying to make us and our children and grandchildren and all of our families just a little bit safer during the day.

And all too often we hear the tragic stories or read about it or see on the
news of fallen officers who fell in the line of duty. And it is right and proper that we have a National Peace Officers Memorial Day to honor their sacrifice made on behalf of all of us.

But what we do not hear about is the tremendous courage and dedication that our officers exhibit each and every day and the cases that they sometimes find themselves in, which places their life and safety in great danger. And this, unfortunately, occurs on an all too frequent basis.

Madam Speaker, I also want to just take a moment and commend a member of my own family, my youngest brother, Terry Kind, for his years of dedicated service as a police officer for the Town of Holmen Police Department in western Wisconsin.

I have the chance to talk to him from time to time to try to keep a foot in the law enforcement community back home. And sometimes the stories that he relates to me are blood-curdling and quite frightening. Not only talking about the victims of crime, but also the incredible danger that our officers face from time to time.

Madam Speaker, I would encourage all of my colleagues to support this resolution today. I want to commend my colleagues on the floor here for bringing this resolution forward and speaking so favorably about it. I also want to commend and thank those law enforcement officers across our country who do a tremendous job under very difficult and dangerous circumstances each and every day of their dedicated lives.

Mr. CANTOR, Madam Speaker, I rise in strong support of this resolution to support the goals and ideals of Peace Officers Memorial Day.

Recently, Virginia lost Detective Vicky Armel with the Fairfax County Police Department. Our Nation and the Commonwealth of Virginia experienced great loss as this fine police officer lost her life in the line of duty.

Law enforcement officers take a solemn oath to protect and serve the communities they serve. With honor, they uphold our laws and protect the innocent.

As a nine-year veteran of the force, Detective Armel specialized in burglary crimes. She worked tirelessly each day to investigate and bring to justice those criminals who violated our homes, property, and peace of mind.

Her loss is felt deeply by her husband, Tyler, who is also a proud member of the Fairfax County Police, and their two children, 4-year-old daughter Mason and 7-year-old son Thomas. I stand with Detective Armel’s community and congregation in support of her family.

Detective Armel's dedication and the sacrifices she made symbolize the honor of the law enforcement profession. Our thoughts and prayers are with her family, friends, and the community in which she served as we honor her passing on this Peace Officers Memorial Day.

Recently, Virginia lost Officer Gary J. Buro of the Chesterfield County Police Department. Our Nation and the Commonwealth of Virginia experienced great loss as this fine police officer gave his life in line of duty.

Law enforcement officers take a solemn oath to protect and serve the communities they serve. With honor, they uphold our laws and protect the innocent.

Officer Buro proudly served his Nation at home and abroad. As a U.S. Marine during the Gulf War, he defended our Constitution and fought to liberate Kuwait from Saddam Hussein’s grasp. After returning home, he began a distinguished 11-year career in law enforcement. He served with the Lantana, Florida and New York City Police Departments. Only recently, Officer Buro brought his experience to Virginia and joined the Chesterfield County Police Department in January of this year.

Officer Buro’s dedication and the sacrifices he made symbolize the honor of the law enforcement profession. Our thoughts and prayers are with his family, friends, and the community in which he served as we honor his passing on this Peace Officers Memorial Day.

Ms. NORTON, Madam Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield back the balance of my time, and urge Members to support the adoption of House Resolution 788.

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

There was no objection.

Resolved. That the House of Representatives—

(1) recognizes and commends American Ballet Theatre for over 65 years of service as “America’s National Ballet Company”; during which time it has provided world class art to citizens in all 50 States;

(2) recognizes that American Ballet Theatre also serves as a true cultural ambassador for our Nation, by having performed in 42 countries and fulfilling its reputation as one of the world’s most revered and innovative dance companies; and

(3) recognizes that American Ballet Theatre’s extensive and innovative education, outreach, and artistic development programs both train future generations of great dancers and expose students to the arts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. KUHL of New York. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4217.

RECOGNIZING CULTURAL AND EDUCATIONAL CONTRIBUTIONS OF AMERICAN BALLET THEATRE

Mr. KUHL of New York. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 751) recognizing the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as “America’s National Ballet Company”.

The Clerk read as follows:

Recognizing cultural and educational contributions of American Ballet Theatre.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. KUHL of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to provide extraneous information on H. Res. 751.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution recognizing the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as “America’s National Ballet Company.”
When the American Ballet Theatre began, it inspired my colleagues and me to develop a repertoire of the best ballets from the past, and to encourage the creation of new works by gifted young choreographers, whenever they might be found. It has continued to be dedicated to bringing dance to America and American dance to the world.

I would say it has succeeded. Today the American Ballet Theatre is recognized as one of the world’s great dance companies of the world, and throughout its 65-year history, the American Ballet Theatre has appeared in 50 U.S. States, in a total of 126 cities around the world, and has performed for more than 600,000 people annually.

America’s National Ballet Company has also made 15 international tours to 42 countries, and has been sponsored by the U.S. Department of State on many of the engagements throughout the world. It was also the first American company to dance in the Soviet Union. Additionally, the theatre has commissioned works by all of the great choreographic geniuses of the 20th century and some of the world’s most accomplished dancers, including Mikhail Baryshnikov, have called the American Ballet Theatre home.

Madam Speaker, I want to thank my colleague and fellow New Yorker, Mrs. MALONEY, for introducing this resolution. I join my colleagues in recognizing the accomplishments and contributions of America’s National Ballet Company, the American Ballet Theatre, and ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

[Mr. KIND asked and was given permission to revise and extend his remarks.]

Mr. KIND. Madam Speaker, I rise today in support of House Resolution 751, recognizing the cultural and educational contributions of the American Ballet Theatre throughout its 65 years of service as America’s National Ballet Company.

Madam Speaker, I also want to applaud Congresswoman CAROLYN MALONEY for her leadership in sponsoring this resolution. Unfortunately, due to illness, it prevents her from being here on the House floor today to speak about it.

Madam Speaker, H. Res. 751 recognizes the anniversary of one of the finest and most distinguished ballet companies in the world, the American Ballet Theatre. The ABT is recognized as a living national treasure. Using dance as its medium, ABT has brought joy to audiences here and abroad for over 40 years.

Equally important to the ABT has been its educational programs. Not only have they trained world class ballet dancers, but ABT brings its art into the classroom by sponsoring dance programs in public schools across the country.

The Young People’s Ballet Workshop offers students who would not ordinarily have the opportunity to experience the ballet to see the company perform and learn about the art of ballet. Again, I join my colleagues here today, and especially Congresswoman MALONEY, in supporting this resolution and congratulating the American Ballet Theatre on its 65th anniversary.

Mr. REYNOLDS. Madam Speaker, I rise today in support of H. Res. 751 to honor the American Ballet Theatre. For 65 years, the American Ballet Theatre has entertained and educated thousands, becoming a national cultural icon as “America’s National Ballet Company.”

The American Ballet Theatre has performed in all 50 states inspiring and thrilling Americans with their skilled artistry. The company has also served as America’s cultural ambassador by bringing American dance to more than 42 countries, often as representatives of the State Department.

Yet beyond being one of the world’s truly great ballet companies, the American Ballet Theatre has also excelled off the stage in its remarkable education efforts. Throughout its history, the company has brought classical dance to communities not typically able to experience world-class ballet and to students throughout the country. The theatre created some of the most innovative educational programs dealing with the arts, including the Make a Ballet program, empowering at-risk students by giving them the resources and confidence to produce and stage their very own ballet.

In my community, the American Ballet Theatre has also been a giving and vital artistic institution, providing Rochester-area residents rare performances and indispensable educational opportunities. In 2004, the company presented an extraordinary, internationally-themed program at New Auditorium Theatre in Rochester, giving audience members the unique chance to see up close famed performers and dance styles from throughout the world. In Rochester, the Make a Ballet also offered a class—taught by the former theater dancer and artistic director John Meehan—giving local dance students the opportunity to learn and perform alongside up-and-coming ABT dancers.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 751 to celebrate and honor an important cultural icon of America, the American Ballet Theatre.

Mrs. MALONEY. Madam Speaker, I rise today in support of H. Res. 751, recognizing the cultural and educational contributions of American Ballet Theatre.

For 65 years American Ballet Theatre has educated and inspired us through their artistry and commitment to bringing dance to America and American dance to the world.

While ABT is truly a national company and has performed for countless people in all 50 states and 42 countries, I want to speak today about the special relationship between American Ballet Theatre and the city of New York.

In my district we have been the beneficiaries of six decades of American Ballet Theatre’s world-class artistry. Next week, ABT will open their annual engagement at the Metropolitan Opera House, performing their renowned mix of great ballet classics and challenging new works.

These performances are a primary reason that American Ballet Theatre is universally regarded as one of the world’s great ballet companies. From the scale of the productions to the artistry of the dancers, ABT’s performances are truly something to behold and I encourage my colleagues to see one of their engagements at the Kennedy Center in New York City, or in your home state.

ABT’s importance to my city transcends their annual performances at the Met, however. Every year the company performs a second series at smaller venues in New York, allowing ballet fans the unique opportunity to watch many of the world’s greatest dancers in an intimate setting and enhancing New York’s status as one of the world’s cultural capitals.

Beyond their performances, American Ballet Theatre’s educational mission and their focus on bringing ballet and the classic arts to audiences that would not otherwise have access is truly special. For over 10 years, ABT has offered extensive outreach and in-school arts programming in public schools, completely free of charge. ABT focuses its efforts in underserved communities and “at-risk” schools in New York, bringing the arts to schools that suffer from budgetary cuts to arts programming, and they reach over 20,000 New York students each year. During the 2006 spring season at the Metropolitan Opera House, ABT will distribute 10,000 complimentary tickets to New York students who would not otherwise have access to ABT’s incredible artistic resources.

American Ballet Theatre truly is an American treasure, and should be recognized for enriching the cultural landscape of New York and the United States. I want to thank our sponsors and the leadership of both parties for bringing this resolution to the floor. And again, I encourage all of my colleagues to experience the talent and artistry of American Ballet Theatre.

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

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

The SPEAKER pro tempore. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.
CALLING ON GOVERNMENT OF UNITED KINGDOM TO ESTABLISH INQUIRY INTO MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PAT FINUCANE

Mr. MCCOTTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 740) calling on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Pat Finucane.

Whereas human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989;

Whereas the Governments of Ireland and the United Kingdom under terms of the Weston Park Agreement appointed respected Canadian Judge Peter Cory to investigate the allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Whereas in July 2001 the Governments of Ireland and the United Kingdom under terms of the Weston Park Agreement appointed respected Canadian Judge Peter Cory to investigate the allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Whereas the Government of the United Kingdom in April 2005 adopted the Inquiries Act 2005 which empowers the Government to establish an independent judicial inquiry into the murder of Mr. Finucane;

Whereas Amnesty International, British Irish Rights Watch, the Committee for the Administration of Justice, and Human Rights First have likewise rejected any proposed inquiry into the murder of Mr. Finucane established under procedures of the Inquiries Act of 2005 and have called for the repeal of the Act;

Whereas the Dail Eireann (Parliament of Ireland) adopted a resolution on March 8, 2006, calling on the Government of Ireland to establish a full, independent judicial inquiry into the murder of Patrick Finucane; and

Whereas the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) and House Resolution 128 (April 20, 1999) support the establishment of a public independent judicial inquiry into the murder of Patrick Finucane, be it Resolved, That the House of Representa-

(1) expresses to the family of Patrick Finucane its deepest condolences on his death, commends their steadfast pursuit of justice in his brutal murder, and thanks his wife Geraldine and son Michael for their willingness to testify on this matter before committees of the House of Representatives on numerous occasions;

(2) supports the efforts of the Administration in seeking the full implementation of the Weston Park Agreement and the establishment of an independent judicial inquiry into the murder of Patrick Finucane;

(3) calls on the Government of the United Kingdom to reconsider its position on the matter of an inquiry into the murder of Mr. Finucane and to take fully into account the objections of Judge Cory, objections raised by officials of the United States Government, other governments, and international bodies, and the objections raised by Mr. Finucane’s family; and

(4) urges the Government of the United Kingdom immediately to establish a full, independent, and public judicial inquiry into the murder of Patrick Finucane which would enjoy the full cooperation and support of his family, the people of Northern Ireland, and the international community as recommended by Judge Cory.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the rule, the gentleman from Michigan (Mr. MCCOTTER) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LIVSE

Mr. MCCOTTER. Madam Speaker, I yield myself such time as I may consume. I ask Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of H. Res. 740. I thank my colleague from New Jersey (Mr. SMITH) for his leadership on human rights matters worldwide and for offering this important legislation regarding human rights in Northern Ireland.

Last month, on April 4, 2006, we voted nearly unanimously, 399–1, for H. Res. 744, that important resolution sponsored by the chairman of the House International Relations Committee, Henry Hyde, that supported the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland, and support for continued police reforms in Northern Ireland as a critical element in the peace process. U.S. support was crucial to the signing of the Good Friday Agreement signed 8 years ago, and our support will be vital to the continued work of H. Res. 744. We should commend the progress which has been made in Northern Ireland. As a result of the Good Friday Agreement, there is a new Police Service of Northern Ireland, PSNI. Under the leadership of Chief Constable Hugh Orde, the PSNI has made giant strides toward fair and nonsectarian policing. There is a vigorous and fiercely independent Police Ombudsman’s Office, whose chief, Nuala O’Loane, has been a catalyst for reform. There is now a policing board in Northern Ireland composed of independent and party representatives designed to provide civilian control and fair nonsectarian policing. There is a new historical inquiries team established by Chief Constable Orde which has provided a thorough and independent examination of unresolved deaths that occurred in connection with the Troubles from 1968 to 1998.

But H. Res. 740, which we shall vote on today, is the indispensable component of Mr. Hyde’s H. Res. 744. Even with all the improvements I have noted in policing, Madam Speaker, significant further work remains to be done in order to ensure acceptance by all communities of the Police Service in Northern Ireland. A stumbling block to that greater acceptance has been the lack of resolution of charges of official collusion in the murder of human rights lawyer Patrick Finucane, who was gunned down in front of his home in front of his wife and three small children in 1989.

Pat Finucane was not only a courageous human rights activist and loving father and husband, he is also a symbol of the horrible culture of official collusion in terrorism in Northern Ireland. Resolving the question surrounding his murder will help to put an end to that culture once and for all and allow Northern Ireland’s still fragile peace to flourish in a new atmosphere of trust.

We have twice gone on record supporting establishment of a public independent judicial inquiry into the murder of Pat Finucane. In 1999, we adopted House Resolution 128 offered by the gentleman from New Jersey (Mr. SMITH) which condemned the murder of attorney Rosemary Nelson and requested a public inquiry into the Finucane murder.

In 2003, Congress passed and the President signed the Foreign Relations Authorization Act, which included a provision offered by the gentleman from New Jersey supporting public judicial inquiries into the murders of both Rosemary Nelson and Patrick Finucane. We have moved the issue to the House of Representatives, but we are not there yet.

In 2001, the British and Irish governments jointly appointed Judge Peter
Cory, a preeminent retired justice of the Supreme Court of Canada, to determine whether independent commissions should investigate possible state-sponsored collusion in six notorious and horrific murders. They also pledged to abide by his recommendations. In 2004, Judge Cory issued his report, yet the British Government still has not appointed an inquiry commission into the murder of Patrick Finucane. Our colleague, Chris Smith, who could not be here today as he attends a funeral of a Congressman, Sonny Montgomery, has chaired numerous hearings on human rights and police reform in Northern Ireland since 1997, and in every one the issue of state-sponsored collusion in the Finucane murder has been central, yet still nothing has been done.

On March 8, the Irish Parliament passed an all-part motion fully supported by the Irish Government calling on the U.K. to immediately establish “a full, independent, public judicial inquiry into the murder of Pat Finucane as recommended by Judge Cory, which would enjoy the full cooperation of the family and the wider community throughout Ireland and abroad.”

The Government must find a way to institute a credible inquiry which would be accepted by all: by Judge Cory, the Irish public, by the world community, and, most of all, by the Finucane family. I commend my colleagues Chris Smith, Tom G Allen, Peter King, Jim Walsh, Richard Neal, Don Payne, and Tom Lantos for their work on this issue.

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

Mr. WEXLER. Mr. Speaker, I rise in strong support of H. Res. 740 which calls on the government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Patrick Finucane. I commend him for his dedication and determination to seek justice in this case along with the Finucane family, which has waited far too long for the truth to be unveiled.

Mr. Speaker, the resolution on the floor today simply calls on the Government of the United Kingdom to immediately establish a full independent public judicial inquiry into the murder of Pat Finucane as recommended by Judge Peter Cory as part of the Weston Park Agreement. The fact remains that Mr. Finucane’s brutal murder has been unresolved for 17 years. To this end, it is critical that the British Government fulfill its commitment to the Weston Park Agreement and agree to hold an independent public inquiry recognized as credible by the affected community, the affected family, the Irish Government, the United States Congress that will shed light on the serious allegations of collusion between loyalist paramilitaries and British security forces in this egregious murder.

Mr. Speaker, just yesterday Northern Ireland’s legislature met for the first time in 3½ years. I applaud this development, that it will hopefully lead to a greater sense of cooperation between Protestants and Catholics. The convening of the assembly along with the relevant tranquility and economic success that people of Northern Ireland have experienced since the signing of the Belfast Agreement is deeply encouraging. However, issues at the core of the conflict remain unresolved, ultimately holding back lasting reconciliation. At the heart of this impasse are the public inquiries into high-profile murders in Northern Ireland, including the slaying of Mr. Finucane. The resolution before us unequivocally Congress’s interest as well as that of the United States to see a just, swift, and fair resolution to the murder of Mr. Finucane, which must be resolved in order to ensure long-term peace and stability in Northern Ireland for generations to come.

Mr. Speaker, I strongly urge my colleagues to support this resolution.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Res. 740 which calls on the government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Patrick Finucane. I would also like to commend Chris Smith, the Chair of the Human Rights Subcommittee and the sponsor of this resolution, for his consistent attention to this tragic case.

On February 12, 1989, human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989. There have been serious allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane.

In July 2001, the Irish and British Governments made new commitments in the Weston Park Agreement to hold public inquiries into high profile murders if so recommended by former Canadian Supreme Court Judge Peter Cory. Indeed, Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the murder of Patrick Finucane.

It is my hope that in the days ahead, after seeing this resolution, the United Kingdom will reconsider its position on this case and will immediately establish a full, independent, public judicial inquiry into the murder of Pat Finucane, as recommended by Judge Cory. Such an inquiry will have the support of the Finucane family and the confidence of all who follow this case.

Mr. SMITH of New Jersey. Mr. Speaker, H. Res. 740, which I introduced with bipartisan support, will do just what it says: provide a way forward for the Northern Ireland Peace Process.

I thank my colleague from Michigan, Mr. Thad McCotter, for managing this bill so ably on the floor. I thank Chairmen Henry Hyde, Reps. Elton Gallegly, Peter King, Jim Walsh, Richard Neal, Don Payne, and Tom Lantos, the Ranking Member of the House International Relations Committee and many others for their work and support on this bill.

Yesterday, the Northern Ireland Legislative Assembly met for the first time since 2002. Yet it still faces crucial challenges over community policing, and acceptance by the nationalist community of the Police Service of Northern Ireland (PSNI). For the population of Northern Ireland to fully transfer its trust to the police, it must have confidence that the police and the authorities deserve trust and will be held accountable.

A key stumbling block to that greater acceptance has been the lack of resolution of charges of official collusion in the murder of human rights lawyer Patrick Finucane, who was gunned down in his home, in front of his wife and three small children, in 1989. Pat Finucane was not only a courageous human rights activist, this murder of loving father and husband. His murder symbolizes the depth and danger of official State sponsored collusion in
Northern Ireland. Resolving the questions surrounding this murder will help restore confidence in the agencies of government in the north, and allow Northern Ireland’s still fragile peace to flourish in a new atmosphere of trust.

This is a major reason why this inquiry needs to be done, and done right, as soon as possible. This is the purpose of H. Res. 740, which calls on the British government to establish the kind of full, public, independent, judicial inquiry into this murder of Patrick Finucane which has been demanded by the Finucane family, and all the victims in Northern Ireland, has demanded. Let us once again join them in their struggle.

I have held eleven hearings on human rights and police reform in Northern Ireland since 1997. In every one of those hearings witnesses have testified to the central role the Finucane murder has played in advancing an atmosphere of distrust and no confidence in state agencies, in the north of Ireland and abroad.

Noting the on-going allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Recalling the commitments made at the Weston Park talks in July 2001 by the British Government to hold a public inquiry into the Finucane case, if so recommended by the Honourable Judge Peter Cory, it being clearly understood that such an inquiry would be held under the UK Tribunal of Inquiry (Evidence) Act, 1921;

Noting that Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the case and recommended that such an inquiry take place without delay;

Recalling that in his conclusions, Judge Cory set out the necessity and importance of a public inquiry into this case and that the failure to hold a public inquiry as quickly as reasonably possible could be seen as a denial of the agreement at Weston Park;

Noting that the limited form of inquiry under US law and Rule XX proposed by the British Government has been rejected as inadequate by Judge Cory, the Finucane family, the Government and human rights groups;

1. Commends the Finucane family for their courageous campaign to seek the truth in this case of collusion;
2. Deeply regrets the British Government’s failure to honour its commitment to implement Judge Cory’s recommendation in full;
3. Welcomes the sustained support of successive Governments and all parties for the Finucane family over the past decade in their efforts to find the truth behind the murder;
4. Acknowledges the work of the Oireachtas Sub-Committee on Human Rights in highlighting this case;
5. Welcomes the Taoiseach’s commitment and efforts in pursuing the case with the British Prime Minister Tony Blair;
6. Endorses the Government’s international efforts at highlighting the case in the US, at the United Nations and at the Council of Europe in Strasbourg;
7. Calls on the British Government to reconsider its position on the case to take full account of the family’s objections and amend the UK Inquiries Act 2005;
8. Calls for the immediate establishment of a full, independent, public inquiry into the murder of Pat Finucane, as recommended by Judge Cory, which would enjoy the full co-operation of the family and the wider community throughout Ireland and abroad;

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

Mr. MCCOTTER. Mr. Speaker, I yield back the balance of my time.
CONDEMNING IN THE STRONGEST TERMS THE TERRORIST ATTACKS IN DAHAB AND NORTHERN SINAI, EGYPT, ON APRIL 24 AND 26, 2006

Mr. MCCOTTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 795) condemning in the strongest terms the terrorist attacks in Dahab and in Northern Sinai, Egypt, on April 24 and 26, 2006.

The Clerk reads as follows:

H. Res. 795

Whereas, on April 24 and 26, 2006, a series of explosions at Dahab and in Northern Sinai, Egypt and other terrorist attacks directed against Egypt;

(1) condemns in the strongest terms the terrorist attacks on Dahab and Northern Sinai, Egypt and other terrorist attacks directed against Egypt;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) joins with President George W. Bush in expressing the solidarity of the people and Government of the United States with the people and Government of Egypt as they recover from these cowardly and inhuman attacks; and

(4) expresses its readiness to support the Egyptian authorities in their efforts to bring to justice those individuals responsible for the recent attacks in Egypt and to pursue, disrupt, undermine, and dismantle the networks which plan and carry out such attacks.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. MCCOTTER) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

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

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

There was no objection.

Mr. MCCOTTER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 795. With this resolution, the House reflects on the recent bloody attacks in Dahab which cut short dozens of lives. We take this opportunity to share with our friends, the people of Egypt, our sorrow, our sympathy, and our determination to help Egypt defend itself against such attacks.

The Egyptian people have been subjected to terrorist attacks for many years; they have responded strongly and generally effectively. While there were several successful attacks during 2005, there were also antiterrorism successes. According to the State Department’s “Country Report on Terrorism,” two attempts to target tourists in Cairo were thwarted by Egyptian authorities because the Egyptian economy relies so strongly on tourism, each incident has an effect that is magnified for the country and has an impact that goes beyond the personal tragedies of those who are killed and injured. Anyone who has had the opportunity to visit Egypt will have experienced the gracious hospitality for which Egyptians are famous. It is a terrible shame that the Egyptians in the tourism sector, many of whom are economically deprived, must bear the burden of the vicious terrorist strikes.

Mr. Speaker, Egypt and the United States have a good level of antiterrorism cooperation. I hope that the combined and economic efforts of Egypt and the United States will continue to bear fruit. We must continue to work together.

Mr. Speaker, let me conclude by quoting the statement of the Secretary of State, Dr. Condoleezza Rice, on April 4, 2006: "The United States condemns the vicious terrorist bombings in Dahab, Egypt today. We extend our deepest sympathies to those injured by this attack and to the families and loved ones of those killed. There could be no justification for this barbaric act of terrorism. Our thoughts and prayers are with the people of Egypt at this time of grief. We have been in contact with the Egyptian Government to extend our condolences and to offer whatever assistance we can. We will support our Egyptian friends in their commitment to fight terror and to bring justice to those who are responsible for this crime."

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

Mr. WEXLER. Mr. Speaker, I rise in strong support of H. Res. 795 and yield myself as much time as I may consume.

Mr. Speaker, I want to thank my colleagues Congressman DAVIS and Congressman ISSA for joining me in introducing this important resolution being considered on the floor today.

On April 24 and April 26, a series of attacks were carried out in the Sinai region of Egypt, claiming the lives of 23 innocent civilians and injuring more than 60 men, women, and children. These horrific acts further demonstrate that no nation is free from the scourge of terror that has targeted the United States, Europe, the Middle East, Asia, and the Middle East. From Taba to Dahab to Sharm al-Shaykh, the terrorist attacks perpetrated by Islamic extremists in Egypt are deplorable and should be condemned by every nation that shares a commitment to security and peace. It is in this regard that I call on leaders of the international community and especially the Arab world to join the United States in defeating these horrific acts, these actions by terrorists, and exhaust every measure to work with Egypt in combating extremism and terror.

Today, Congress expresses its solidarity with the people of Egypt who have suffered greatly at the hands of terrorists, and our commitment to eradicating terror throughout the world.

Mr. Speaker, I strongly urge our colleagues to support this resolution.

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

Mr. MCCOTTER. Mr. Speaker, I yield so much time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), the sponsor of the resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 795, a resolution I introduced condemning the terrorist attacks in Dahab and northern Sinai.

On April 24 and 26, 2006, a series of explosions at Dahab and in northern Sinai, Egypt, planned and carried out by terrorists, resulted in the deaths of scores of civilians and the injuries of many others.

Over the years, the relationship between the United States and Egypt has proven to be of critical importance to both countries. These relations have always been founded on mutual and deep understanding of each country’s interests and role, both at the regional and international levels, in creating a world that is more safe and secure.

Like the United States, Egypt is a prime target of terrorism. President Sadat lost his life in 1981 as a price for signing the peace accord with Israel. Between 1990 and 1997, Egypt suffered from a series of terrorist attacks, mainly targeting the tourism sector that had long been the anchor of economic growth in the country.

Since September 11, Egypt has been a crucial ally to the United States in the global war on terror. Egypt, along with other Middle East allies such as Israel and Jordan, have paid a price for that. Terrorist attacks rocked the Sinai Peninsula three times over 18 months. Moreover, last year, Egypt lost its Ambassador to Iraq.

The bloody attacks that took innocent lives in Dahab earlier this month indicate that terrorism does not discriminate by race, ethnicity, or region. In the region and beyond, people are risking their lives to live a peaceful and free life. We must hunt the terrorists down and bring them to justice. There is no other way...
to respond to those so committed to the destruction of life. We must also stand with the Egyptian people in solidarity.

This resolution does just that, making it clear that Congress and the American people are behind them during this difficult period.

Mr. Speaker, let the House of Representatives speak in unison and with clarity on this issue: Terrorism has no place in this world and it will not be tolerated.

I want to thank my colleagues, DARRELL ISSA, Mr. WEXLER and Ms. ROSLEITNEN for their work on this resolution. It is only through their efforts that we were able to bring it to the floor so quickly. I also want to thank my colleague, Mr. MCCOTTER, for managing this so well. In addition, I thank the leadership on both sides for allowing this bill on the floor today, and I urge a quick vote.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H. Res. 795. The cruel and deadly terrorist attacks last month in Egypt's Sinai Peninsula took place on the weekend of the Coptic Orthodox Easter and an Egyptian national holiday commemorating the Israeli withdrawal from the Sinai. Its casualties included Egyptian Muslims and Egyptian Christians, as well as foreigners. In all, 18 people were murdered—12 of them Egyptian—and 85 wounded.

These attacks have proven once again that the extreme ideology of violent Islamic fundamentalism poses a danger not only to the Western World but to all peace-loving people on the globe. The terrorists do not distinguish between Egyptians, Christians or Muslims—in their search to destroy the core values of civilization.

Mr. Speaker, at this difficult time we extend our deepest sympathies to the Egyptian people—and to the loved ones of all those of many nations who perished in the April 24 bombings. We also offer sincere expressions of concern to all those wounded in the bombings on April 24 and 26—in the latter of which only the would-be murderers themselves lost their lives.

The rise of terrorism in the once placid Sinai is a source of great concern to Egypt, its neighbors, and to all its friends. This was the third major bombing at Sinai resorts in the past 18 months, following attacks on Tabo and its environs on October 7, 2004, which left 34 dead, and on Sharm el-Sheikh on July 23, 2005, which murdered 64. The April 26 attack to which I alluded a moment ago was directed to which I alluded a moment ago was directed to which I alluded a moment ago was directed to which I alluded a moment ago was directed to which I alluded a moment ago was directed to which I alluded a moment ago was directed...
Mr. McCOTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. McCOTTER. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H. Res. 499, a resolution that condemns the murder of American journalist Paul Klebnikov in Moscow and the murder of other members of the media in the Russian Federation. H. Res. 499 was a product which I introduced, and I commend and thank the chairman of the Europe and Emerging Threats Subcommittee, Mr. GALLEGLY, and, of course, the chairman of the committee, Chairman HYDE, for all of their help with this legislation, as well as all of my colleagues on the International Relations Committee, and not surprisingly, I strongly urge its passage.

On July 9, 2004, Paul Klebnikov, the editor-in-chief of the Russian edition of Forbes Magazine, was shot 10 times outside his office building in Moscow. He left behind a wife and three young children. A paras of his work, Mr. Klebnikov had developed into one of the foremost experts on the intersection between organized crime, politics, law enforcement and big business in Russia. Unfortunately, the murder of Paul Klebnikov is not an isolated attack on members of the press. In the past 6 years alone, 12 journalists have been murdered in the Russian Federation.

H. Res. 499 condemns this brutal murder, as well as the murder of other members of the Russian media. While applauding the work of the Russian prosecutor general’s office for its ongoing investigation, the legislation urges the Government of Russia to continue its investigation and to ensure that all parties involved in this horrific crime. It also calls upon Russia to accept offers of assistance from the United States and other rightly concerned governments.

Finally, H. Res. 499 commends Russian-based journalists for their courageous dedication to transparency and the truth and urges the Russian Government to take appropriate action to protect the independence and freedom of members of the press working and living in Russia.

H. Res. 499 was approved both by the Subcommittee on Europe and Emerging Threats and the full International Relations Committee.

Mr. Speaker, it is often wondered why in the United States our Constitution refers to freedom of speech rather than freedom of conscience. It is because in the absences of this country and the framers of our Constitution understood that there can be no freedom of conscience where there is not freedom of speech to express it. What the Founding Fathers knew has been perverted by many who want to envy and subjugate their fellow human beings, which is why we in the United States who enjoy a freedom of speech and its concomitant freedom of conscience must be ever alert to ensure that the watchdogs of liberty, a free and unfettered press, are forever protected from intimidation or extermination at the hands of dictators.

Again, I would like to thank my colleagues in the International Relations Committee. I strongly urge my colleagues to adopt this resolution. Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H. Res. 499, and I want to thank Congressman McCOTTER for introducing this important resolution that is being considered on the floor today.

Mr. Speaker, American journalist Paul Klebnikov devoted his career to exposing corruption within Russia. He was committed to seeing Russia become a free and wholly democratic society. I think I can speak for everyone in this room today that we all share his dream.

Unfortunately, Mr. Klebnikov will not be witness to this, as he was ruthlessly gunned down outside the Moscow offices of Forbes Magazine. He, like 11 other journalists since the Putin administration took office, was murdered in cold blood, chilling freedom of speech and the media in Russia.

Last year, President Putin announced publicly that fighting corruption and protecting the Russian people from crime is a priority for his administration. For this promise not to be seen as yet another hollow gesture, President Putin must do everything in his power to invest and prosecute the perpetrators of Mr. Klebnikov’s murder. A free media will never exist unless the murderers are brought to justice.

Mr. Speaker, I strongly urge my colleagues to support this resolution.

Mr. Speaker, I yield back the remainder of my time.
The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.
(Mrs. McCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.
(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 5 minutes.
(Mr. MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.
(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.
(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.
(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.
(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.
(Mr. BROWN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.
(Mr. BROWN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.
(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GEORGE MILLER) is recognized for 5 minutes.
(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHenry) is recognized for 5 minutes.
(Mr. MCHenry addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.
(Mr. BARTLETT of Maryland, Mr. Speaker, recently our Secretary of State, Condoleezza Rice, made a statement that I would like to read. In this statement she said: ‘We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more than Secretary of Energy is, I will use the word ‘warping diplomacy,’ around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.’ Mr. Speaker, the 8th of this March was a really historic day, and it passed and really very few people knew how historic it was. It was 50 years since a report given in San Antonio, Texas, by a world-famous scientist. And I will talk about that a bit more in a few minutes.

The 15th of March of this year marked one year from the date that I first came to this floor to talk about the problem that Condolezza Rice was talking about, about the energy problem; and since that time I have been to the floor several times to talk about that. Since then, there have been two government studies on the same topic. One of them is known as the ‘Hirsch Report,’ from Robert Hirsch, who was the principal investigator for SAIC, a very large prestigious scientific engineering organization.

This study was sponsored by the Department of Energy; and for several months after the report was available, it was kind of bottled up inside the agency and we were kind of asking the question, why wasn't it out on the street before it really makes some very significant points.

A second study was done at the request of the Army by the Corps of Engineers. And I have those two reports here. And here is the ‘Energy Trends and Their Implications, U.S. Army Installations.’ And, Mr. Speaker, anywhere in this report that the Army is mentioned, you could put the United States in, or for that matter the world, and it would have the same meaning. But since they are a part of the Army and this was an Army study, they talk about the Army.

This first statement: ‘In general, all nonrenewable resources, and fossil fuels are generally perceived of as being in the time scale that we are concerned about, nonrenewable. ‘In general, all nonrenewable resources follow a natural supply curve. Production increases rapidly, slows, reaches a peak, and then declines at a rapid pace similar to its initial increase. The major question for petroleum is not whether production will peak, but when. There are many estimates of recoverable petroleum reserves, giving rise to many estimates of when peak will occur and how high the peak will be. A careful review of all of the estimates leads to the conclusion that world oil production may peak within a few short years, after which it will decline. Once a peak occurs, then historic patterns of world oil demand and price cycles will cease.’

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May 16, 2006

CONGRESSIONAL RECORD—HOUSE

And the next is a quote from the "Hirsch Report": "World oil peaking is going to happen," saying the same thing as the Army Corps of Engineers. And, by the way, we have no reason to believe that there was any interchange between those groups. They are doing the study. "World oil production is going to peak. World production of conventional oil will reach a maximum and decline thereafter." Exactly the same thing that the Army Corps of Engineers was saying. "That maximum is called the peak. A number of competent forecasters project peaking within a decade, others contend it will happen, but the timing is uncertain." "Oil peaking presents a unique challenge," they say. And then this astounding statement: "The world has never faced a problem like this." There is no precedent. You cannot go back in history to find a problem like this. They say: "The world has never faced a problem like this. Without massive mitigation more than a decade before the fact, and most of the world experts believe we do not have a decade, in fact, we may be there, "without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary."

The next chart shows that these same data inspired 50 prominent Americans, Boyden Gray, Jim Woolsey, and Frank Gaffney, and 27 other very prominent people, among them several retired four-star generals and admirals, to write a letter to the President. In effect what they were saying was, Mr. President, there is the fact that we have only about 2 percent of the world's reserves of oil, and we use 25 percent of the world's oil and we import about two-thirds of what we use, presents a totally unacceptable national security risk. We really have to do something about that.

As the chart shows here, we represent a bit less than 5 percent of the world's population, about 1 person out of 22. And we are really good at pumping our oil. We use 25 percent of the world's reserves, which from that 2 percent of the reserves we are pumping 8 percent of the world's oil, which means we are pumping our wells four times faster than the average.

Now, what are they talking about? As the next chart shows, this was all predicted quite awhile ago. To understand the history of this, to put it in context, we have to go back more than half a century to the 1940s and 1950s. A scientist by the name of M. King Hubbert was working for the Shell Oil Company, and he observed the pumping and the exhaustion of individual oil fields. The United States was pretty much first on the scene in any large way. At one time we were the world's largest producer of oil, and I believe the world's largest exporter of oil. And right when we were in our heyday in 1956, M. King Hubbert went to San Antonio, Texas, and gave that famous paper a few minutes ago, saying that in just 14 years, in about 1970, the United States would peak in oil production; we would reach a maximum.

Shell Oil Company did not believe that was going to happen and cautioned that he would make himself a fool and then a fool for hiring him if he went to give that paper and published it. And he went anyway. Then 14 years later, right on schedule, we peaked in oil production.

The smooth green curve here was the M. King Hubbert's curve. The more ragged green curve with the larger symbols is the actual production data. And you see that that peaked in 1970 and world oil production has been in the lower 48. In just a moment, we will put another chart up here which shows what happens when you include the Alaskan oil finds.

This is the lower 48, and this is what has happened in the lower 48. The red curve there, by the way, is the former Soviet Union, and they kind of came unglued when the Soviet Union fell apart. You see that their production did not reach the potential. They are not as high as we are, of course. They have somewhat more oil than we. They peaked a little bit later. They had a second small peak, but then it is all downhill after that.

The next chart shows where our oil has come from in our country. And the rest of the U.S. and Texas, the dark blue and light blue, are what M. King Hubbert was talking about, and these are the actual data points from 1935 to now. We have added to this now the Alaskan oil find, that big oil find in Alaska, Prudhoe Bay, Dead Horse. I have been there, at the very beginning of that 4-foot pipeline through which about a fourth of our domestic production has been flowing. That is on the downside now, by the way, and it is becoming less and less. Notice that there was just a little bit of oil and the slide down the other side of Hubbert's Peak with that big Alaska oil find.

The top of this chart, Mr. Speaker, which interests me is that little yellow curve. The more it is filled with reserves that we have. Worldwide, pretty big reserves.

Not much in our country because we have been pumping our oil for a long time, very aggressively.

This is an interesting chart, and anyone who works with these charts knows that the area under one of these curves represents the total amount available. So if you add up all of these little bars, we made a smooth curve through the discovery here. The area under that discovery curve would represent the total amount of oil that we have discovered. Similarly, the area under the consumption curve will represent the total amount of oil that we have consumed.

Now, what is very obvious is that you can consume oil that you haven't found. So what does that mean? Now, you can have any projection for the future that you like. You can assume that we are going to do a lot of enhanced oil recovery, that we are going to find a little bit of oil. Most experts believe there isn't that much left, the little bit of oil that remains and pump it very quickly.

But one thing is certain: you cannot pump what you haven't found. And so ultimately the area under the consumption curve cannot be greater than the area under the discovery curve.

Notice that they are suggesting in this little chart that peaking is going to be at about 2010. Some believe that it may have already occurred.

The next chart is an interesting one from the Energy Information Agency, and they use a very strange, in a way, bizarre application of statistics. We have the 95 percent probability in statistics which is the most probable, and something is significant if it is the 95 percent probability. It is highly significant at 97. You can go on down with the 50 percent probability or a 5 percent probability.

You can get a little sense of these probabilities when you look at the little chart they draw about a hurricane's path. You notice that for the next 24 hours it is a fairly narrow funnel, and then it gets wider and wider as they go out because of the increased uncertainty as you go out.

Well, here the Energy Information Agency has drawn the oil curve, and
you see that they peaked in 1970. We have been going downhill ever since. And back there, a little bit before 2000 I guess on this graph they made a projection of where we were going. Now, they are using these statistics you see at the bottom drawn there, the yellow line, which is the red line, and then the 95 percent probability and the mean, which is the 50 percent.

The 50 percent probability is not the mean, Mr. Speaker. If you were going to draw this chart realistically, you would have another green line that came as far below the yellow line as that one is above it like here, and another blue line that is down here. They are using the 50 percent probability as if it were the mean and saying that is the most probable. Of course in statistics, 95 percent probability is obviously more probable than the 50 percent probability.

Well, this bizarre use of statistics results in something that the next chart will look a moment on it is one. Notice what has happened since they made this projection. Notice where the red line has been going. It has of course been following the 95 percent probability, although they believe that shall be following the 50 percent probability, or the green line. In other words, we should be finding more and more oil.

The next chart looks at that in another way. By the way, they say here the probability, they say 95 percent peak is low probability. That is the highest probability. I have no idea how you get this warped statistic; 95 percent is the highest probability. The 50 percent probability is not the mean, and the lowest probability is 5 percent.

Well, they mean that the lowest amount of oil you would find is a 95 percent probability. The highest amount is 5 percent. But the 5 percent could just as well be the other side of the 95 percent probability which would be really, really low.

Well, here is a graph that they have drawn, and this graph points out something very interesting, the peak for the 95 percent probability, which says that the world had totally about 2,000 gigabarrels of oil. By the way, we use “giga” rather than billion because in England a million million is a billion. In our country it is a thousand million, which is a billion. But giga means the same thing to everybody world around, so we can understand.

If we have in fact 2,000 gigabarrels total, we have used about a thousand of that, and about a thousand remains, which means that we are at this point here; and this should start sliding downhill after this. But they imagined another thousand gigabarrels of oil to be found; and if that is true, notice that moves the peak out only to 2016.

We are using oil at such a horrendous rate in the world, that even if we found 50 percent more oil than we have ever found, that moves the peak out only that far. And then they show what happens if you go out to 2037. If you have enhanced oil recovery and so forth and get that much more, look what happens. Look at the way it drops there.

The next chart is an interesting one. It shows the same thing pretty much the same chart that showed the discovery curve. And these are, this is the relationship of discovery to use. Notice, in about 1980 here, we started using more than we had discovered. So this curve says the same kind of thing that the previous one said: this is the relationship of discoveries to use.

The next chart is another statement from the “Hirsch Report,” and I want to spend a few minutes now on these two reports because they are really very meaningful reports. I will note, Mr. Speaker, that both of these reports have come out in the past year after we gave our first discussion here a year ago, the 14th of March.

This again is from the “Hirsch Report.” This is a chart of world oil production presents the United States and the world with an unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically. As peaking is approached, the economic, social and political cost will be unprecedented. Viable mitigation options exist on both the supply and demand side, but to have substantial impact they must be initiated more than a decade in advance of peaking.

Mr. Speaker, we probably do not have a decade. As a matter of fact, we may be here. Dealing with world oil production peaking will be extremely complex, involve literally trillions of dollars, and require many years of intense effort.

Mr. Speaker, the question I am asking is, if this is true, and if this report was paid for by the Department of Energy, why aren’t the leaders of our country telling the American people this?

Now, if they didn’t believe this report, just a few months later came the report from the Corps of Engineers that says essentially the same thing as we will see from some following charts. The next chart is another quote from the “Hirsch Report”: “We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules.” They are saying what will we do to make sure that there is enough oil available when we have reached peak production; what can we fill that gap with?

They are saying they can’t conceive of any affordable government-sponsored crash program to make this happen, so as to incorporate higher energy efficiency technologies in the privately owned transportation sectors. Significant improvements in energy efficiency will thus be inherently time limited if a peak is to occur within a decade or so.

For some things like efficient automobiles, the average light trucks and cars out there, some 16 to 18 years in the fleet, the big 18-wheelers are out there 28 years. So if you are going to make any impact on efficiency in that market, you have to really wait awhile unless you think people are going to scrap their newly purchased SUV.

The next chart is from the Corps of Engineers study, and this is really an interesting chart. Remember the date of this was September ‘05. The current price of oil is in the $45 to $57 per-barrel range and is expected to stay in the range for many years. Mr. Speaker, I don’t think $70 a barrel is within the range of 45 to 57. And it has been less than a year.

So what this shows is that even the experts, these people who spend a long while studying this, when they look at the picture, they didn’t anticipate the extent, the seriousness of this problem.

Oil prices may go significantly higher and some have predicted prices ranging up to $150 a barrel within 15 to 17 years. Mr. Speaker, if that is true, why aren’t the leaders of our country telling the American people this?

Friends, we have got a problem ahead of us, and it is not an insurmountable problem; but the longer we wait, the tougher it is going to be to get through it. We really need to get started now. I don’t here our leadership telling us that, Mr. Speaker. And in view of these two reports both saying essentially the same thing, I am wondering why.

Another chart from the Army Corps of Engineers study: oil is the most important form of energy in the world today. I think few would deny that. In addition to transporting us, we use 70 percent of our oil in transportation, it is the feed stock for a really large petrochemical industry. We live in a plastic world. Just look around you at all the things made of plastic. Without oil, most of them would be gone.

Historically, no other energy source equals oil’s intrinsic qualities of extractability, transportability, versatility, and cost. The qualities that enable oil to take its place as the front-line energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then.

And another chart from the same Corps of Engineers study, over and over, Mr. Speaker, they are saying the same thing: we face a big challenge.

Petroleum experts Colin Campbell, John LaHerrere, Brian Fleay, Roger Blanchard, Richard Duncan, Walter Wrist and Albert Bartlett, no relative, but you can pull up on the web Albert Bartlett and he gives the most interesting 1-hour lecture I have ever heard on energy and the exponents of a peak and he has all estimated that a peak in conventional oil production will occur around 2005. This is 2006.

The corporate executive officers, CEOs at Eni SPA Italian oil companies and ARCO have also published estimates of a peak in 2005. So the problem may already be here.

The next chart shows a very interesting quote from one of the experts in
this area, and this really focuses on a chart that we had just a few minutes ago. Jean LaHerrere made an assessment of the USGS report that concludes, now, USGS says that we are going to find half again the oil that we have already found. We have in the ground about 2,000 gigabarrels, used in about 1,000 of that. They say we are going to find another 1,000 gigabarrels. This is what Dr. LaHerrere says. The USGS estimate implies a fivefold increase in discovery that is over the present anemic discovery rate. Since we have discovered less than 1 percent recovery rate and reserve addition, for which no evidence is presented.

Such an improvement in performance is in fact utterly implausible, given the great technological achievements of the industry over the past 20 years, the worldwide search, and the deliberate effort to find the largest remaining prospects.

In other words, he is saying that we have been looking really hard with really good people and we haven't found it for the last decade. There is just no justification to this euphemistic projection that we are going to find another 1,000 gigabarrels of oil.

The next chart puts this in kind of a global perspective and we haven't found it for the last 400 of 5,000 years of recorded history. And it shows the beginning of the Industrial Revolution with wood, and it did begin with wood. We were making steel with wood, with charcoal, denuded the hills of New England, carrying it to England to make steel. You can visit Little Cattoin Furnace up here in Frederick County, and we denuded the hills of Northern Frederick County to make charcoal for that little furnace there.

And then we discovered coal. And on the ordinate here is quadrillion Btu. That is the amount of energy you produce. Not very much from wood down there. You see the brown.

It is getting eight times bigger with coal. And look what happened when we found oil and gas. That is the red curve there which seems to go almost straight up. This is only about a 2 percent increase.

Albert Einstein said that the force of compound interest is the most powerful force in the universe which, after discovering nuclear energy he was asked, Dr. Einstein, what will be the next great force in the universe? And he said that it was the power of compound interest which is exponential growth, of course.

Notice what happened in the 1970s there, and the downturn. There really was a world recession. We used less oil, fortunately, because what was happening until that time. Mr. Speaker, is really quite phenomenal. Every decade we were using as much oil as had been used in all of previous history. What that means is that when we used half of all the oil, only one decade of oil remained at current-use rates. Of course that is not the rate at which oil will be used. We are now about 150 years into the age of oil; 5,000 years of recorded history. That curve is now coming down. It is peaking and will be coming down. And it will come down for about another 100, 150 years. So in 200, 300 years we will have been through the age of oil.

It is interesting, Mr. Speaker, to put this in a little perspective. We have discovered, over a five-thousand-year period, we found this incredible wealth under the ground. It really was incredible wealth. Just one barrel of this oil provides you the energy of 12 people working all year for you; 12 people. We have the right to say that we are using for little more than $100, 42 gallons, a little more than $100 at the pump.

If you produce electricity with it, for less than 25 cents a day, an electric motor will do more work than a hard-working, athletic worker. Really incredible wealth.

What the world should have done when we discovered this, realizing that it could not be infinite, that there just had to be an end to it, that the world is not made of oil and even if it was made of oil, there would still be an end to it by and by, but it is not made of oil; we would have said, what can we do with this incredible wealth to provide the most good for the most people for the longest time? That clearly is not what we did. As this chart shows here, we just pigged out like kids who found the cookie jar, with no thought for tomorrow. We behaved as if oil was infinite, that it would be there absolutely forever. And, of course, that could not be true.

I started asking myself these questions maybe 40 years ago. I knew that oil and gas and coal could not be forever, and I asked myself what does that mean? Is it something that we need to worry about in 10 years, 100 years, 1,000 years, 1 million years? What does it mean? And a number of people have been asking themselves this question.

The next chart is interesting, and it kind of simplifies this curve. By the way, this is the same curve that we saw before, the red curve going up very steeply. All we have done here is to compress the scale on the ordinate and expand the scale on the abscissa so that now we have a more gradual curve. But it is still a 2 percent growth rate. That doubles in 35 years.

At the beginning of the little yellow curve which is the difference between what we would like to use, that is, the demand curve, and the supply curve, which is the blue-green curve, that is doubled at the end over there. So we know that took 35 years to get there because it doubles in 35 years. If we are there, and there should be a question mark after that because we are not dead certain, what this shows is that the shortage actually starts to occur a bit before the peak occurs, as you are breaking away from that nice, smooth, exponential curve going to be ups and downs, as we have seen in the price of oil. It is up $5 and down $4 and up another $5 and down $4, but ever up and up as we go through. We face some big challenges.

What most people want to do since we are, as the President says, hooked on oil, we would like to keep that habit. We do not want to kick that habit. We would like to keep that habit. So what most people are focusing on is how do we fill the gap? The gap is that yellow. The gap is the difference between what we have and what we would like to use. And as time goes on, that gets bigger and bigger.

I would like to make the argument, and we will come back to that in a few minutes, that we probably should not be trying to fill the gap, for a couple of reasons. One is that I do not think that we can fill the gap. And the second thing is that there will be a future and we do have kids and we do have grandkids, and to the extent that we are successful today in finding and pumping what oil remains, we are dooming them to an increased crisis and less opportunity to live as we have lived because our incredibly lavish lifestyle is in large measure built on this really high-quality fossil fuel energy.

The next chart shows us what kind of a problem we will ultimately face. And there is no escaping this, oil is finite. There will be a peak. It could be now; it could be in a few years. It is not if, it is when. And there are some finite resources that we can have that we can use. We are also in the oil age, although they are enormous in volume. For instance, the tar sands, the Canadians would rather call them oil sands because "tar" does not have a good sound to it. But it is tar. It is not much better quality than the asphalt out here in the roadway, which flows with the hot sun, as you may notice. The cars sit on it and it sinks down. Put a blowtorch on it and it will really flow. The oil shales in our west and coal are all finite resources.

The Canadians are aggressively pursuing the production of oil from their tar sands, or oil sands, as they like to call them. But I understand that they are using more energy from natural gas to cook that oil sand to get the oil out and more energy from natural gas than they are getting out of the oil. From a business perspective, that makes good sense because that gas up there is stranded. It is in Alberta, Canada. There are not very much there.

The demand is made of gas. Gas is hard to transport, and stranded gas is very cheap. So they use a cheap gas to produce very expensive oil. It costs them about $18 a barrel. I understand, to produce it. And they are getting $70 a barrel. That is a really good dollar-profit ratio. The energy profit ratio is less than one; so ultimately that is not sustainable, of course, using more energy in than you get out.

The oil shales in our west, there have been some very glowing articles in the newspapers I talked to the investigator there. He attended a conference out in Denver, Colorado a few months ago that I was at. And Shell Oil Company,
it will be several years before they decide whether or not it is even feasible economically to get oil out of our oil shales. There is an enormous quantity there, nearly as much as the world has found, but not all recoverable. There are estimates they probably could get 900 billion barrels of oil may be recoverable, but at what cost? What they do out there is to drill a series of holes around the periphery, and they freeze that so that the oil that they melt out in the middle will not contaminate the groundwater, and then they cook it with steam for about a year. And then after they have cooked it for about a year, heating it up, they drill a well there and they start pumping and cooking, and they do that for another year or two, and they can get meaningful amounts of oil. But the scalability of this and the economic feasibility of this are still unknown, so they are pursuing that.

I would caution, Mr. Speaker, not to be too euphoric about their prospects of getting out of these tar sands and oil shales. There is a lot of energy there. It will be difficult to get it out economically, particularly difficult to have a meaningful energy/profit ratio getting it out. But it is there and we have to do the best we can to get it out as efficiently as we can.

Then coal, you will hear we have 250 years of coal, and the next chart shows that is true. We do have 250 years of coal at current use rates, at no growth. But notice what happens when there is only 2 percent growth. Now, I think that as we have less oil, we are going to have to use coal more. Hitler ran his whole economy and his military on oil from coal. So did South Africa with the embargoes that we had there. With just 2 percent growth rate, this exponential growth has an incredible effect. This 2 percent, the 250 years shrinks to about 85 years. And for most of its uses, you cannot use coal. You are going to have to come up with ways to use coal and you need to find a way to produce hydrogen. That is going to peak and be running down. One thing is true, Mr. Speaker: We will always use more energy producing hydrogen than we get out of hydrogen. Unless we are going to suspend the second law of thermal dynamics, that will be true.

Well, it takes more energy to produce hydrogen, why are we even thinking about hydrogen? For two reasons: One is when you finally use it. burn it, you get only water. That is not a very polluting product. And the second reason we are really interested in hydrogen is that it is one of the better things to feed a fuel cell with if we ever get economically feasible fuel cells. A fuel cell will get more than twice the efficiency of a reciprocating engine. So you lose some energy when you go from electricity or coal or whatever to hydrogen, you will more than get it back in the increased efficiency of the fuel cell if we ever get to the fuel cell, if it is economically feasible. And you are certainly not polluting, you are producing only water.

The next chart is an interesting look at one aspect of the agriculture, and that is the amount of energy that goes into producing a bushel of corn. On the chart the show two things: On the right side is where we are now when we are making hydrogen from natural gas. We are making hydrogen from renewables. We are making hydrogen from natural gas. That is going to peak and be running down. One thing is true, Mr. Speaker: We will always use more energy producing hydrogen than we get out of hydrogen. Unless we are going to suspend the second law of thermal dynamics, that will be true.

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The last one here that I want to spend just a moment on, it says hydrogen from renewables. Today we are not making hydrogen from renewables. We are making hydrogen from natural gas. That is going to peak and be running down. One thing is true, Mr. Speaker: We will always use more energy producing hydrogen than we get out of hydrogen. Unless we are going to suspend the second law of thermal dynamics, that will be true.

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made in other countries where gas is kind of stranded.

The next chart looks at where we are. I use an analogy here which I think is very apt. We are very much like a young couple that has gotten married and their grandparents died and left them a big inheritance, and they have established a lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent from their income. They look at the inheritance, and it is not going to last until they retire. So what will they do? Obviously, they have got to do one or both of two things. They either have got to spend less or make more. I use those numbers. Others, others may use 86-14. I use those numbers because that is exactly where we are with our energy use today. Eight-five percent of all the energy we use comes from coal and oil and natural gas, and only 15 percent of it comes from other sources.

Now, a bit more than half of that comes from nuclear electric power. That is 8 percent of our total energy, about 20 percent of our electricity. The rest, 7 percent, is the true renewables. Mr. Speaker, there are the things which we ultimately will transition to.

Now this is a chart from 2000, and the solar and the wind and so forth would be bigger today. That is 1 percent in this chart of 7 percent. That is .07 percent. It is really in the noise level. We are four times bigger than that today at .28 percent. Big deal. It is a long, long way to go from .28 percent to go to something really meaningful as a contribution. But that is what we will be turning to increasingly in the future.

Notice that on this renewable sources there, the biggest one, 46 percent, is conventional hydropower. That will not increase in our country. We are pretty much there or thereabouts. We might go to microhydro and use little microturbines in thousands of little streams across the country without affecting the environment as much as the big ones, by the way, and get about that much more energy.

But notice that solar and wind and agriculture down here, it is just alcohol fuel there; but it could be biomass, soy diesel, biodiesel and so forth, are very small amounts. Where we can get it, we ought to be getting more of geothermal. It is not much in this country. All of Iceland's energy comes from geothermal. I don't think there is a chimney in Iceland, because they don't need it. They get it all from geothermal sources.

Now, the waste to energy up there, which is 8 percent. That could grow. Instead of putting it in a landfill, there is a very nice plant up here in Montgomery County they will be happy to show you through. It is really a very handsomely done, and they are burning waste up there to produce electricity.

Just a word of caution about energy from agriculture. We must keep two realities in mind. The first is that we must feed the world. Tonight, about 20 percent of the world will go to bed hungry, obviously not in this country. And we have to maintain our top soils. If you don't have top soils, you will not feed the world.

Now, if we would live lower on the food chain, if we ate the corn and the soybeans instead of the pig or the chicken or the cow that eat the corn and soybeans, we would have between 10 and 20 times as many calories to eat, because of the ratio. They say one pound of grain to three pounds of pig or chicken, but that is dry grain and wet pig and you can only eat about half of the pig. When you get down to the true ratio of dry to dry matter, it is about 10 to one for the steer. By the way, milk and eggs are very much more economically produced and really higher-quality proteins.

When it comes to things like cellulose ethanol and biomass and so on, I think we are not using as much of that much more energy. In- don't use those numbers.

So what will they do? Obviously, they see here. The next chart is a very interesting one. It shows on an interesting scale, this is how good you feel about your station in life on the ordinate here. Then the absyssa is how much energy you use. Notice where we are. We are way over there in the far right. We use more energy than any other society in the world.

You know, notice you can recoverable resource, and they had no fallback. They had no alternative to fall back on.

The next chart shows kind of where we are and where we need to go. So far, Mr. Speaker, it may not be obvious that we have a really bright future ahead of us, but I think we do. We have some big challenges here. Challenges and opportunities are two faces of the same thing, and I would like to think of them as opportunities.

I think that what we need to address this problem is the equivalent of a program that embodies the total commitment of World War II. I lived through that war. There were no automobiles...
made in, what, ‘43, ‘44 and ‘45. There was gas rationing. I can’t remember people grumbling about the gas rationing.

Everybody had a victory garden who could. They were encouraged to do that. It really was the good way to make eth.

We started daylight savings time so you could have some time after work in the evening to work on your victory garden.

Everybody saved their household grease. I am still not quite sure what they did with that, but we took it to a central repository.

The point is everybody was involved. It was the last time in our country that everybody was really involved, and we need a program that involves everybody. We also need a program that kind of has the technology focus of putting a man on the Moon, because there are some really big technology challenges here.

Thirdly, this program needs to have the kind of urgency that we had in the Manhattan Project, because time is really the essence here. We don’t have the luxury of a leisurely approach to solving this crisis.

There will be an increasing deficit of oil in the world and in our country; but I will tell you, Mr. Speaker, I think the biggest deficit today is leadership, both here and in the world.

With so many experts, and these two studies, and again I go back to the two studies, here they are, paid for by our government, and again I go back to the two studies, here and in the world.

I will tell you, Mr. Speaker, I think the challenge we face. To the extent that we have the luxury of a leisurely approach to solving this problem, I think that all of our energy, our creativity, our innovation could be really stretched to do well.

I think that our people would marshal. We have the most creative, innovative society in the world; and if our people only knew that there was this problem, I think that all of our energy, our creativity, our innovation could be marshaled to address this.

We have no alternative but to be a role model. We use a fourth of all the energy in the world.

Mr. Speaker, I yield back the balance of my time. I yield back the balance of my time. Right now there is no surplus energy available to invest in alternatives, like building a nuclear power plant, like finding a way to make ethanol, to make a whole lot more solar panels, to make a whole lot more wind machines. By the way, wind machines are producing electricity at 2.5 cents a kilowatt hour. That is very competitive.

If we can have a very aggressive conservation program that you can do quickly, we can free up some oil, which buys us some time so that we can invest in these alternatives.

Then we need to use this wisely. Somehow we need an entity which is making judgments as to what is the best uses of the limited resources of both time and energy that we will have.

By the way, Mr. Speaker, we need to invest three things to get these alternatives. We need money and we need energy and we need time. Of course, in this Congress, we never worry about money, we can borrow that from our kids and our grandkids without their approval. But we can’t borrow time from them, and we can’t borrow energy from them.

Thinking about our children and grandchildren, Mr. Speaker, I would just like to make an argument that there is a moral dimension to the challenge we face. To the extent that we are able to go out there and get these remaining resources to fill the gap, to continue life, we know it, we are going to be denying our children and our grandchildren access to these energy sources.

Right now, we are telling them although we cannot do it, we cannot even come close to running our government on current revenue, not only will they have to run their government on current revenues, they will have to pay back all the money we borrowed from their generation.

I am having a moral problem with going out there with the techniques that we have to get this gas and oil and coal, the little that remains, more quickly. We will certainly be denying our children the opportunity to do this.

Somehow we have to have an organization which makes decisions. We have only limited time. We have only limited energy. How will we invest it? What is the wisest way to invest it?

There are many benefits that can come from this. One of the benefits, Mr. Speaker, I can imagine Americans going to bed in the evening feeling really good about the contribution they have made that day to this problem. This shouldn’t be viewed as a problem; this should be viewed as a challenge. Life is really easy in our country. Most people don’t have to really stretch to do well.

I think that our people would marshal. We have the most creative, innovative society in the world; and if our people only knew that there was this problem, I think that all of our energy, our creativity, our innovation could be marshaled to address this.

We have no alternative but to be a role model. We use a fourth of all the world’s energy. We are a role model. We need to be a good role model for the energy industry. This facility alone could. They were encouraged to do that, but we took it to a central repository.

This chart shows what we need to do. The first thing we need to do is to buy some time. How do we buy time? Right now there is no surplus energy available to invest in alternatives, like building a nuclear power plant, like finding a way to make ethanol, to make a whole lot more solar panels, to make a whole lot more wind machines. By the way, wind machines are producing electricity at 2.5 cents a kilowatt hour. That is very competitive.

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Then we need to use this wisely. Somehow we need an entity which is making judgments as to what is the best uses of the limited resources of both time and energy that we will have.

The SPEAKER pro tempore (Mr. Boustany.) Mr. Speaker, next month the Gulf Coast will prepare for yet another Hurricane season. As we prepare for this year’s storm season, it is important to remember that two category 3 storms hit the gulf coast last year.

In late September, the eye of Hurric.

ane Rita made landfall in Cameron Parish in the southwestern corner of Louisiana. The storm inflicted devastating damage to my district in southwest Louisiana as well as to the districts of my colleagues from southeast Texas. 

Nowhere was the impact of Hurricane Rita more evident than in Cameron Parish. The damage inflicted by Hurricane Rita was catastrophic. Homes are destroyed or uninhabitable. In Cameron Parish homes, 10 percent of the homes were reduced to slabs of concrete. Before Rita, this field was a thriving rice crop. And you can see, this is another field. Same thing. All this white in here is salt deposition. This just 4 weeks ago in my district, some 7 or 8 miles inland from the coast. These were rice fields that have been virtually destroyed due to tremendous saltwater damage that Hurricane Rita has left in its wake. Before Rita, this field was a thriving rice crop.

And you can see, this is another field. Same thing. All this white in here is salt deposition. This just 4 weeks ago, over 6 months from Rita. And we are still coping with this.

We owe it to these farmers to work as hard for them as they do for their families and neighbors in southwest Louisiana. Mr. Speaker, our industries are hurting as well. The Lake Area Industry Alliance, home of a vast petrochemical complex which serves the entire U.S., reports damages to its facility of near.

ly $50 million. This picture here was taken in the immediate aftermath of the storm in Cameron Parish. The storm inflicted devastating damage to my district in southwest Louisiana as well as to the districts of my colleagues from southeast Texas.

The hurricane supplemental is especially critical to my constituents in southwest Louisiana. Homes are destroyed or uninhabitable. In Cameron Parish, 10 percent of the homes were reduced to slabs of concrete. Students and teachers in southwest Louisiana are still waiting on Federal education disaster assistance to rebuild.

Our farmers are also hurting. Last year, farmers in Vermilion Parish planted 75,000 acres of rice. This year that number has been reduced to only 25,000. And this is why, this is why, this farm. This is a picture just 4 weeks ago in my district, some 7 or 8 miles inland from the coast. These were rice fields that have been virtually destroyed due to tremendous saltwater damage that Hurricane Rita has left in its wake. Before Rita, this field was a thriving rice crop.

And you can see, this is another field. Same thing. All this white in here is salt deposition. This just 4 weeks ago, over 6 months from Rita. And we are still coping with this.

We owe it to these farmers to work as hard for them as they do for their families and neighbors in southwest Louisiana.

Mr. Speaker, our industries are hurting as well. The Lake Area Industry Alliance, home of a vast petrochemical complex which serves the entire U.S., reports damages to its facility of nearly $50 million. This picture here was taken in the immediate aftermath of the storm in Cameron Parish.

They show the Henry Hub, just one of the many energy facilities in my district that supply much of our Nation’s energy industry. This facility alone
supplies close to 40 percent of the natural gas for our country, and was off line for a considerable amount of time following Hurricane Rita. It highlights the strategic interest that southwest Louisiana plays to our energy industry and why we must ensure that this infrastructure will be protected from storms.

This is another photo of the same area, more close up, showing the tanks. We had about 7 or 8 feet of water in this area. One way we can protect our energy infrastructure is to expand drilling in the Outer Continental Shelf. This can provide a long-term oil and gas supply that would serve the bridge to renewable energy sources.

Most importantly, it would also provide States with critical revenue sharing from any oil or gas leasing off their coast, allowing States like Louisiana to fund our own protection from future disasters.

Mr. Speaker, despite our many challenges, the people of southwest Louisiana remain determined to rebuild their communities and businesses. Parents look forward to the day when their children can once again attend schools and churches in a safe and comfortable environment.

Travelers look forward to a day when they can escape the summer heat with a trip to Holly Beach in Cameron Parish. Farmers look forward to the day when they can once again tend to their fields.

Mr. Speaker, southwest Louisiana has already begun to plan for our future. It is up to us as Members of Congress to help them realize it.

### EQUITABLE FUNDING FOR HURRICANE RITA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, I want to thank my colleague, Congressman MEEK from Florida, for allowing me to reclaim my time.

Mr. Speaker, I rise today to join my good friend, Congressman BOUSTANY from Louisiana, in urging our colleagues not to forget the victims of Hurricane Rita as they determine priority funding in the Hurricane supplemental bill that is before the House and the Senate today.

You may know, but, of course, last August Hurricane Katrina, the sixth largest Hurricane in Gulf coast history hit the Gulf coast. It sent a human tide of over half a million evacuees to Texas. And while our State was struggling with the unprecedented effects of that storm, its own coast took a direct hit from Hurricane Rita, the fourth largest storm in Gulf coast history, just 3 weeks later.

As Hurricane Rita grew into one of the most intense storms in recorded history, steering a path through Texas and along the Louisiana border, our State, and especially southeast and east Texas were in the midst of its unprecedented response to Hurricane Katrina.

So our region not only took in evacuees, tens of thousands from Louisiana, and are thrilled that we did, we also took in 2.7 million evacuees from Hurricane Rita, the largest in history.

Then the hurricane shifted; Hurricane Rita went right up those same communities that had already done so much. Rita delivered a devastating blow to the region. As this photo illustrates, the resulting physical damage was massive.

The town of Sabine Pass was leveled. Further inland, entire communities, including houses, businesses, bridges, roads and utilities, were severely damaged or destroyed by Hurricane-force winds and torrential rains.

Over 75,000 Texas homes were damaged or destroyed in Rita, $1 billion of our timber crop, the largest economic driver in east Texas; and today, 10 percent of our Rita evacuees have yet to return. Without homes or without places to work, we are again in a real fight for our future.

Today we have a number of our Texas leaders, southeast Texas Recovery Team in Washington meeting with the White House, meeting with House leaders, meeting with FEMA and HUD to talk about how to recover.

We had, as I said, 75,000 homes damaged or destroyed. Many of those have temporary blue tarps on today that are starting to deteriorate or blow off. When the hurricane season hits, we will put more and more people out of their homes.

We are asking for about $1 billion in community development block grant funds in housing to help repair those homes, to help get people back in their homes, to help southeast Texas recover.

We are also asking for equal treatment. These are all photos from the Beaumont Enterprise and their special edition on Rita, showing the damage. These are all photos from the Louisiana Press Association.

We are asking for about $1 billion in community development block grant funds in housing to help repair those homes, to help get people back in their homes, to help southeast Texas recover.

So we are up here asking for the Ladies of the Gulf –

Mr. POE. Mr. Speaker, I want to thank Mr. MEEK for allowing me to make some additional comments with my friends, Mr. BRADY from southeast Texas, and Mr. CHARLES BOUSTANY from Louisiana.

The area of the State of Texas that I represent, Mr. Speaker, borders Louisiana, and also borders the Gulf of Mexico. And today we had another storm hit not Texas, but Washington, DC. Individuals from southeast Texas and east Texas, government leaders, community activists, chambers of commerce, presidents, came to Washington to try to make the case for what occurred in the last 6 1/2 months in southeast Texas.

By way of review, the ladies of the gulf came into the Gulf of Mexico last fall. The first of those, Katrina, came through, become the sixth largest Hurricane, most powerful hurricane to ever hit the Gulf coast. And when that occurred, 450,000 people from Louisiana went west. They crossed the Sabine River into Texas. Many of them came into my district.

Many of those people are still there. Several thousand kids are still in school in Texas from Louisiana. So many people are in Texas from Louisiana that we have a mayor’s race in New Orleans this Saturday, and the two candidates campaigning for mayor in Louisiana have billboards all over the Houston area soliciting votes from people in Louisiana that happen to be in Texas.

Katrina was mainly a water-damage hurricane. The waters rose, caused damage, the waters stayed a long time. One of the towns of course hit was New Orleans. The national media focused on Katrina day after day after day. But 3 weeks later, another lady of the gulf came in.

Rita, named hurricane Rita, the fourth most powerful hurricane to ever hit the Gulf coast. She hit western Louisiana and east Texas, part of the area that I represent.

The largest evacuation in American history took place in Texas because of Hurricane Rita. Over 2 million people evacuated their homes. In Beaumont alone, 8,320 people were airlifted out of hospitals, in the middle of the night with C-130 transport planes, to 14 different States.

The first responders before Hurricane Rita hit loaded their police cars, their emergency equipment, their fire trucks, their front-end loaders, and...
even helicopters on two enormous cargo ships that were in the Port of Beaumont. Those ships deploy cargo to the war in Iraq and Afghanistan.

The community, because of Hurricane Rita, was left without electricity for over 3 weeks. 75,000 homes were destroyed. Several thousand homes to this day have not been repaired, and people are still living under blue roofs. That part of the gulf coast, Mr. Speaker, is a petrochemical area, refinery area. Eleven percent of the Nation’s gasoline is refined out of that small area in southeast Texas. Thirty percent of the Nation’s aviation fuel is manufactured there. And the Port of Beaumont, as I mentioned, that deploys one-third of the military cargo going to Iraq and Afghanistan.

But this hurricane was not a water-damage hurricane, although there was a storm surge. It was a wind-damage hurricane, and people lost their homes not to rising water, to losing their roofs and water coming in because of wind. And that whole issue is being dealt with, or not being dealt with, with the rain. And because apparently for no loss of life, that was not a story that the national media sought to portray. Mr. Speaker, I want to go back to that.

The part of the gulf coast, Mr. Speaker, was top shelf. That is a heavy charge, but let me just back it up here. 2001 on this day, not yesterday, not tomorrow, but on this day, Vice President Dick Cheney led a task force that had a secret meeting bringing together big oil companies, energy lobbyists, CEOs, and other special interests to craft the administration’s energy agenda, an agenda to deliver Big Oil profits. This weekend, this weekend, it is presented within the media, this is well documented as it relates to testimony in some committees before Congress. Big five oil companies, $32.8 billion in the first quarter profits this year, free drilling rights on public lands, $8 billion in subsidies; $20 billion over 5 years, and waived royalty fees, another gift that was given out of this energy policy.

Big Oil comes through for the GOP. Big Oil gave 84 percent of their campaign contributions to Republicans in the last 24 months. Bush-Cheney got more than $2.46 million in 2004 as it relates to campaign contributions. More than $70 million to the Bush and Republican Congress agency. Democrats want to take this country in a new direction, and I think it is important that we point out some of the things that have taken place.

Now, some may say, Well, Congressmen, I mean, that is good, you pointed that out. But, Mr. Speaker, I must go down memory lane to remind the Members and also the American people that this meeting was well denied by many: What are you talking about, a secret meeting? What do you mean, what is going on? And because apparently for no loss of life, that was not a story that the national media sought to portray. Mr. Speaker, we just hope in the supplemental that two things occur: that the people of Louisiana are treated not unfairly, that the people in Texas were treated equal to the people in Louisiana.

Rita was a hurricane just as powerful as Hurricane Katrina, and that the funding be the same, and that the line between Louisiana and Texas, the Sabine River, not separate fairness; that fairness go across the river and treat all Americans the same.
energy task force in 2001, something long expected by environmentalists but denied as recently as last week by industry officials testifying before Congress.

We should have a problem with that. The energy task force, this was an order from the White House, the Energy Policy Act of 2005 by the Bush administration. The board was set up to develop a national energy policy, parts of which became law, parts of which are still being debated.

I think it is important, Mr. Speaker, that we bring that to the attention of the Members and remind them as we Members come to the floor, especially on the majority side, and start talking about, well, you know, I don’t know how we got here. I don’t know why these oil prices are the way they are.

And I am going to show that chart there. But like it is someone there like a puppet, like pulling the strings and, I don’t know how the puppet is moving.

Well, let me just remind the Members with all due respect, Mr. Speaker, that we come forth with an energy policy last year that would be meaningful for all Americans, not just some, and definitely not the folks that were invited to the White House.

Now, I don’t know and I don’t know this fact, but I think it is very, very strong. I guess you can, like some people say, you could take this to the bank that everyday Americans were not called to the White House and asked how energy policy should be put forth in this country, because all of these subsidies were being placed on the table for these big oil companies.

And when it was reported, I remember very vividly, Mr. Speaker, that some folks said, well, it is in innovation, that’s the reason why we are meeting with them. They are the professionals. Well, why while they were giving their advice, they were cutting their deals. And I think it is important for us to again say what this means to the American people.

Gas prices across America doubled. Big Oil profits quadrupled. I have already gone over that, but Big Oil has profited in a way that no other time in the history of this Republic, and I think that that is where the meeting came from.

And I think we have figured that out and I think the Republican majority has not yet gotten the message. The bottom line is, like the commercial, Mr. Speaker, got milk? The bottom line, have you gotten enough? Have you gotten enough of the back-room deals? Have you gotten enough of the secret meetings that are later revealed? Because there are some people of good will that will share this with the American people. I mean, on this side of the aisle we have called for and I am going to talk about an amendment that we put forth that was voted down on party lines that made a lot of sense; but I guess because Democratic Members put forth that amendment on behalf of the American people, I guess it wasn’t too good enough because we weren’t invited to the meeting.

Once again, Mr. Speaker, I go back to the only way we can have bipartisan-ship here in Washington, DC, like I have mentioned before in our floor speeches, is that the leadership has to allow bipartisan-ship. You can’t come from a minority position or the minority here in this House, as the Demo-crats, and say, well, we want to work in a bipartisan way. That is a state-ment. The action is the leadership, the Republican leadership of this House and this Congress say, well, we want to work in a bipartisan way and we will; we will let the minority Members know, the Democratic Members know, that we have a con-ference committee. We will sit down with Democrats to craft legislation, energy policy, prescription drug policy, health care policy. You name it. Social Security policy. We will come together in a bipartisan way and we make sure that we put forth the will of the American people.

But that was not allowed. We are calling for on this side, we ran our amendments in committee and here on this floor. Relief for consumers and small businesses, investi-gate and punish price gouging by big oil companies. Investigate and pun-ish price gouging by big oil companies. Stop billions in tax breaks and sub-sidies and handouts that are ongoing to big oil companies. Keeping Americans, Americans home-owned and home-grown out of poverty of paying so much for energy prices. Increase pro-duce and use of American biofuels. Increase cars and trucks that run on home ethanol and biodiesel are more available at the pump. Increase energy independence and create good-paying jobs in rural America, research and development to create cutting-edge technologies and biofuels.

Now, I am going to say, Mr. Speaker, because some folks may say, well, you know, Congressman, that is great, that is some great points there, but it is here on the innovation agenda. This is like the quick read on our promise to the American people.

And we have a number of folks that have endorsed this innovation agenda and that are Democrat and Repub-lians, not only in the area of education and broadband technology but also as it relates to energy independ-ence in 10 years.

Mr. Speaker, that is not an if we do get in the majority, when I say the Democrats get in the majority, that is when we get in the majority what will happen. That is a promise. That is not something like a campaign slogan and saying that, well, you know, we filled our, you know, you will represent you well. No, that is the plan. And the Members can go on housetedemocrats.gov if they want to get information on the innovation agenda. It is just that simple. Just like that. It is just that simple.

The energy plan is right here. Ready, set, go, Mr. Speaker. Ready for biparti-sanship or a Democratic majority. I think it is going to take a Democratic majority to get us to where we need to be to be able to put forth the kind of leadership that is needed in energy legislation.

Again, Mr. Speaker, not talking fiction but fact. I hold in my hand here a report that was done by the minority staff and the Government Reform Com-mittee talking about the Bush admin-istration energy policy and the 5-year review of what it is going to cost Americans in the long run. We know this, Mr. Speaker, because we have tried to offer and head off what is hap-pening right now. And I think it is im-portant that the Members understand. The report is out there. The Mem-bers want to take a leadership role on the Republican side and say maybe we need to start working with the Demo-cratic side on some of these issues.

I think it is also important, Mr. Speaker, to point out that as we look at these record-breaking prices at the gas pump, that we look at the subsidies and what is going on there price gouging or not. I think the Amer-i-can people are going through a major head-scratching session throughout this country of saying I am paying through the nose; they are saying there is a gas shortage; but meanwhile, these big oil companies, even though they show up on the Today show trying to explain to Americans why the prices are what they are, they are getting another membership at the golf club. For-get, let alone buying golf clubs, they have bought out all these country clubs now because it is record-breaking profits, and it is very, very unfortunate that that is the case.

I want to say that last fall, Mr. Speaker, we had an appropriations amendment on the floor that we put forth that would have increased the op-portunities for another look at the inno-vation, make sure that it falls on the side of the American people, that we do not use environmentally sensitive land to be able to carry out the will of big oil companies who just want to con-tinue to do what they have been doing over the years but, hopefully, ahead in the area of biofuels, more emission ve-hicles and also innovation. We have talked about the innovation, and I think it is important we brought that to the attention of the American people.

I also have to, Mr. Speaker, share with you today, I have given the Web site out. I just want to make sure there is no confusion what I want to make sure the Mem-bers are able to follow me. Let us talk a little bit about border security, and I think I am now going to talk a little
about it because a lot has been said, very little has been done. I think it is important to look at the facts of what is actually taking place here, and I do have some facts here, and I also have a solution, something that folks like to talk about but they do not like to enact.

We talk about immigration and border security, the President gave a speech last night and said that we need to protect the southwest border, we need to protect America. My goodness, if we do not do it, we do not know what is going to happen. We have got to keep the terrorists out.

Well, last I checked, Mr. Speaker, there are a number of terrorists and well-known terrorists, even a recent documented case in Washington State of a terrorist coming through the Washington-Canada border and all along the northern border and some other places here in the United States. So to say that it is all in the southwest United States, that is the issue and we need to deal with it. I think that there are some other underlying issues that are there. And I just want to share with you that when you look at a leadership that has been in place, Mr. Gingrich, Mr. Speaker, the Republicans and the National Guard troops down to the southwest border. For 2 weeks, they are going to be trained, put into the field to protect the southwest border.

Let me get that Gingrich poster if I can. I want to bring Mr. Gingrich, not Mr. Gingrich, Speaker Gingrich, Mr. Speaker, who delivered the Republican majority to the Republicans, and this is what he is saying. He is saying, “They are seen by the country as being in charge of a government that cannot function.” Mr. Speaker, when you have a former Speaker of the House that said “they” that means he is separating himself. “They” means that they are no longer the people I knew when I was there. “They.” they are like a group of people that the relationship may not be what it was, but I do not know what they are doing. They are over there. They are not on our side.

I guess that is what the Speaker is saying, and so I think it is important for us to look at the reason why this Republican President, Mr. Speaker, is being seen as they, even by individuals that were in the leadership of bringing about and defending the Border. There are 1,000 fewer border patrol agents than were promised in the 9/11 Act. There was a lot of discussion around the 9/11 Act that passed off this floor, but there are 1,000 fewer than what was promised to the American people. The Republican-controlled Congress has broken the promise it made in funding additional border patrol agents, immigration enforcement officers and detention beds, especially because the law that enacted the Intelligence Reform Act, or better known as the 9/11 Act, which mandated an additional 2,000 border patrol agents being hired over each of the 5 years.

But the President’s subsequent budget and his subsequent budgets have failed to include adequate resources to implement the act. Indeed, the President’s fiscal year 2006 budget called for only 210 additional border agents.

My colleagues and I have put forth here on this floor that was marked up in subcommittee last Thursday falls 800 border patrol agents short, 3,130 detention beds and 500 immigration enforcement agents short of the authorized levels that was passed off of this floor just a few years ago.

Again, I mean, I am so glad that God has given me breath to come to this floor to share this with the Members and the American people, because if we look at the prime-time address or some sort of press conference, we will never get down to what is actually happening here in Washington, DC. I can tell you, that folks like us, we have had enough of this kind of talk and lack of action.

Now, let me just pull out here that this border security, Mr. Speaker, is a nonpartisan issue and should not be a nonpartisan issue. It should not be, well, that Independent in the House has a proposal, that Independent. It should not be former Members of the House, Speaker of the House calling Republican majority “they,” that they are not working in a way that they should work on behalf of the American people. Not my words, but Speaker Gingrich’s words.

I can tell you that it is important that we move in the direction of making sure that we do not cater to certain major conservative voices, telling the President let us send 11,000 National Guard troops. Let me break that down for the Members in case some of the Members probably do not understand what that means.

I am a member of the Armed Services Committee. Last I checked, we had an issue as relates to end strength. We do not have the necessary personnel to even take on the obligations that we have now. We have men and women in harm’s way in Iraq and Afghanistan and other very dangerous places, in the Horn of Africa, at this time. And when we talk about the National Guard, that means someone in your neighborhood will be called up for, what, for 2 or 3 weeks, to go to the southwest border. For 2 weeks, they are going to be trained, mobilized, fed and dropped on the southwest border, for 2 weeks at a time.

I am going to tell you what that means for Members like me, Mr. Speaker, and there are 30-some odd Members from Florida, 25, 26, 27, and counting the two Senators. But this means for Florida that our Florida National Guard, hurricane season is starting, 3 weeks, have to have in their mind that they are going to the southwest border to protect only the southwest border and not really carry out a
mission of homeland security against terrorism. That means that those individuals that have been deployed and pulled away from their families in some area of 12 months to 14 months at a time, in Iraq now, has to come back home, kiss the kids, hug the wife, and then come back out there for another 2 weeks over to the southwest border.

Now, this is something that has been going on for some time now and something that we have been calling for to be changed.

In addition, I hold in my hand here, Mr. Speaker, the 9/11 Commission report, at least the cover of it, a report card, the final report of the 9/11 Commission, dated December 5 of 2006. And this report card basically, and I will get down to the week before the week is out to bring my copy of the 9/11 report to the floor, and I can read into the record verbally several pages of that report of things that should be taking place now or should have been taking place, and it has not.

The 9/11 report basically called for exactly what we passed here on this floor: 2,000 additional border patrol agents annually, okay; almost coming to the tune of 12,000 additional border patrol agents; of making sure that we are able to make sure that we have professionals that are on the border. Being a border patrol agent is not just something you can hop up and just try to do tomorrow. Making sure that we have those guys on the border, being Border Patrol, has to be able to make sure that we have professionals that are on the border. Being a border patrol agent is not just something you can hop up and just try to do tomorrow.

Border patrol is not something that should be enforced or carried out when the poll says that we are not doing anything. It is something that is to protect the United States of America and it should not be a knee jerk.

Everything cannot be: Well, what if this? Well, we will send the military. What if we? We will send the military. We have a volunteer force. They signed up to stand up and do what they have to do on behalf of this country. My hat is off to them. They allow the veterans who, Mr. Speaker, serve in this Chamber, and also we represent throughout the State of Maryland, I think it is important to point out some of these issues that are of great importance.

When you start looking at guidelines for government sharing of personal information, that is a "D." Wow. That is in the news today. That is their report from 2005. When you start looking at checking bags and cargo screening, that is also a "D." I wonder how they came up with that? That has been in the news recently. When we start looking at the issue of critical infrastructure assessment, that is also a "D." When you start looking at the issues of how do we deal with FBI security workforce, that is a "C." When you start looking at the requirement for intelligence reform, that is a "D." When you start looking at unclassified top-line intelligence budgets, that is an "F." When you start looking at the issues of moving in the direction of securing our borders, also very low marks.

I think it is important that we point this out, and this will be on our Web site for your perusal, the Members, if they want to take a look at it. I think it is important to talk about the issue at hand, of what the President has shared with us last night, and to talk about it being willing to endorse something. And we will put a copy of that amendment that we put forth on the Homeland Security piece and what it called for called as well.

Well, in December of 2005, Democrats had a motion to recommit on H.R. 4497. In that amendment we called for an increase of border patrol numbers, border patrol officers by 3,000 additional agents, to be able to expand the new training facility to be able to handle the capacity of training those officers.

We called for increased border patrol agents and inspectors, pay agents, from G-11 to G-12. At a previous hearing earlier, Mr. Speaker, that put these agents on par with other law enforcement agencies so that we don’t end up being the training ground for other law enforcement agencies that then take the dollars we have put into training, recruiting, and all of those things that go into bringing those individuals on; that they are not taken away by other law enforcement agencies.

Immigration and customs enforcement, which are ICE officers, 2,000 additional agents and 250 additional detention officers.

This is a plan, Mr. Speaker. This is not something where you just jump up on television and say we are going to send 11,000 National Guard troops. That is not a plan. That is a Band-Aid. And I want those comments of what Republicans are saying about that plan.

We have here where we also called for 100 additional U.S. attorneys, U.S. attorneys. One hundred additional U.S. attorneys to handle the cases. We don’t want them sitting in detention centers taking up all that bedspace. That is 400 in total to be able to deal with the prosecution of individuals that come into the country illegally, and also the smugglers.

We are also calling for immigration judges, 75 additional immigration judges. We called for Coast Guard, 2,500 additional enforcement personnel, or 10,000 in total.

It is also important to be able to deal with the investigations of fraudulent schemes and documents, and so we called for 1,000 investigators that would be able to investigate those fraudulent documents so that we can have, guess what, competence.

We are finding in the Department of Homeland Security, Mr. Speaker, the reason why these procurement offices are not doing this through the airstream and not being able to have oversight over these contracts is that we haven’t put the individuals there to oversee the contracts. So the contractors, those that come in, government contractors know they can come and take advantage of the government and there are several months before we figure out what is going on, or before the Department figures out what is going on.

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Conrade, the Majority Whip, and myself. We had a plan. We put our energy plan on the table. It is on Housedemocrats.gov. It is there. It wouldn’t just be on the Web site, it would be implemented if the Republican majority would work in a bipartisan way with Democrats in putting forth these plans. Maybe we wouldn’t be paying more at the pumps if the Democrat proposals and amendments that were on this floor at the time we were dealing with energy policy on price gouging, there wouldn’t be a question whether there was price gouging or not because there would be enough U.S. attorneys to be able to deal with it. The oil companies would know there would be a $3 million fine, plus the costs of the suit.

It is criminal to spend $56 to fill up the tank of an F10 Ford truck. It is criminal to have folks running around here putting $10 at a time in their tank and only getting three gallons, if that, in some cases to make it back and forth from work. And I think it is important that people understand what is happening.

I think it is important to note, Mr. Speaker, to the American people and the Members, and I just want to mainly talk to the Members, that we have time. We have time for a revelation, a paradigm shift for the majority to say that we are willing to work with Democrats and I just want to main-

happening.

If we talk about the incompetence of one-sided policymaking without working in a bipartisan way, I just want to say that it seems like the Republican majority here in the House are afraid of foreign people and most of their money.

When I talk about foreign money, Mr. Speaker, I have to get this chart here. I bring this chart out again. I have talked about this chart so much until I see it sometimes when I close my eyes, because I cannot help but point out again to the Members on the Republican side, the majority that is setting forth the policy and that has put this in motion and has been a part of history-making in the wrong way.

There are 42 presidents, Mr. Speaker. This is a fact. This is the U.S. Department of Treasury. This is not a 30-something report or the Kendrick Meek report. In 224 years, $1.01 trillion has been borrowed from foreign nations. This is from the Presidents and these are their pictures. Four years, 2001 to 2005, the President, along with the Republican Congress, pictured down here, have borrowed $1.05 trillion from foreign nations.

Well, who are these nations? Well, we have put together, the 30-something Working Group, we wanted to break this down so that the Members will know what they have done. Republican Members would know what they have done, because we have called for pay as you go, and we will talk about that, not just borrowing as we go from foreign nations, putting this country in an economic posture it has never been in in the history of the Republic. I am not talking about in the last 2 years or 20 years or last 100 years, but in the history of the Republic.

So what is the majority Republican Congress has done has enabled America from being how it was prior to the arrival of the Bush administration and the rubber-stamp Republican Congress. Japan owns $682.9 billion of the American apple pie, where they have bought our debt, Mr. Speaker. These are not my numbers, these are the U.S. Department of Treasury numbers. China, $234.8 billion of U.S. debt.

China didn’t make us do it. It is the policies coming out of the White House rubber-stamp Republican majority. If we worked in a bipartisan way, Mr. Speaker, the Republican majority can be able to say, well, you know, both parties made this mistake. Oh, no. History reflects and the present reflects the reality of that statement, or the lack thereof. The U.K. bought $223.2 billion of U.S. debt that they bought. The Caribbean nations, $115.3 billion of U.S. debt that they bought, not because American people said, hey, let’s just go out on a credit card and spend money. It is because the Republican majority said, let’s go out on a foreign credit card and spend the money and do things that we can’t afford to do like $11 million in National Guard. The Members should be outraged that we will pick up the bill for because of a lack of policies in taking on the recommendations of the 9/11 Commission. I can’t say that enough.

Taiwan, $71.3 billion towns of our debt. OPEC nations. OPEC nations covering Florida and Georgia, $67.8 billion. OPEC nations have a lot to do with the oil situation right now that are providing most of our crude.

Germany, $65.7 billion they have bought of the U.S. debt. Korea, $60.5 billion; Canada, $53.8 billion of U.S. debt.

Now, I can talk and speak boldly on this issue, Mr. Speaker, and I will tell you why. There is a joke here in this House that has balanced the U.S. budget, period. Not one, not one with an echo in this Chamber, Mr. Speaker, Republican that is presently serving or served when the budget was balanced can say that they took their time and balanced the budget. How do you borrow in 4 years $1.05 trillion? How does that happen? Mis-management and tax giveaways and special deals to special interests, that is how that happens. Somebody said, okay, well, Congressman, if this was a two-way conversation, well what about that thing we call the war? What about the thing we call 911? Well, what was World War II? What was World War I? What was the Great Depression? There were many other challenges that the United States of America has had over the history of 224 years prior to the Bush administration coming into power and the Republican Congress being handed a rubber stamp. So I don’t think the Members would be able to explain this chart or explain the facts of incompetence or explain the fact that they have had a rubber stamp in their hand ever since President Bush has taken to the White House and the Republican majority has had their way on every thing. Mr. President, if you want, we will do it. And that is how we got to $1.05 trillion in 4 years. That is how what has happened.

I think it is important that, again, we talk about issues and we point out the problem, but I have a question, Mr. Speaker? The solution will follow, or the attempt for a solution.

We talked about pay as we go. Some policymakers call it PAYGO, but I just want to make sure everyone understands what we are talking about in Washington because a lot of times we use acronyms and we lose people. We lose people that elected us to come up
Well, if that one vote, I mean, you look at these two opportunities here, Mr. Speaker. They are the only opportunities that the Republican majority allowed us to even bring something to the floor. We had to work hard to get that to the floor. If the Democrats were in control of this House, which I hope the American people will allow Democrats to be in control of this House, A, we will work in a bipartisan way; B, we will institute pay-as-you-go policies, and we will cut out countries buying our debt and owning a part of the American apple pie.


Now, Mr. Speaker, I just wanted to point those two things out because I want to make sure we know that we are taking every opportunity on this side of the aisle to put this country back on track of fiscal responsi- bility. I can’t tell you how many times that I have shared that with the Members, and I can’t tell you how many times the Members have come to this floor with the rubber stamp in their hand. And I am going to tell you, I am going to show you what that rubber stamp looks like in reality, because I want to make sure that the Members who are checking this debate out see exactly what we are talking about.

This rubber stamp comes in the form of a voting card. This is my not only ID but voting card. And the President wants to give tax breaks that we can’t afford to billionaires. Done. Let me vote for it. The President said that we should give unprecedented tax breaks to big oil companies in the time they are making record profits. Done. Let me vote for it. That is fine. Whatever the President wants, so shall we. And then if we find out, we will rubber-stamp it and endorse it. Should we deal with issues as it relates to no plan for a war in Iraq? President said we should. Done. That is what the Republican Congress is saying.

And so here on the Democratic side, we are saying, hey, you know something, and this thing that we call a de- mocracy, Mr. Speaker, we talk about a three-tier government. We talk about a legislature being confused and now Congressmen being penalized the next day after. And so I just want to make sure that the Members know that there are some people that are paying attention to what is going on, and they are called the American people. And you do have time to change, and you do have time to bring about this paradigm shift, but history doesn’t speak to it.

And so, Mr. Speaker, with that I would like to thank the Democratic leadership for allowing me to come to this floor with another 30-something. We encourage e-mails and anything that Members want to share with us.

Mr. Speaker, what is very unfortu- nate is the fact that on the eve, or last night, at 12 midnight the clock ran out on the sign-up time for prescription drugs. On that night, when there should have been great celebra- tion drug plan. On that night, when America as it relates to the prescrip- tion drug plan. On that night, when the President wants a drug plan, some Members have come to this floor with the rubber stamp in their hand. And I am going to tell you, I am going to show you what that rubber stamp looks like in reality, because I want to make sure that the Members who are checking this debate out see exactly what we are talking about.

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That is why the Founding Fathers did not set up for us a democracy. Mr. Speaker, but they set up a constitutional Republic, a representative form of government. And our job here, we owe our constituents and we owe all Americans to maintain allegiance to the Constitution, we owe all Americans our best judgment; and sometimes that best judgment might not be the best thing for our particular district but the best thing for the United States. That is not a matter of whether we take the poll of the public and vote the way the polls are. If we wanted to do that, if we wanted to have a pure democracy, it would be far easier today in the Internet era than it was during the days of the city-states when the Greeks had to bring all of their of age males, the people who got the chance to vote in those days, into their coliseum or their city center where they would debate the issues of the day and the majority vote for it. So, if a majority vote prevailed, then that was the policy of the day until it changed.

There were no guarantees or protections for minorities. For example, there were no constitutional protections like our Constitution. Our Bill of Rights, in particular, is drafted to protect the rights of the minority against the will of the majority and, in fact, to protect the rights of the majority against a minority, and if a majority vote prevailed, then that was the policy of the day until it changed.

Well, today, Mr. Speaker, brings us to a point, a point within this great national debate, an issue that was envisioned again by our founders, and we have to have constitutional responsibility here in the Congress to establish an immigration policy. Our founders envisioned it, it is referenced, and it is our duty to have this debate and to shape a policy that is good for America.

We are having a national debate, finally, and this national debate is a national debate that was, as I recall, called for by Pat Buchanan in 1996. Mr. Speaker, when he said we must have a national debate on immigration. He knew then and I knew then that this issue was getting out of control and out of hand. It was only 10 years since Simpson-Mazzoli, the 1986 amnesty legislation that was signed into law by President Reagan. And it was designed to provide amnesty and it was an admission of amnesty then, they did not try to redefine the word “amnesty,” to about a little more than 1 million people, 1.2 million, perhaps 1.3 million people. And the trade-off for amnesty for a little over 1 million people was enforcement of laws that required employers, and I was one at that time, Mr. Speaker, to fill out the I-9 forms,
check the identification of the applicants for jobs in my company, and verify who they were and carefully dotted the I's and crossed the T's of the regulations, because I was sure that there would be a Federal agent who would walk into my office, demand to see the I's and T's of all those applicants, make sure they were in order and make sure that I had taken a look at their Social Security number and their driver's license, at a minimum, and verified who they were.

We fill those records, Mr. Speaker, and I carefully followed the law. And here we are, 20 years later, and no one has come along to check my I-9 forms. And I have to say I believe that would be consistent with the vast, vast majority of the employers in America who have followed the law but slowly begin to realize, month by month, year by year, that there was not going to be enforcement. And as we see illegal workers flow into our communities, and take jobs away from the legal employees, but compete against us, we begin to realize there was not anyone enforcing against those companies.

And as a company, if you look at your competition and they are hiring cheap, illegal labor, that they may not have to have Workers Compensation, probably do not have health insurance, probably do not provide for a retirement benefit, maybe do not pay overtime to, maybe pay them off the books. So there is all of those competitive advantages and be able to bring people to work, work them when you need them, and simply discard them when you do not need them, more like a machine than a worker; that kind of workforce in the hands of your competition makes it very difficult to hire people who are legal to work in the United States, green card holders, American citizens, lawful residents, who have lawful presence in the United States, and pay them the wages necessary and the benefits necessary.

We for years and years provided health insurance and mostly retirement benefits and year-around work in a seasonal business so that we had high-quality employees. And we have been able to compete for now going on what must be 31 years that we have been in business, and in that period of time we have been able to keep people on year round and be able to have long-term employees, but compete against those people who have discount employees.

And we had testimony in this Congress, Mr. Speaker, to that effect and people who have lost their business because of that kind of competition makes it very difficult to hire people who are legal to work in the United States, and have been able to compete for now going on what must be 31 years that we have been in business, and in that period of time we have been able to keep people on year round and be able to have long-term employees, but compete against those people who have discount employees.

So maybe some of those people come back over and over again and keep trying. We are re-catch- ing a lot of the same people, and they try until they get there.

And I think that is the kind of thing that is happening across America.

Well, the scope of this is far bigger and far worse than I described. And so that 1 million people that turned into 3 million people that received amnesty in 1986, we know that the counterfeiters kicked into gear when the amnesty was passed and signed by President Reagan, Simpson-Mazzoli in 1986, that is why it went from 1 million to 3 million because a large percentage of that extra 2 million that was noted on there were people who came into the United States, rushed in here illegally, and then had to have counterfeit documents to demonstrate that they had already been here, like maybe a heating bill or a light bill or a telephone bill, some kind of a document showing that they had been here, maybe a paycheck or two or four or five.

Those kinds of records were generated by the counterfeit industry back then so that people that just came into the country after Simpson-Mazzoli was signed could find themselves on the path to citizenship, to receive the amnesty. And the people that worked with those paperwork very well know this, that that is what Mr. Speaker. It is something that I have not heard come out in the testimony and the discussion and the debate. The people who are for guest worker/temporary worker will do or say anything to respond to the facts at hand. That is one of the facts. And if the people who are advocating for guest worker/temporary worker are right and there are only 12 million people here, then I will submit that number at least double and probably triple before they get finished processing all of the counterfeit documents for the people who allege that they were here longer than 2 years so that they can get the path to citizenship.

Those are the circumstances we are dealing with. And the strategy of the people who are coming into the United States know that we have actually had seven amnesties since 1986. The most famous was Simpson-Mazzoli. There were six others that were listed throughout that period of time. Sometimes we missed some people with amnesty and maybe they were not adept enough to bring their counterfeit documents to the front; so we had to go ahead and pass another amnesty for this 400,000, another amnesty for these 300,000; and pretty soon we have logged seven amnesties since 1986 and including 1986, Simpson-Mazzoli.

This Congress, the Senate, is poised to pass the eighth amnesty in 20 years. And the numbers in this country have grown and grown and grown and no one really knows how many. But we have testimony from the Border Patrol, and I agree with that number, and the President made it in his speech last night, that they turned back more than 6 million illegal crossers at the border since he came into office 5¼ years ago.

The numbers that I know are numbers for 2004. The Border Patrol intercepted over 1.19 million and presumably turned back 1.159 million. They only adjudicated for deportation 1,640. That would be a fact.

For 2005 the statistical number is 1.188 million that were intercepted at the border, collared at the border, I say, and turned back. I do not know the number that actually were adjudicated for deportation.

And the numbers in this country have grown and grown and grown and no one really knows how many. But we have testimony from the Border Patrol, and I agree with that number, and the President made it in his speech last night, that they turned back more than 6 million illegal crossers at the border since he came into office 5¼ years ago.

The numbers that I know are numbers for 2004. The Border Patrol intercepted over 1.19 million and presumably turned back 1.159 million. They only adjudicated for deportation 1,640. That would be a fact. So maybe some of those people come back over and over again and keep trying. We are re-catching a lot of the same people, and they try until they get there.

But the thing I don't accept is the idea that a high percentage of them go back to Mexico, for example, because those who walk across 5 or 10 or 20 miles of Mexican desert to get to the border, who walk across 10 or 20 or 25 or even 30 miles of American desert to get to the border, they get picked up and get a ride, it is so difficult to come in and the journey is so arduous, it might require three to six
days on the ground in the desert with little water and a little bit of food and having to travel mostly at night, that kind of arduous travel into the United States isn’t going to be taken lightly, especially if they pay a coyote $1,500 to come into the States.

You can’t afford to come back and forth a lot, if that is your path into the United States. So I think a significant percentage of those who come into the United States will stay here, for those who succeed in traveling into the United States.

The numbers that are here are so astonishingly large, and the American people are so. I don’t want to say ill informed, they have not had access to empirical studies that show what would happen to the immigration numbers in America if the modern version of Simpson-Mazzoli, amnesty plus the path to citizenship that was advocated by the President last night, if that should become something that would be policy.

So I submit as I picked up the paper this morning, Mr. Speaker, and began to review some of the language that is in here, and after I had listened to the speech last night, I was aware there was a speech by Mr. Robert Rector of the Heritage Foundation, a very careful, conservative study that kept low assumptions and tried to keep low numbers so it would be credible and believable by the American people, rather than high numbers that might be somewhat suspicious. These are low, careful numbers in this study.

This study, and it is in the headlines of the Washington Times, it says the bill, and this would be the Hagel-Martinez bill from the other body, the bill would permit as many as 193 million more aliens in the next 20 years, by 2026.

Mr. Speaker, I will repeat that: the bill permits up to 193 million, that is million more aliens in the next 20 years, until 2026.

Now, this 193 million would be 60 percent of the current U.S. population over the next 20 years. According to Mr. Rector, the magnitude of changes entailed in this bill are largely unknown, but they rival the impact of the creation of Social Security or the creation of the Medicare program. Mr. Rector is a senior policy analyst at the Heritage Foundation that conducted this study.

He also backed down a little bit from that and said that is the high number. But if we go to the low number, the lower number of his prediction, he said it is more likely that about 103 million new immigrants actually would arrive in the next 20 years, 103 million.

It just so happens that the population of Mexico, Mr. Speaker, is 104 million, or it was until maybe the last couple of weeks when the population got diminished substantially again. We are taking in across that border some Central Americans, the vast majority are Mexicans, we are taking across that border 11,000 a day. That adds up to 77,000 a week, roughly a little bit smaller than the population of Sioux City, Iowa, which pours across our southern border every single week. And we don’t seem to be outraged by the magnitude of that kind of a migration, to use a nice term for it. An invasion, to use a more accurate term for it.

We saw people marching in the streets, Mr. Speaker, and particularly in the streets of Los Angeles, half a million or maybe more than that in the streets of New York, of the people that were there just got across the border illegally the night before, and they picked up the flag of another nation and joined hundreds of thousands of their former fellow countrymen and marched in the streets and demonstrated because they want to be made citizens of the United States of America. Even though they have defied our laws and they defy our majority rule, they demand that we provide for them citizenship and all of the benefits that go along with it, the welfare benefits and the vast welfare state that we have would grow dramatically if we went down that path and granted that citizenship.

But there is the image of more than half a million people with flags from their home countries, mostly Mexican flags, pouring into the streets of Los Angeles, demonstrating in the streets Los Angeles.

Then I hear from the liberals in America, Mr. Speaker, I hear them say, well, why would you be offended because someone flies a flag from their home country, they are proud of their home country?

It is true we fly Irish flags on St. Patrick’s Day. In the small town where I live of Kiron, they fly the Swedish flag on the flagpole from time to time. It is true we do celebrate our heritage from our other countries. Those are appropriate things to do in this country, provided that our allegiance is to Old Glory and to the United States of America and the flag of a foreign country is simply a flag that demonstrates heritage.

But when you fly a flag of a foreign nation like a Mexican flag above the American flag on the same flagpole, and the American flag upside down, that is not a message of celebrating your heritage if you come from that country, that provided that our allegiance is to Old Glory and to the United States of America. The upside-down American flag is a sign of distress, and in fact I think there is distress in this country if we tolerate things like that without objection, if we move on and think there is nothing wrong and stick our heads in the sand while 11,000 people every day pour across our border.

This is the magnitude of immigration, far greater than anything we have ever seen in the history of the country. And I am doing the research now, Mr. Speaker, and I expect to come back to this floor, perhaps sometimes this week, with the totals for all the numbers of legal immigration in all of the history of America.

I am willing to speculate here tonight that the total for all of the legal immigration, those that came through Ellis Island, those who came through ports such as San Francisco or Seattle, those who came to the United States in a legal fashion without violating American laws and accessed a path to citizenship, and those who have built this country with those born in the country and those born in the United States, has far outnumbered by even the lowest number that is presented by this study that is printed here in the Washington Times today, far outnumbered by the 103 million, which will be the lowest number projected under the only empirical study that we have to work with, Mr. Speaker; 103 million people in 20 years. The population of Mexico in 20 years.

This bill, Hagel-Martinez, advocates for adopting all people from Central America, including Mexico, into the United States. It is the same as the DREAM Act or any other Pan-American Canal minus the natural resources. This is moving the Rio Grande down to the Panama Canal without taking the natural resources, but moving all the people up here into the United States so that they can, yes, go to work here; yes, contribute to our economy; but also access the welfare benefits, which will cost significantly more to fund them than the amount of the economy that they generate.

Now, someone out there is thinking that is not true, because I have heard them say they in the public arena for months and months and perhaps for the last couple of years that all immigrants that come into the country, legal and illegal, grow our economy, and so therefore we can’t get along without them because they are the reason our economy is growing.

I will submit there is a difference between highly educated, technically skilled immigrants who come in here on an H-1B program, who are going to step in here and make $75,000 a year, Mr. Speaker, and someone who comes in here who is illiterate in their own language and doesn’t have a high school education.

But I submit that those Americans who are high school dropouts put more pressure on our welfare than those who have graduated from high school. High school graduates put more pressure on our welfare system than those who have some college education or college degree.

A significant majority of illegals who come into the United States are illiterate in their own language. They don’t have a high school degree. Those that do have, there are only 7 percent that have a diploma. More than that have a high school education, but at least 60 percent do not. Statistically,
there is no way to avoid the facts that people that match those demographics are going to put more pressure on the welfare roles here in the United States. The demographics of the illegal immigrants coming into the country show that there is a 45 percent out-of-wedlock childbirth. That is another guarantee for poverty.

So if you are underemployed and your children are not being born in wedlock, the pressure on this society to fund your well-being, to be able to provide the welfare benefits is tremendous.

There was a study that was done by the former Secretary of Education who laid out something that is just an empirical fact. If you want to solve the pathology of America, a solution to that is get an education, get married, stay married, get a job, keep the job. That solves most of the pathologies of America. Statistically it is an easy thing to sort out.

But if we are going to bring into this country 103 million to 193 million people, with the majority of them without a high school education, the majority of them not literate in their own language, Mr. Speaker, the burden on us is going to go up, and it is going to cost us at least $50 billion a year.

The study goes on, Mr. Speaker, and I am going to pick up where I left off, and that is the balance of this study shows that the Senate is ignoring the scope and the impact of the bill. It goes on and says the impact this bill will have over the next 20 years is monumental. It has not been thought through. That is the Hagel-Martinez bill. It says the population would grow exponentially, because the millions of new citizens would be permitted to bring along their extended families.

The bill includes escalating caps which would raise the number of immigrants allowed as more people seek to enter the estates. These escalating caps essentially go up as the number of them without a job increase. That formula that is created by the pressure on the public services and on the welfare roles, all of that aside, to me the central point is this, America is a Nation of laws. It was founded and people will say it is a Nation of immigrants. Well, every Nation is built by immigrants. I think that it is a redundant point, except we have got more richness from our immigrants here than maybe any country in the world. But we are founded on the rule of law, Mr. Speaker.

That is the principle that I wish to take. And the advocacy last night in that address from the Oval Office was an advocacy for a path to citizenship in the same way that the Senate says they do not want to have border control, Mr. Speaker. That if you simply want to have guest worker or temporary worker, if you designate anyone who wants to come to the United States as Hagel-Martinez does essentially, anyone who is not a felon, anyone who is not objectionable and does not have a record, that they would have a path to the United States. That is simply opening up our border to everybody but a few undesirables. If you do that, then you do not need to have border control, Mr. Speaker, because you have already allowed everyone into the United States who can manage to come, and they do not even have to hurry because they have their own good time, because now we will put it into statute that we are going to have an open door and a red carpet.

And that the people who lined up the right way were really wasting their time, they should have rushed to the United States, come across the border, gotten themselves a job and simply waited for amnesty number eight over the next 20 years. Last 20 years we can have 103 or 193 million people here in the United States, at a cost of at least $50 billion extra a year, an expansion of our welfare state, and one of the most significant transformations of America that this country has ever seen.

Now there are other things that matter. And it matters, culture matters, and values matter. And I think for the most part, those who are coming across from our southern border are consistent with the American culture and American values, they are Christians, for the most part they are Catholic.
They think a lot of families, even though the illegitimacy rate is high, they are tightly bonded together as families and they work together as families. Those are rich qualities. They go to church as families. And they work together as families.

The commitment to assimilation is not questioned. I would question that after seeing the streets of Los Angeles. But we need to reach out to that, and we need to promote assimilation to the people who are here legally.

But there are people who are here illegally need to go home, they need to go home and grow the country that they came from, solve the problems there. You know, Mexico seems to think it would be an insult to them, and they will say that it is, if we would build a wall from San Diego to Brownsville and seal off the border. And it would be, I am going to say, 90 percent effective if it is patrolled right.

And I have drawn up a design for a wall like that, Mr. Speaker. But Mexico says, no, we would be offended by that, in fact we do not like the idea that the National Guard would be coming down to the border, because that sends the wrong message, you are talking about the border getting militarized.

But meanwhile, Mexico pushes their young people into the United States, tells them, come here, go into the United States, enter the United States illegally, stay there, get a job, send your money back home, do not learn the language, do not assimilate into the culture, effect the policy of the United States named Juan Hernandez, who now is a high profile individual apparently here in the United States, and claims to be an American citizen, I expect he is.

But that was the Mexican policy, unload your excess young people into the United States, and go tell them, do not build an allegiance with the country who has welcomed you, but keep your allegiance with the country that you left, send your money back down there and vote in the United States, and speak up in the United States and vote on a bilingual ballot, I would add.

Also, Mr. Speaker, there is no excuse for producing multi-lingual ballots of any kind here in America. There is a requirement when you are a naturalized citizen that you demonstrate proficiency in English. And so therefore if you come into this country legally and you acquire citizenship, which is a requirement for voting in America, you will have been required to demonstrate proficiency and literacy in English.

That means then that you can go into a voting booth and vote in any voting booth in America on an English language ballot, not another language ballot. And the only other scenario by which one might be sitting in the United States and eligible to vote and not have command of the English language ballot, would be if they were born here in the United States, they had birthright citizenship, which I reject that idea, but it is our practice today, someone with birthright citizenship, and by the time they get to be 18 and register to vote, they go into the voting booth and have enough exposure to English to be able to understand a simple ballot, and so we would give someone who was born in America, an American citizen, lived in an ethnic enclave, never learned English, and give them that ballot, the voting booth so we can find a way to coddle them and be an enabler, just like an enabler for an alcoholic, hand them a bottle of booze so they do not cure themselves.

But why do not we give them an incentive then, if they are not learning English in their enclave, let them learn English when it is time to go to vote. They could take pride in that. They could assimilate into the society. They could make more money and contribute more to this society and live a richer, fuller life.

But we have a bilingual provision in the Voting Rights Act. That was wrong on its original premise. It is wrong in that that is there today. It will be wrong when it comes to the floor of this House of Representatives, Mr. Speaker. It needs to be amended. And I intend to seek to try to amend that legislation, that being another piece of this overall puzzle, Mr. Speaker.

But what I am for is, I am for building a wall from San Diego to Brownsville, 12-feet high, concrete wall, precast panels, dropped into a footing that has got a notch in it and a cut-off wall so it is hard to dig underneath, the kind of stability that it needs, something that will look like the barrier that the Israelis built to defend themselves and protect themselves from the bombers that were coming over from the West Bank.

That barrier has been 95 percent effective, even though people are determined to come across to kill people. We can do something very similar to that for less money than the Israelis are spending.

Now but the scope of the dollars that we are spending on our southern border are astonishing, Mr. Speaker. I would submit that the authorization request for the border and marine division, for ICE, for the Customs border protection division all together that will be allocated for our southern border, and this would not include significant resources and assets that come from the National Park Service and other agencies down there that have jurisdiction in the area, that request is over $6 billion for the 2,000 miles of our southwest border, over $6 billion.

Now when you divide that out, it is a little less than that, say a 2,000-mile border just for round numbers. You come back with a cost-per-mile, Mr. Speaker, of $3,181,336 per mile. $3,181,000 per mile to defend our southern border, to stop 10 percent, maybe 25 percent, probably not 33 percent of the illegal traffic.

So we have got maybe 25 percent effectiveness for a price of $6 billion. So when we quadruple that then to $24 billion to defend our southern border at 2,000 miles. Would that get 100 percent control of the border? I say not. Not without a physical barrier that is effective.

And so for $3 million a mile, $3,180,000 a mile, I wondered what would happen if we applied the free enterprise solution to this task? What would happen if we simply put out a request for proposals and offered companies that had insurance, that had professional credentials, that could bond the job, to bid a section of the border under an open, competitive, low-bid contract that met standards?

If there were companies out there that wanted to be in control of security in the border between San Diego and Tijuana, let them bid for that for an appropriate price and see if that competitive bidding will come up with some more creative ways and some more effective ways to control our border.

Me, I would be interested in, had I been back in the private sector where I spent 31 years in the construction business, all together about 35 years in the construction business, 31 years in the construction business actively owning and operating.

But I would be interested in the stretch across the desert where you did not have intense, I will say intense urban areas to deal with, that stretch across the desert, some of it does not have a marker at all.

If you go down into New Mexico, there is a concrete pylon that stands on the horizon. And you look across that horizon, you go to that one, you look at the next horizon, and you can see the next one, and the next one. As far as you can see with these high-powered big old brass transits that they had back in those days when they laid that out.

Mr. Speaker, I imagine that was about 1848 or so when they laid out the border between Mexico and the United States, horizon to horizon, concrete pylons that high, poured, set on the border.

Mr. Speaker, that is the only marker. And so when people walk across the desert they do not know where the United States is and where Mexico happens to be. I would want to bid that stretch of the desert. But I do not think they want to pay me $3 million to protect that stretch of the desert. And so for $1 million a mile, I could do quite a job. So could many American companies enter into a contract and say, I want to bid this 100 miles of border, and I will bid you X dollars per mile. And I have got insurance, I have got bonding, I will perform.

And if anybody gets across here, we will have the Border Patrol count the...
footprints of those that get across and
dock it from my contract so that there is
a penalty if I am not efficient.

Now, we do could that, and we
could control this border in a year. We
could have the contractual structures
all in place. Some of those people will
say I want to build a wall. I want to
build a wall to keep people out. And I
want to bid this accordingly.

Mr. Speaker, I drew up a little dia-
gram for a wall that I think would be
effective. And I did this, Mr. Speaker,
because I could not tell you dealing
with concepts. And so this wall that
I propose works something like this.

I would go in and build a concrete
footing, and this concrete footing
would be perhaps 2 foot every, 8 inches
down, put you a notch in there like
that, and that would be the footing.
This would be about 4 foot deep in here.
This would be about 8 inches of footing
all together.

That would be 6 inches wide in there.
And then I would put on a precast con-
crete panel that would be about 12 feet
high. It would drop down into this
notch and go up like this.

☐ 1830

Now this, Mr. Speaker, is a very rudi-
mentary drawing of the kind of con-
crete wall that I would construct, and
this kind of wall is very simple, and it
would be cheap to make. You could
trench this and you could slip-form
that with a machine. And then this
represents a 6-inch-thick wall from a
cross-section end, just like if you were
going to slice a loaf of bread and look
at it from the end. Twelve feet high, I
would put wire on top, a little con-
stantine wire on top, perhaps 4 feet of
that sticking up there, 12 feet of con-
crete sticking up out of this footing.
These could be precast panels, you
could set those in, it wouldn’t be hard
to make. You could trench this and
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that sticking up there, 12 feet of con-
crete sticking up out of this footing.
These could be precast panels, you
could set those in, it wouldn’t be hard
to make. You could trench this and
you could slip-form that with a machine.
And then this represents a 6-inch-thick wall from a
cross-section end, just like if you were
going to slice a loaf of bread and look
at it from the end. Twelve feet high, I
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September 11. And you couple that with $20 billion that is wired into Mexico every year from the wages of many of those who are illegally working here and another $10 billion that goes to the Central American countries, $30 billion of drugs wired south and $60 billion worth of drugs hauled north, and you have got a $90 billion economic problem. You have got a $90 billion drain on the gross domestic product of the United States of America, and it is a $90 billion injection into the economy of Mexico.

And people wonder why Vicente Fox doesn’t step in and do something about the meth labs that are in northern Mexico, the marijuana smuggling and the marijuana harvest that is taking place, about the thousands of pounds of drugs that pour into the United States, one report, 2 million pounds of illegal drugs in a year. Two million pounds.

And I watched down there. Mr. Speaker, as we took 18 bales of marijuana, each about 10 pounds or more, out from underneath the bed of a pick-up. Eighteen bales of marijuana smuggled into the United States. And the officers who made the interdiction said sometimes 200 pounds, and this was maybe 180 pounds, maybe as much as 200 pounds, sometimes 200 pounds is a decoy; it is simply a decoy, Mr. Speaker, and the effort to run the gauntlet with 180 to 200 pounds of marijuana would just distract the officers so that they can get by with a 2,000- or 2,600-pound load in another vehicle going through the gap that was created while they were picking up the 200-pound load. That is a lot of drugs, Mr. Speaker, and a lot of damage here in the United States of America.

And I don’t make excuses for the drug users here. There is a demand here that draws those drugs into the United States. We need to deal with that, too, Mr. Speaker. But meanwhile, we can raise the cost of the transaction; we can make it a lot harder to get those drugs across the southern border.

If we could shut off this southern border and just simply allow legal entrants into the United States at our ports of entry, if we could do that, then at least in theory, and if we could do it overnight, we could cut off 90 percent of the illegal drugs in America. That means some people will not get their drugs, some people won’t go on drugs, some people won’t go onto themselves off. Every time that happens, there is another life that has been improved, another standard of living that has been improved. Sometimes a life has been saved. Sometimes a little boy or a little girl got or don’t get a $100 billion instead of their daddy or mommy buying drugs. Sometimes that daddy or mommy gets off drugs and spends their time raising their children and loving their children and nurturing them in the fashion that God intended. Mr. Speaker, we can improve the health and welfare of 406 million people by simply enforcing one law.

And so I would submit that we need to enforce this border. We need to build a wall similar to this design that I have with a 4-foot wide footing, a 6-inch wide notch in that footing, probably have to brace it right there and right there. And then at least a 4-foot deep cutoff wall, and then drop in a 12-foot high pre-cast concrete panel, 12-foot high, 10 feet long would be my guess.

So that, as we lay those panels out, every time you set a panel you build another 10 feet of wall. We could do this for less than $500,000 a mile, a half-a-million-dollar-a-mile, for one out of every $6 that is spent protecting our border today before the increases that will be necessary for 6,000 more National Guard troops on our border. This is a capital investment that could be amortized over 40 years or more, and it doesn’t cost that every year. It is only one-sixth of budget, that is one-time expenditure and then a small maintenance fee, really small fee and fee maintenance fee by requiring fewer personnel down on the border because this would be so much more effective.

So I would submit, Mr. Speaker, we need to have enforcement first and enforcement only. If enforcement already established, and the American people will agree that the administration has made a real commitment to uphold the laws of the United States of America including our immigration laws. Seal the border, end birthright citizenship because that is another magnet: 300,000 to 350,000 babies born in America that in the practice of birthright citizenship can start the chain migration to bring their families in.

The misconception idea that somehow all family reunions have to take place north of the Rio Grande instead of south of the Rio Grande, I don’t know how that ever got started into our verbiage and accepted as an institutionalized policy of the United States of America. Seal the border, end birthright citizenship, shut off the jobs magnet. That means sanction employers, require them to use the basic pilot program, the instant-check program so that they check their employees. And I don’t mean just the perspective employees or those they have just hired, but check every employee so we can process that through and let those go who are not lawfully present and can’t work here in the United States, and pass the new IDEA bill, the new Illegal Deduction Elimination Act, IDEA, I-D-E-A, Illegal Deduction Elimination Act. That lets the IRS enforce the law.

When they do a normal audit, which they do on many of the larger companies every single year, they would run the employees’ Social Security numbers that are on the 941 form through the instant-check program on the Internet. Punch those Social Security number in, and it will go out to the Social Security Administration database and the Department of Homeland Security’s database, NCIC again, and identify if that number, that Social Security number and the other identifiers that would be entered with it would identify someone legal to work in the United States.

If an employer uses that method, then the IRS would deny the deduction of those wages. So the business expense that would be wages, say $10 an hour, would be denied. Now that is no longer an expense; that goes over into the profit column presumably, and that $10 an hour would be a $16 an hour illegal worker, and the notice goes off to the Department of Homeland Security that we have an employer here that is violating the law, and they can shut down and sanction the employer also with the fines that are appropriate for the violations that are in place.

We can shut off this jobs magnet, Mr. Speaker. And if we do that, attrition, when people make a decision to go back home, they can go back home with the skills they have learned here, they can go back home with the free education that we provided for tens of thousands of children, an educational system that can be renovated by the new blood that comes from us saying we are going to be a nation of laws, Mr. Speaker.

We must be a Nation of laws. We must defend our borders. We must defend our sovereignty, and if we do not do that, we will not have a country. The American people, Mr. Speaker, and I wish that the people over in the other body and the advocates for this thing called a guest worker or temporary worker knew that.

When you grant citizenship to someone, they are no longer a temporary worker. Citizens do not go home. We do not have temporary citizens, and we must not have 103 million to 193 million new residents here in the United States, unless the American people debate that and say that is what they want. If the American people want to open their doors to that kind of numbers of people, then they should step up and say so.

Until that, Mr. Speaker, I am going to stand on the rule of law, defending our borders, enforcing our laws, and perhaps if that enforcement can take place for 3 to 5 years, we can have then a legitimate debate on those who would be left in this country and how to deal with them in an appropriate fashion.

With that, Mr. Speaker, I thank you for your indulgence.
The Speaker pro tempore (Mr. JINDAL) directed pursuant to clause 12(a) of rule I, the Chair to declare the House in recess for approximately 10 minutes.

Accordingly, at 6 o’clock and 46 minutes p.m., the House stood in recess for approximately 10 minutes.

**RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore at 6 o’clock and 56 minutes p.m.

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**REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS**

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-466) on the resolution (H. Res. 816) waiving the requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported to the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

**REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2200, FOREST EMERGENCY RECOVERY AND RESEARCH ACT**

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-467) on the resolution (H. Res. 816) providing for consideration of the bill (H.R. 2200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders hereunto entered, was granted today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mrs. McCARTHY, for 5 minutes, today.
Mr. DeFAZIO, for 5 minutes, today.
Mr. TAYLOR, for 5 minutes, today.
Mr. FALLONE, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mr. ROSTAD, for 5 minutes, today.
Mr. BRADY of Texas, for 5 minutes, today.
Mr. OSBORNE, for 5 minutes, today.
Mr. MCHENRY, for 5 minutes, today and May 17, 18, and 19.
Mr. POYNTER, for 5 minutes, today and May 17, 18, and 19.
Mr. HUNTER, for 5 minutes, May 23.
Mr. BURTON of Indiana, for 5 minutes, today and May 17, 18, and 19.
Mr. GORMERT, for 5 minutes, today.

**ENROLLED BILL SIGNED**

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 4297. An act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

**ADJOURNMENT**

Mr. BISHOP of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o’clock and 56 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 17, 2006, at 10 a.m.

**EXECUTIVE COMMUNICATIONS, ETC.**

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

7516. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department’s “Major” final rule—Percentages for Direct and Counter-Cyclical Program Advance Payments (RIN: 0565-AH99) received May 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7517. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department’s final rule—National Forest System Land Management Planning (RIN: 0596–AC4) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7518. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration’s final rule—Bacillus Thuringiensis VIP3A Insect Control Protein and the Ge-netic Material Necessary for its Production in Cotton; Extension of a Temporary Exempted Gasoline Oxygen Content Requirement (EPA-HQ-OPP–2005–0322; FRL–7772–7) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7519. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration’s final rule—Benzonitrile, Captofel, Hexaconazole, Paraformaldehyde, Sodium dimethyldithiocarbamate, and Tetradifon; Tolerance Actions (EPA-HQ–OPP–2005–0332; FRL–8065–1) received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7520. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration’s final rule—Approval of Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Dry Cleaning Regulations (EPA–7520–F2–2006) received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


7522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration’s final rule—OMB Approvals Under the Paperwork Reduction Act; Financial Amendment (FRL–8161–7) received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration’s final rule—Technical Amendment (FRL–8161–7) received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration’s final rule—Technical Amendment (FRL–8161–7) received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration’s final rule—Regulation of Fuels and Fuel Additives: Removal of Reformulated Gasoline Oxygen Content Requirement and Determination of Compliance to Address Non-Oxygenated Reformulated Gasoline; Partial Withdrawal; Correction (EPA–7527–F1–2006) received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER:

H.R. 5387. A bill to amend title XVIII of the Social Security Act to provide for an additional two-month period in 2006 for enrollments in the Medicare Advantage plans and for the Medicare prescription drug benefit, without any late enrollment penalty for months before the end of such two-month period; to the Committee on Ways and Means, and to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Mr. NORTON, Mr. WAXMAN, Mr. SHAYA, Mr. PLATT, Mr. CANNON, Mr. BISHOP of Utah, Mr. LEACH, Mr. SIMMONS, Mr. ENGEL of Pennsylvania, Mr. MOORE of Kansas, Mr. FOLEY, Mr. LEYH of Pennsylvania, Mr. MORAN of Virginia, Mr. WYNN, Mr. OWENS, Mr. TOWNS, Mr. KIRK, Mr. BOUCHER, Mr. VAN HOLLEN, Mr. PORTER, Mrs. MILLER of Missouri, Mr. STEWART, and Mr. DIAMOND):

H.R. 5388. A bill to provide for the treatement of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. RAHALL, Mr. OWENS, Mr. CHANDLER, Mr. HOLT, Mr. DAVIS of Alabama, Mr. MOLLOHAN, Mr. BROWN of Ohio, Mr. COSTELLO, and Mr. MURTHA):

H.R. 5389. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WICKER (for himself and Mr. HOYER):

H.R. 5390. A bill to provide for the expansion and coordination of activities of the National Health Security Centers for Disease Control and Prevention with respect to research and programs on cancer.
H.R. 5384
OFFERED BY: MR. KING OF IOWA
AMENDMENT No. 1. At the end of the bill (before the short title), insert the following new section:
SEC. 753. Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the National Animal Identification Plan, including the lessons learned and the effectiveness of the pilot programs funded in fiscal year 2007, an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry, and the expected cost of implementing the National Animal Identification System.
H.R. 5384
OFFERED BY: MR. KING OF IOWA
AMENDMENT No. 2: Page 21, line 4, insert before the period at the end the following: "Provided further, That $1,000,000 of this appropriation shall not be available until the Secretary of Agriculture submits to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the National Animal Identification Plan, including the lessons learned and the effectiveness of the pilot programs funded in fiscal year 2007, an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry, and the expected cost of implementing the National Animal Identification System".
H.R. 5384
OFFERED BY: MR. KING OF IOWA
AMENDMENT No. 3: Page 5, line 15, insert after the dollar amount the following: "(before the short title), add the following new section:
SEC. 7. None of the funds appropriated or otherwise made available by this Act may be used to implement or administer the National Animal Identification System or the effectiveness of the pilot programs funded in fiscal year 2007, an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry, and the expected cost of implementing the National Animal Identification System".
H.R. 5384
OFFERED BY: MR. PAUL
AMENDMENT No. 4: At the end of the bill (before the short title), insert the following new section:
SEC. 7. None of the funds made available in this Act may be used to implement or administer the National Animal Identification System.
H.R. 5384
OFFERED BY: MR. CARTER
AMENDMENT No. 5: At the end of the bill (before the short title), add the following new section:
SEC. 7. The Secretary of Agriculture may use not more than $3,600,000 of funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) for program integrity purposes, including the data mining project.
H.R. 5384
OFFERED BY: MR. BLUMENAUER
AMENDMENT No. 6: At the end of the bill (before the short title), add the following new section:
SEC. 7. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel who make loans available under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) to processors of domestically grown sugar cane at a rate in excess of 17 cents per pound for raw cane sugar or to processors of domestically grown sugar beets at a rate in excess of 21.6 cents per pound for refined beet sugar.
H.R. 5384
OFFERED BY: MR. HEPLEY
AMENDMENT No. 7: At the end of the bill (before the short title), insert the following new section:
SEC. 7. None of the funds made available in this Act may be used for the National Animal Identification program.
H.R. 5384
OFFERED BY: MR. HEPLEY
AMENDMENT No. 8: At the end of the bill (before the short title), insert the following:
SEC. 7. Appropriations made in this Act are hereby reduced in the amount of $178,120,000.
H.R. 5384
OFFERED BY: MR. LUCAS
AMENDMENT No. 9: At the end of the bill (before the short title), add the following new section:
SEC. 7. The amounts otherwise provided by title II of this Act for "Natural Resources Conservation Service—Conservation Operations" are hereby reduced by the amount made available for National Headquarter salaries and expenses, and by increasing the amount made available for conservation technical assistance, by $30,000,000.
H.R. 5384
OFFERED BY: MR. SCHWARZ OF MICHIGAN
AMENDMENT No. 10: At the end of the bill (before the short title), insert the following new section:
SEC. 7. It is the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by section 442 of the Plant Protection Act (7 U.S.C. 7772) to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.
H.R. 5384
OFFERED BY: MS. BORDALLO OF GUAM
AMENDMENT No. 11: Page 13, line 19, after the dollar amount, insert "(increased by $1,000,000)".
Page 15, line 2, after the dollar amount, insert "(increased by $1,000,000)".
H.R. 5384
OFFERED BY: MR. CHAROT
AMENDMENT No. 12: At the end of the bill (before the short title) insert the following new section:
SEC. 7. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 303 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.
H.R. 5386
OFFERED BY: MR. HEPLEY
AMENDMENT No. 1: At the end of the bill (before the short title), insert the following new title:
TITLE VI—ADDITIONAL GENERAL PROVISIONS
SEC. 601. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1 percent.
H.R. 5386
OFFERED BY: MR. PUTNAM
AMENDMENT No. 2: At the end of the bill (before the short title), insert the following:
TITLE   ADDITIONAL GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR
Sec. 1. None of funds provided in title I may be expended by the Department of the Interior—
(1) for the conduct of offshore natural gas preleasing, leasing, and related activities placed under restriction in the President’s moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude;
(2) to conduct offshore natural gas preleasing, leasing, and related activities in the eastern Gulf of Mexico planning area for any lands located outside sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002; or
(3) to conduct natural gas preleasing, leasing, and related activities in the Mid-Atlantic and South Atlantic planning areas.
The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
O God of courage, make us brave in facing the challenges of our time. Show us how to meet each difficulty with faith and wisdom. Make us faithful in the small things that matter in order to prepare us to face greater obstacles with trust in Your power.

Guide our lawmakers in their daunting work. May they live with such honor that they will be ready to be tested in life's storms. Infuse them with an ethical courage that will make them passionate about staying on the right path.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER
The PRESIDING OFFICER (Mr. DeMINT). The majority leader is recognized.

SCHEDULE
Mr. FRIST. Mr. President, this morning following the opening remarks of the two leaders we will proceed to the consideration of a nomination to the Ninth Circuit Court. We have set aside up to 15 minutes for comments on that nomination prior to the rollcall vote. Therefore, I expect the vote to occur after 10 a.m., but it should not be too long after 10 a.m. this morning.

Following that vote, we will resume debate on the comprehensive immigration bill and the pending amendment proposed by Senator ISAKSON. This amendment was offered yesterday and had been pending from our earlier consideration of the immigration bill. It was my hope to lock in a vote to occur shortly after the judge vote of this morning, and we want to allow a few minutes for closing remarks and we want to accommodate a few minutes before that vote. I will be in discussion with the Democratic leader about that. There may be a Democratic alternative which I believe may have been just submitted. We will take a look at that and plan the vote on this accordingly. I do want to alert Members that we could expect a vote or two prior to our luncheons today.

As Senators return for the first vote of the week, they should be reminded—which both the Democratic leader and I did yesterday—that this will be a very full week, with lengthy sessions and with a number of votes. We recognize that people have a lot of schedules which compete with the votes, but our major priority must be this bill. We ask for everybody's consideration in that regard. We will be in session as long as it takes in the evening to accommodate the wishes of Senators and their desire to present amendments.

We have this week and next week prior to the next recess to complete this bill. We have a supplemental bill, a pensions bill, and the Kavanaugh nomination—all which is a heavy load which I believe can be accomplished.

I will also add, the manager of the bill yesterday—both managers, I believe—stated we want these votes to be 20-minute votes, when we are actually voting and recognize that 20 minutes is a short period of time, but it is plenty of time if people know as soon as the bell goes off that they need to start coming here pending from our earlier consideration. I have a statement—it will be brief—on immigration, but I turn to the Democratic leader if he has anything in terms of scheduling?

Mr. REID. No.

IMMIGRATION AND BORDER SECURITY
Mr. FRIST. Mr. President, last night the President of the United States addressed the Nation on the need to fix a broken immigration system, the focus of that speech last night being on securing the borders. The President was very clear on the fact that our borders have to be secure, we have to stop the hemorrhaging of people coming across the border for an immigration plan to really work. I applaud the President's leadership on this important issue, this pressing issue, especially because we are in the middle of this debate on the floor of the Senate. I support the proposal in terms of turning to the National Guard as a short-term, an interim, stopgap measure to secure our borders because anything we do does take time.

The President outlined the progress that has been made over the last 4 to 5 years on the border. Yet the problem gets worse and worse, in spite of the fact that we do have more people on the border. Our infrastructure is getting better, and we are building barriers. The fact is, as the President said last night, our borders are out of control, and we are failing the American people until we bring them back under control. Our border agents down there are stretched too far. They are over-stretched. Technology has not been fully applied to the degree that it should be. Each year we have millions of undocumented immigrants, illegal immigrants once they cross that border, who come across the southern border and indeed our other borders as well.

We catch more than we did in the past, but the numbers coming are increasing even faster than the numbers...
The overall approach deals with the diversity of this population. We know that 40 percent of these 12 million people have been here longer than 10 years. Many are fully assimilated into our society today. We know we can’t give people who have broken the law a leg up in applying for American citizenship, but they must be treated fairly, must be treated compassionately, and that is what this bill intends to do. And it may be modified in making it even a little better over the next several days.

Law breakers should not be able to cut in line, as the President mentioned last night. People in this category need to be put at the end of the line. I am confident that as we proceed with the debate, as long as we consider these amendments in a fair and open way, and we have that well underway today, we will have a comprehensive bill. Immigration is not a Republican issue, it is not a Democratic issue, it is a sensitive issue on our values as a nation. We should not have to choose between respect for history as a country of immigrants with the respect for our laws. I am confident we will be able to pass this comprehensive plan in the days to come.

The PRESIDING OFFICER (Mr. DeMINT). The minority leader is recognized.

IMMIGRATION REFORM

Mr. REID. Mr. President, yesterday morning I talked about this being the summer season, new movies—there is a blockbuster out, starting this Friday it is, “The Da Vinci Code,” with Tom Hanks. I suggested yesterday that in the third week of May, on the Senate floor, we have our blockbuster that is part 2 of immigration. We had part 1. It didn’t go very well. I suggested yesterday that in the President’s speech he was going to give, he should become a player, an actor in this part 2 of the Senate blockbuster.

Last night the President, I thought, did a commendable job in laying out what he felt was a path to solving this immigration situation.

I acknowledge the President’s statement, and I support the direction the President has taken. I want the President to continue to be a player in all of this. I remind everyone, however, that much of what the President talked about should already have been done. For example, the President talked—and rightfully so—about the fact that we don’t have enough beds. We have the so-called catch-and-release program where we find people who are here illegally and we let them go because we have no place to put them. For all of the President, there was a recommendation that we provide additional beds for the illegals, and we did. We authorized 18,000. But even though we have tried, the President and the majority have not supported our position in this regard. We only have 1,800 beds. We have to move forward and do all of that. I certainly hope that can be done.

The important thing is that we have additional Border Patrol agents. We have already called for them. In fact, our request has only been filled to 75 percent capacity. The President has said we need more beds. Let’s move on that now. The President said we need more Border Patrol agents. Let’s move on that now.

The National Guard: Yesterday, I asked the President to give us a timetable. He said within the next year. I hope we can take care of that situation so that we don’t have to have National Guardsmen there. But in this interim period, I support the National Guard being on our border.

It is important that we move forward as quickly as possible with this very important legislation. I hope in the days to come that the President will also acknowledge how wrong the Republican House approach is to this. They are still talking the same way. They haven’t backed down. They think their approach is the best, from what I have seen by a couple of speeches the chairman of the Judiciary Committee gave last week. The President needs to stay engaged. He needs to recognize how bad the House bill really is and speak to the American public about how bad it is.

Yesterday, there were some remarks on both sides on this issue which I thought were good. Here is an opportunity. We always talk about bipartisanship.

Interestingly, I was just talking to a member of the Republican staff coming into the building today. We exchanged greetings. He said on the Republican side they are just going to vote their conscience. I said that is an interesting way to legislate. That is what we all need to do. We should have been doing it more in the past. This is the week in which we need to vote our conscience. We don’t need to vote the Democratic way or the Republican way. We need to vote the American way and move this most important legislation down the road. I hope we can do that.

STEM CELLS

Mr. REID. Mr. President, let me also talk about one other important issue; that is the American people are not only counting on us to finish the immigration bill—which we need to do—but they are also counting on us to finish the stem cells bill.

Today, in the New York Times there is a letter from Nancy Reagan to Senator HATCH in which she writes:

For those who are waiting every day for scientific progress to help their loved ones, the wait for the U.S. Senate action has been very difficult and very hard to comprehend. Yes, it really has.

Last Thursday, the Republican leadership concluded the only week they
intend to devote to health care in this Congress. I was disappointed that—despite his repeated promises to allow the Senate to consider the House-passed stem cells bill—Senator Frist didn’t consider this issue important enough to bring to the floor and that partisan tactics were used to deny our efforts to bring this forward.

On May 10, prior to the conclusion of Health Week, my friend, the distinguished majority leader, Dr. Frist, stated:

The issue of stem cells is a very important issue...I am very committed to addressing that particular issue. The interest in stem cells will be debated in the future, at a time that is mutually set by the Democratic leadership with the Republican leadership.

The one-year anniversary of the date the House of Representatives passed H.R. 810, the Stem Cell Research Enhancement Act, is May 24, exactly 1 week from tomorrow.

The bill would offer hope to millions of Americans and their families. Why are we waiting so long to simply vote?

If the distinguished majority leader agreed that this is “a very important issue,” he will keep this issue moving forward and vote on it immediately and schedule a vote on the House-passed bill.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, finally, we are going to momentarily take up the issue of the circuit court judge, and proceed to the consideration of the nomination of Milan D. Smith, Jr., of California to be a U.S. circuit judge for the Ninth Circuit. That is a circuit in which Nevada is in and a big, powerful circuit. This is an exemplary judge-to-be.

Just to mention a few names, such as Wallace, Wallace is the first person who has gotten the ‘Non-qualified’ rating, but yet he is going to be brought forward, I am told. Boyle, a man who is steeped in controversy, has been reversed 165 times, has ethical problems.

Let’s go to the Milan Smiths. There are many qualified Republicans who I hope meet the standard following the Constitution and who are not controversial but are good people. Some are lawyers and some are judges elevated to a higher position. Let us move to those kinds of people, and there is no better example of that than the judge we are going to vote on in just a few minutes, Milan Smith.

I compliment the President for sending him to us.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that at noon today the Senate proceed to a vote in relation to the Isakson amendment, No. 3961, to be followed immediately by a vote in relation to the Salazar trigger amendment, which is at the desk: provided further that no second degrees be in order to either amendment prior to the votes and that all time after the judicial nomination vote and noon be equally divided in the usual form.

Mrs. BOXER. Mr. President, reserving the right to object—I shall not—Senator Feinstein and I are in favor of the distinguished nominee of the Ninth Circuit. We ask to have an additional 5 minutes for debate so that the result would be mellow and as attuned to indicate my support for the confirmation of Milan Smith to the Ninth Circuit Court of Appeals. It is a fine occasion to be able to come here and represent that we have a very competent man to become an appellate court judge.

Mr. Smith has a long and distinguished legal career in our State. The chairman of the committee pointed out some of this. After graduating from the University of Chicago Law School in 1969, Milan Smith moved to Los Angeles where he has been an important part of the legal community ever since.

Mr. Smith founded the law firm known as Smith Crane Robinson & Parker in 1972, and over the last 31 years with Smith Crane Robinson & Parker he has engaged in a wide-ranging legal practice in business and real estate law.

After reviewing his extensive record, a majority of the American Bar Association rated him “well qualified” to serve as a judge of the Ninth Circuit Court of Appeals.

He has demonstrated an impressive and enduring commitment to serving the public, from presiding over the Governing Board of the Los Angeles State Building Authority to acting as vice chairman of Ettie Lee Homes for Youth.

As many of you know, Milan Smith is the older brother of our esteemed colleague, Senator Gordon Smith. I know the Senator from Idaho was just talking to Senator Smith and saying: Isn’t it nice that California is getting a Californian.

We are having a little tussle over another judge which the Senator from Idaho believes should be an Idaho judge, and the Senators from California believe should be a California judge. So that issue has not yet to be joined, but it certainly will.

Mr. CRAIG. Mr. President, will the Senator yield only for a moment?

Mrs. FEINSTEIN. Certainly.

Mr. CRAIG. It is important to recognize that we are getting the Smith from California, and we are asking that we get a Smith from Idaho.

Mrs. FEINSTEIN. California would perhaps have two Smiths. But we will talk about that another day.

The Smiths’ maternal grandfather, Jesse Udall, was the chief justice of the Arizona Supreme Court. So Milan Smith stands poised to follow family precedent in serving on one of our Nation’s highest courts.

I congratulate him on this nomination. I urge all of my colleagues to vote
for him. I say to his younger brother, who is sitting here in the Chamber, that it is a wonderful day for both Senators Boxer and for me to be able to see you so happy. I know what it means to you and how great it is to have such a fine legal mind in your family. We offer you our congratulations as well.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this is a special day for all of us who are on the floor presently because this date has come, in my opinion, for far too long. We could have done this 4 years ago, but sometimes it takes a while for good things to happen.

We will not look back, we will look ahead.

I say to my colleague, Senator FEINSTEIN, that we are very fortunate because we worked hard to set up a system where judges can sit on a court which is working beautifully. We don’t have rancor in California over judges—we really don’t.

This nomination of Milan Smith is also an opportunity to bring everyone together. Around a fine man, sometimes who will be, I believe, a very fine judge. Why? Because Mr. Smith is highly respected by those who know him and know his work. I am confident he will discharge his responsibilities with dignity, integrity, and intelligence.

After law school, Mr. Smith joined the firm of O’Melveny & Myers and later started his own law firm where he is the managing partner. His work in the private sector has given him a wealth of experience and has earned him respect from his peers.

Mr. Smith’s career goes beyond the private practice of law. He has dedicated a significant amount of time and energy to public service, as well. In 1984, then-Governor Deukmejian appointed Mr. Smith to the governing board of the Los Angeles Service Building Authority where he served as president until 1992. Since then, he has acted as the Authority’s general counsel.

He also was appointed as a member of the California Fair Employment and Housing Commission. He joined the Fair Employment and Housing Commission in 1988 and worked for the next 3 years to protect the rights of the disadvantaged in a lot about Milan Smith. This was something he wanted to do; protect the rights of others who are less fortunate than he.

During that tenure, Mr. Smith worked with legislators to reverse a Supreme Court of California decision limiting the commission’s power to reward and collect damages for victims of discrimination. Because of Mr. Smith’s hard work, passion, and compassion, the California Legislature passed a bill restoring the commission’s ability to award damages to victims of discrimination.

When then-Governor Wilson vetoed the bill, Mr. Smith resisted in protest.

We all know a lot of fine people, but it takes guts to stand up and say: I submit my resignation. That shows courage and independence of mind. Here is Milan Smith, standing up to a Governor of the same political party. That is hard to do. I am sure it was painful. I am sure it was terrible. But he did it.

In his resignation letter, Mr. Smith said:

Despite my generally conservative political views, I’ve come to know much more of the United States’ bigotry and mean spiritedness abroad in the land. To continue to sit on the FEHC when we can do nothing to fairly compensate genuine victims of unlawful sexual discrimination, for example, would be unconscionable to me.

Again, those words are eloquent. They are courageous. They show the kind of leadership we need in a judge. We need someone who is fair, someone who truly understands the rights of all Americans, and certainly of all Californians. Mr. Smith gained my profound respect by refusing to sit quietly in the face of what he believed to be injustice. It gives me confidence that as judges sit around and discuss cases that have come before them, he will be motivated by a fierce sense of independence. He will not fear standing up and will be counted when the moment comes.

I am absolutely thrilled about this nomination. The Ninth Circuit will benefit greatly with the addition of a fine judge to its bench. I support his nomination. I had written a letter in favor of this nominee 4, maybe more, 5 years ago. This is a wonderful day for me, personally. I know Senator FEINSTEIN feels that way. My colleague feels that way, and I think most of our colleagues feel this way. It shows we can reach across party lines and come to a point where we can compromise. I am sure Mr. Smith isn’t going to do everything I want or everything that Senator Feinstein wants, but this is a wonderful choice today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, it is an honor to be here today, a special day for me, I know for my brother, and all of our family.

Let me begin my remarks by expressing to Senator FEINSTEIN and Senator BOXER my heartfelt appreciation for their kind words about my big brother. Let me also say it has been a pleasure to work with them on coming to this hour in which the Senate will vote on his confirmation.

I would be remiss if I also did not give special thanks to Senator FRIST and Senator REID, the leaders of this Senate, for their courtesy to me in making this moment possible. Also, to Senator SPECTER and Senator LEAHY, Senator HATCH who chaired the hearing for my brother, all have been his champions, as well, in this very difficult process.

Finally, most profoundly I thank President Bush for his confidence in my brother, for his courtesy to my family, and to all of his staff, specifically Harriet Miers, who have been wonderful throughout this journey. I am profoundly thankful to them.

I have been in this Senate now for a decade. There are times when I feel a certain electricity to be here. As I reflect upon my memories of service and the hundreds of votes I have cast, some stand out more than others. But those that stand out most for me are those occasions when I watch the Constitution literally in operation.

What I am talking about in a broader sense is the rule of law. The rule of law stands in great contrast to the rule of man. The rule of man has been responsible for much of the blood and carnage and horror on this Earth. But it is the rule of law, however imperfect it is, to which we are all bound and to which we are all obligated to give obedience. The rule of law—equal protection, due process—solves problems in a principled manner. Fortunately, we in America are able to take for granted in large measure but which are at the center of a good and decent society that the American people have created in this country.

Today we are watching the three articles of the Constitution in play. Article I establishes the Congress, specifically, the Senate, charged with providing advice and consent on nominations to the courts. Article II, the President has nominated Milan D. Smith, Jr., for this position on the Ninth Circuit. Article III is about the court’s responsibility in dispensing equal protection and due process of law. This is on occasions when these three branches of Government intersect in the Senate.

For me, it is a very special moment, not just because of my responsibilities as a Senator, my understanding of the Constitution, but because I am profoundly proud moment for my family.

I could speak about my brother in many contexts. My colleagues from California have done that already. I could speak of our mother, Jessica Udall Smith, who is the descendent of David King Udall, who is one of the drafters of the Arizona State Constitution. I could speak of our grandfather, Jesse Udall, who was the chief justice of the Arizona Supreme Court for many decades. I could certainly speak of the heritage we received from our father, Milan D. Smith, and his service in the Eisenhower administration, his many discussions with us about politics, and the importance of education.

What I could also speak about is Milan’s preparation. His academic credentials are sterling. I could speak about his studies at Brigham Young University, the University of Chicago Law School, and I could say many things that would make clear about him and to others his preparation for this moment in this great position.
But what I will do is share with you, the whole Senate, what I wrote about my brother in introducing him to the Judiciary Committee. I only quote a part of it:

Milan, Jr., is the eldest child of Milan Dale and Jessica Udall Smith’s ten children. I am the only child that number and Milan’s youngest brother. In my 54 years of life, Milan has been an example and force for good in our family, and, since the death of our parents, has been truly a family leader and friend to us all through times of tears and cheers.

As far back as my memory serves, I have been witness to a concourse of people who have sought him out for his wisdom and judgment, for counsel and comfort on matters great and small. These have included my parents, myself, and all of my brothers and sisters, cousins, and kinsman from far and wide, his own six children, and of course, his legions of legal clients over many decades. Without respect of persons, he has been a wise friend and a good shepherd to all.

His academic preparations and provident life speak for themselves. But, in sum, what I can say is that he is one of the wisest men I have ever known. He has an understanding heart, a heart for judgment, he is possessed of the spirit of discernment, between good and bad, right and wrong, the just and the unjust. I cannot think of a time or a court, when a man of his quality and preparations are more sorely in need than this one, at this time, our time.

Mr. President, I am honored to be here today to speak about my big brother. I urge his confirmation to the Ninth Circuit Court of Appeals.

That brings us to the point where it is my privilege to ask for the yeas and nays on behalf of Milan Dale Smith, Jr. I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is: Will the Senate adopt and consent to the nomination of Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit? On this question, the yeas and nays have been ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

CORNYN (for ISAKSON) amendment No. 3961, to prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of Federal law under the border security measures authorized unless title I and section 236 are fully completed and fully operational.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, may I remind my colleagues, as announced yesterday, that the majority leader has authorized strict enforcement of the 15-minute voting rule and 5-minute extra on and stacked votes 10 and 5. We have a great many amendments and a lot of work to do to finish this bill before Memorial Day. We are about to proceed to the amendment offered by the Senator from Georgia, Mr. ISAKSON. Senator CRAIG has asked specially for 5 minutes to talk about the President’s speech. We are not going to be able to accommodate discussions beyond the Isakson amendment, except for Senator CRAIG. After the 5 minutes, Senator ISAKSON will be recognized to make the opening argument on his amendment. We do not have a great deal of time under the order to proceed with the two votes at noon. So let us use the time as expeditiously as we can.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we returned yesterday what I think most of us believe is a historic debate in consideration of comprehensive immigration reform. This body debated immigration reform and brought forth a resolution in 1986. We did it once again in 1996. And here it is. 2006, and we are back, frustrated in some ways, angered in others, that there may be as many as 12 million illegal immigrants in our country, illegal foreign nationals who came in a relatively uncontrolled or unenforced fashion.

Last night I heard, and America heard, our President deliver what I believe was one of the most comprehensive approaches toward dealing with this issue. First and foremost, he recognized what the Congress did not recognize in 1986, nor did we recognize it in 1996. No matter how comprehensive our reform is, it will not work, unless this Nation controls and secures its borders and, therefore, devises programs that allow a reasonable number of legal immigration to come into our country on an annual basis to help us grow and help us continue to be a great immigrant Nation we are. Then the President, beyond his approach toward securing the border, talked about a variety of other aspects to be included.

Let me talk only about border security. A good number of us began to work with the White House several months ago, and our message was quite simple. We didn’t believe the Congress could fashion comprehensive immigration reform, that the politics of the day were too contentious, unless we had convinced the American people, first and foremost, that primarily our southern border would become more secure, that the flow of illegal alien coming across it on an hourly basis was stopped, and that the comprehensive bill that would then be fashioned would recognize the needs of our economy and bring workers to our economy in a reasonable fashion. The President gets it. His speech last night said it. While the work the Judiciary Committee and the Senate have done but up border control, you don’t get there overnight. You don’t invest billions of dollars and stand up a virtual wall, and a real wall in some places, in a certain area. The President, understanding that, is now engaging the four border States along our southwestern border, with the complement of the National Guard, not to enforce but to facilitate the Border Patrol, which is legally trained and depolitized to do what is necessary in the area of border enforcement.

Securing our southwestern border is critical. One AP reporter asked me last night: Isn’t this political? I said: It is not political at all. The President simply gets it. If this Senate doesn’t get it, shame on us. We can’t write a bill in any fashion, Democratic...
or Republican, that works unless our borders are secure, and the law plays against the border in allowing an orderly approach through that border on a daily and an annual basis.

Yes, our economy needs immigrant workers. We will need several hundreds of thousands a year. If we expect our economy to continue to grow as it has, to prosper. But we want them to come to work. And those who might want to stay ought to get in line and apply for citizenship and do as all other Americans have done in the past who were born in a foreign country, who came here and became an American. They assimilated. They learned our culture; they learned our history; they learned to speak English; and we accepted them with open arms. It is the vitality of our country. We have always accepted an orderly amount of the world’s humanity to become Americans. But we did it in a controlled and responsible way. That is what our President said last night. We ought to applaud him for an immediate approach to a problem while we work out the long-term approach. That debate is here today. That debate is here for the balance of the week, to build a comprehensive reform package that plays up against a secure border that our President proposed to us last night and that we should rush to help him implement for the sake of this country.

I thank the chairman of the Judiciary Committee and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, we now have 1 hour equally divided. On this side, the time is under the control of Senator ISAKSON, who has signified that there will be 5 minutes for Senator CORNYN, 5 minutes for Senator AKSANDER, 5 minutes for Senator CHAMBLISS, and we will try to find time for Senator THUNE as well. We will alternate back and forth. Time is under the control of Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. KENNEDY. Parliamentary inquiry, Mr. President: How was that time allocated? Was that morning business?

The PRESIDING OFFICER. The time of the Senator from Idaho was allocated to the Senator from Pennsylvania.

Mr. KENNEDY. I see. How much time on each side?

The PRESIDING OFFICER. The Senator from Massachusetts has 34 minutes. The Senator from Georgia has 27½ minutes.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, parliamentary inquiry: It was my understanding that the time of the distinguished Senator from Idaho was not a part of the time, but was to precede our debate, and we were supposed to equally divide the remaining time. Am I incorrect?

The time was allocated to the Senator from Pennsylvania as the bill was laid down, equally divided.

Mr. ISAKSON. So we have how many minutes?

The PRESIDING OFFICER. There is 27½ minutes.

Mr. SALAZAR. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. SALAZAR. My understanding was that under the unanimous consent agreement that had been entered into by the floor managers, the next hour would be divided equally between the Senator from Georgia in relation to his amendment, as well as the amendment that I would be offering following the Senator from Georgia.

The PRESIDING OFFICER. The time following the vote between now and 12 o’clock has already been equally divided.

Mr. KENNEDY. So we have 34 minutes.

Mr. SALAZAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I appreciate the statement of the Senator from Colorado. I thank the Senator from South Carolina, the Presiding Officer. I thank Senator SPECTER, chairman of the Judiciary Committee, for the untiring efforts he made on the bill and sense that the Senate is capable of. I thank leader HARRY REID for accommodating us and allowing us to come to the floor and have a debate. I particularly thank LINDSEY GRAHAM and JOHN MCCAIN for seeing to it that all of us who had amendments to offer had a chance to negotiate the time to do that. I especially thank my staff, in particular, Mike Quiello, for the work he has done on this issue over a long period of time.

Mr. President, to set the stage for my remarks on my amendment, let me, first of all, tell you a little bit about myself. I am a product of the legal immigration system of the United States. My grandfather came here in 1903 and went through Ellis Island. There is nobody who has greater respect for the hope and opportunity and the laws of our country than do I. I was in the construction industry, and I know the great contribution the workers made there. I am very concerned about the hospitality services and to agriculture.

Also, knowledge of the issue before us is now the most important issue domestically before the United States. When I ran for the Senate in 2003 and 2004, the most commonly asked question after Iraq was: What are we going to do about illegal immigration? In the first speech on any issue I made as a Senator, I made the statement that I thought illegal immigration was the No. 1 domestic issue in this country.

I still believe that mind has not been changed. I think neither have the minds been changed of the American people because you have seen the intensity of the interest of all Americans in border security and immigration.

My amendment is very simple. It says that before any provision of this Immigration Act could grant legal status to someone who is here illegally is passed, the Secretary of Homeland Security must certify to the President and the Congress that every provision for border security and enforcement contained in title I and section 233 of title II is in place, funded, and is operational.

There is a simple reason for that. In 1986, this Congress, under President Ronald Reagan, passed a border security and amnesty bill for the 3 million illegal aliens who were in this country. We enforced the border and granted amnesty. And 20 years later, there are 11 million to 13 million illegal aliens who have come because of the promise of this country and its opportunity but also because we have given a wink and a nod to the security of our borders.

It is time that we seal the border and secure it so that the promise of legal immigration works and illegally entering this country is not the preferred way to cross on our southern border.

I commend the President for his remarks last night. The President last night said, in order, the five important things we must do. The first thing the President said is that we must secure the border.

With this amendment, our commitment and with the President’s commitment, securing the border will take place. Then we can grant a program to those who are here illegally, with the sincere knowledge that we know no more are coming. If we grant programs and status to those who are here illegally and look the other way, the next time we bring this up in 10 or 15 years, it will not be $12 million, it will be 24 million and, worst of all, we will lose control.

Last night, the President said we are a nation of laws. And we are a nation of laws. I submit to you that when laws
are enforced, and they are enforced soundly, laws are obeyed and they are respected. We have not enforced our border and, therefore, its security is not respected.

So I call on all of our colleagues, Democrat and Republicans alike, everybody who is interested in a comprehensive reform of our immigration policy and our immigration system, to think what comes first. And what comes first is securing the border. After President Bush and the American people would be willing to work with us on programs to grant status. But in the absence of securing the border and making that commitment, we are not going to have the cooperation of the American people. We are not going to have comprehensive reform, and a growing problem in this country will grow even greater.

My last point is there may be some who say you cannot secure the border or it is going to take too long. Listen, this country put a man on the Moon in 9 years, and we responded to the terrorist attacks within 3 weeks. This country can do anything it sets its mind to do. In incremental places, we do it now. It is time we put in the additional 6,000 border security agents, put the UAVs in the air, put the ground sensors on the ground, put the prosecuting officials along the border in those jurisdictions to see to it that the law is enforced and prosecuted, and it is time that we build the barriers in those areas that are easy smuggling corridors. We must make a commitment to ourselves and the American people.

The Senator from Colorado is going to offer an amendment side by side. I read the amendment. It gives the President the authority to authorize sections 4 and 6, which are the status sections, it is in the best interest of the national security of the United States. That is well and good, but that has nothing to do with security on the border. If we don’t adopt the Isakson amendment to secure the border, we have given a wink and a nod one more time to those who would come here illegally. We will have said to our local governments, school systems, emergency rooms, and law enforcement officers that we don’t care.

Mr. President, I think we do care. I urge support for the Isakson amendment to the immigration bill. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. STRICKLAND). The Senator from Colorado?

Mr. KENNEDY. I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I call up amendment No. 3994 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. SALAZAR) proposes an amendment numbered 3994.

(Purpose: To prohibit implementation of title IV and title VI until the President determines that implementation of such titles will strengthen the national security of the United States.) At the appropriate place, insert the following:

SEC. ___ NATIONAL SECURITY DETERMINATION.

Notwithstanding any other provision of this Act, the President shall ensure that no provision of title IV or title VI of this Act, or any amendment made by either such title, is carried out until after the date on which the President determines that the implementation of such title IV and title VI, and the amendments made by either such title, will strengthen the national security of the United States.

Mr. SALAZAR. Mr. President, as we come back to the floor of the Senate today to take up this issue of national security and the national urgency on workable immigration law, I want to first say that I applaud my colleagues both on the Democratic and the Republican sides who have been working so hard to move forward with a comprehensive immigration reform package.

I also want to say thank you to the President of the United States of America for his statement last night to the Nation, in which he appealed to the best interests of America to come together and develop a comprehensive immigration reform package. I believe it is worthwhile to quote again from what the President said last night.

Tonight I want to speak directly to Members of the House and the Senate. An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be solved at all. The House has passed an immigration bill. The Senate should act by the end of this month so that we can work out the differences between the two bills and Congress can pass a comprehensive bill for me to sign into law.

Again, he said we need to work on this problem together, on all of its elements, or none of the elements will be solved.

Mr. President, amendment No. 3994 is an amendment that takes a very different approach from the Senator from Georgia, my good friend, Senator ISAKSON. As chairman of the Committee on the floor yesterday, the proponents of the Isakson amendment take the view that we ought to have all our border-strengthening and security measures in place before we address any aspect of this problem. I think that that is an effective approach.

In the past, for the last 20 years, when we have tried to approach immigration issues by only looking at one issue at a time, we have failed. We have continually thrown money at a problem to increase border security through funding. Yet our borders continue to be porous and broken, and the lawlessness that comes with that is something we see across America. I don’t believe we should let this crisis fester. I don’t believe we should continue to tolerate those being in the shadows of society, the 11 million undocumented workers in this country today. I don’t believe we in the Senate stand in the way of a comprehensive immigration reform that has extensive bipartisan support in this body.

It is very clear to all of us today that the current situation is inadequate and there is a lot of work that needs to be done. I want to move ahead on all fronts and take the comprehensive approach that has been discussed on this floor, and a comprehensive approach which the President himself has endorsed.

National security is at the heart of a workable immigration law, and we should not allow an immigration law to go into effect if it will not address the national security interests of the United States. That is at the heart of my amendment. My amendment is a very simple amendment. As the clerk read that amendment, it was very clear and straightforward, and it simply requires the President of the United States to make it clear that the national security of the United States will be strengthened by the following programs: Title IV, which includes the new guest worker program, and title VI, which includes the provisions relating to the undocumented workers who are living in the shadows of America today; and it also includes the bipartisan changes to immigration that have been forged in this body by leaders such as Senator CRAIO and Senator ENZI,农业 Guest Worker Program, and the DREAM Act, which is another bipartisan measure. Under our amendment, those provisions of the bill cannot be implemented unless and until the President of the United States finds that it is in the national interest and for national security that those provisions of the legislation be implemented.

Senator ISAKSON’s amendment, on the other hand, is designed to weaken this comprehensive approach. The approach of my friends from Georgia would focus only on border enforcement. When we look at the history of the last 20 years, approaches that have focused on border enforcement only have been approaches that have not succeeded in dealing with the issue of immigration.

I agree with President Bush that we need to address this issue in a comprehensive manner, and I urge my colleagues to support amendment No. 3994.

At the end of the day, it seems to me that those of us in this body who recognize the importance of this issue need to understand that the tool has to have three legs for us to develop comprehensive immigration reform.

First, we need to secure our borders. In the legislation we have proposed, there are multiple provisions that deal with the strengthening of our borders, including the doubling of the number of Border Patrol officers, beginning in new technology that would allow us to make sure we know who is coming and going across our borders, and a number
of other provisions that are intended to ensure that our borders become secure. The second leg of that stool is making sure that we are enforcing our immigration laws within our country. We have not done an adequate job of enforcing our immigration laws in this country. That is an admission that reality as well. Our legislation will make sure that we are enforcing our immigration laws within the interior of our country.

The third leg on that stool is to make sure we are addressing the human and economic reality of the 11 million people who currently live in an undocumented status in America today.

Sometimes when we get into these debates on the Senate floor, it is a discussion about policy, but it is also important for us never to forget why we are here, and never to forget that there are, in fact, millions of human beings who are very much affected by the current system of lawlessness on our borders.

Sadly, last year, over 300 people died trying to cross the border. In my own community, over the last several Sundays, I heard a Catholic priest talk about it is that people were dying of thirst and hunger in the deserts of Arizona and places such as Texas. I heard my colleague, my friend from Arizona, Senator John McCain, speak eloquently and passionately about this issue.

Since 1998, more than 2,000 men, women, and children have lost their lives crossing the border between Mexico and the United States. That is not what we are about in America. Anywhere else in America if we had 2,000 people dying, the people of America would be standing up and saying we must do something to correct this problem and to correct it in a way that is going to work. That is why a comprehensive solution is needed in this situation. That is why my amendment No. 3994 was proposed. It will help us move down the road to developing that comprehensive immigration reform package.

I thank the Chair, and I yield the remainder of my time to the Senator from Massachusetts.

Mr. Kennedy. Mr. President, I wonder if the Senator will yield for a question. Is it the Senator’s understanding that if we accept the Isakson amendment, we will continue to have this culture of illegality in the United States? If we accept the Isakson amendment, we will still have the hiring of employers of illegal aliens, we will be driving wages down, we will still have a whole culture of illegality, we will have people in the shadows, we will have people whose names we don’t know because we are unable to bring people out into the sunlight and understand who is actually here in terms of our national security? Does the Senator from Colorado not believe that this is really—the Senator from Colorado, as I understand it, has been a strong supporter of border security, provisions that are in the underlying bill. He has been a strong supporter to make sure that this is a key element in our total immigration strategy: a strong border and that we deal with the dangers of our border, but to understand that we are able to deal with the dangers of our border, we are going to also have to deal with enforcement in this country of employers. We are also going to have to deal with the adjustment of the status of those who are here. Is that the position of the Senator from Colorado?

Mr. President, I want to understand clearly, he is not taking a second step to anyone, is he, in having a strong border enforcement; am I right?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. Salazar. Mr. President, my friend from Massachusetts is correct. We stand firmly for the proposition that we need to absolutely secure our border and we need to address the reality of 11 million people living in the shadows of the United States today, we will have failed to achieve the national security objective.

If one thinks about what happened in the days after 9/11, our Government ought to know who is living in our society. We cannot know that when we have 11 million people living in the shadows. Those people need to be brought out of the shadows, they need to be brought into the sunlight, they need to be registered, they need to pay a fine, they need to learn English, and they need to do the rest of the things we talk about in this legislation.

The very fundamental principle of an immigration law to provide us with national security in America will be altered if we are not able to move forward with the implementation of those provisions of the law.

The proposal which my good friend from Georgia has proposed, the Isakson amendment, would essentially gut the sense of our comprehensive immigration reform bill because we would not be able to deal with that reality and we would not be able to deal with the guest worker program that the President of the United States is proposing.

Mr. Kennedy. Mr. President, if the Senator will yield further, therefore, the Senator from Colorado, with his amendment brings those here he offers a path that is going to protect our national security in the most effective way because we will gain information, we will gain knowledge, we will understand the people who are here and will know their names, will know their addresses, will know where they live, and they will be part of our society.

Secondly, I understand that he believes that without his amendment, we are still going to have this culture of illegality where we have employers hiring those who are here illegally and who are undocumented out of the shadows so we can address the national security interests.

My amendment requires the President of the United States to basically say that before the guest worker program is implemented, the President has to determine that it is in the interest of national security for us to implement those provisions; that before we move forward with the program that addresses the reality of 11 million undocumented workers of the United States shall acknowledge and make a statement that, in fact, it is in the national security interests of
the United States of America. That is why this amendment is a much better, preferred approach than the amendment which is being offered by my friend from Georgia.

Mr. KENNEDY. Mr. President, finally, I have some differences with the President but I agree with the Senator from Colorado. We support that judgment and that decision and his ability to make that judgment and decision. That is what the Senator from Colorado supports, and I do, too.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia controls 20 minutes, and the Senator from Massachusetts controls 17 minutes.

Mr. ISAKSON. Mr. President, I think the distinguished Senators Mr. SALAZAR and Mr. KENNEDY, who are both Senators and lawyers and understand smoke and mirrors. I think they understand the enforcement of the law. The Isakson amendment calls for us to enforce the laws that have been brought about because of the lack of enforcement, which is why this bill is on the floor of the Senate now.

Mr. President, I ask unanimous consent that Senators CHAMBLISS, CORNYN, ALEXANDER, DOMENICI, and SANTORUM be added as original sponsors of the Isakson amendment.

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

Mr. ISAKSON. Mr. President, I am pleased to recognize for 10 minutes the Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, there is no doubt that trying to fix our broken immigration system is a complex issue. Frankly, part of what we have been trying to do is to find solutions that thread the needle and shrink the gap between the approach of the House of Representatives, which is primarily an enforcement-only bill, and comprehensive immigration reform that I believe is supported by most of us in the Senate, including myself.

I differ with the sponsors of the bill in the Senate, and I intend to offer amendments that will, I believe, improve the maintenance of its comprehensive nature. I believe it is simply surreal to suggest that what the amendment of the Senator from Georgia does somehow retreats to the House position and is an enforcement-only approach.

Indeed, I think the Senator from Georgia has struck upon an ingenious way to thread the needle by saying, yes, we believe that border security is important; yes, we believe that we ought to be requiring the computer systems, hire and train the people, create the databases which will actually make this reform work, rather than put the cart before the horse and say, with the stroke of a pen, that 12 million people who are living out of legal status are suddenly legal; and, yes, we are going to have 325,000 new people each year come into the country, regardless of whether our economy is in a boom or a bust and possibly compete with American workers.

What the Senator from Georgia has done is say let’s put the horse in front of the cart, not the cart in front of the horse. Let’s do first things first. Let’s make sure this will actually work.

Last night the President talked about sending 6,000 National Guard troops to help the Border Patrol secure the border, recognizing that it takes time to train Border Patrol agents. We now train them at the rate of 1,500 a year, and we can’t all of a sudden secure the border because we can’t all of a sudden train enough Border Patrol agents. We can’t all of a sudden, with the wave of a magic wand, build the infrastructure that is necessary. We can’t, with the wave of a magic wand, issue the request for proposals to actually let the contractors that will allow the construction of the computer systems and the databases that will actually make this work. We can’t, with the wave of a magic wand, are we going to create a secure identification card which will allow employers to verify the eligibility of prospective employees. It is going to take a little bit of time.

But that is not the same thing as saying, as the Senator from Colorado has said, that somehow we are going with an enforcement-only approach.

I support a comprehensive immigration reform plan that is built on a foundation of border security, that says we need to have worksite verification, that we need to have a secure identification card so that employers can determine whether in fact a person is eligible to work. I believe we ought to be judging against employers who cheat. I believe we ought to have a temporary worker program, not like the proposed guest worker program in this underlying bill, and that will be the subject for future amendments.

The message we need to send the American people is that we are actually serious about making this proposed comprehensive immigration reform system work. If we adopt the amendment of the Senator from Colorado, it will send a message that we are not serious about making sure we have the infrastructure and the people and the systems and the cards in place that will actually make this comprehensive reform work.

The American people have already been burned once very badly when it comes to comprehensive immigration reform. In 1986, when President Ronald Reagan signed an amnesty, the tradeoff was to be legitimate verification and employer sanctions for employers who cheat. But the Federal Government never did what it was supposed to do by providing the means for employers to actually make that determination in a way that had some integrity. Now I believe the American people are looking at us skeptically, wondering whether we are going to try to pull the rug out from under them again.

The American people can be amazingly tolerant, they can be amazingly forgiving, but they won’t be mocked, and they will not believe us unless we build some confidence into the system by saying we are going to take care of helping to secure the border, we are going to provide the means to enforce this system, before we are going to implement a 12 million-person amnesty which will put a tremendous load on the men and women who are supposed to administer this system. Can you imagine how long it will take to make this happen? All this does is say let’s do first things first, rather than put the cart before the horse.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my friend and colleague from Michigan has a special request. We know it is not completely consistent with the subject matter at hand, but we are willing to yield time, Senator SALAZAR and I, out of courtesy, so we are not going to delay the proceedings of the Senate. This is an important matter.

I yield 4 minutes, if that is sufficient time.

The PRESIDING OFFICER. The time of the Senator from Michigan.

MEDICARE PRESCRIPTION PART-D BENEFIT

Ms. STABENOW. Mr. President, I thank my colleagues who are managing this very important bill and Senators KENNEDY and SALAZAR as well. We are engaged in an important debate right now, but there is another important debate going on around every kitchen table and in every senior citizen center right now, which is what is going to happen today after they can no longer sign up for the Medicare prescription Part D benefit.

We know that for about 3 million low-income seniors, they are going to be allowed to continue to sign up until the end of the year without penalty. But for the 3 million to 5 million seniors who are not in that category, they are not allowed to continue to sign up, and there will be a penalty between now and November when they can sign up again.

I ask unanimous consent that the Senate proceed to the immediate consideration of a bill which I will send to the desk now which extends the enrollment deadline for Medicare Part D, with the late enrollment penalty, provides the option for a one-time change of plan during 2006, and provides increased funding for State health insurance counseling and assistance programs.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I am hearing this for the first time. I must
The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. For current purposes, I do object.

Ms. STABENOW. Mr. President, if I might just continue, there are three important pieces in this bill. They are certainly not new to us. I appreciate we are in the middle of another important debate, but we have had an ongoing discussion with seniors all across America who are concerned about this issue. If not this entire bill, I ask unanimous consent to pass a bill that would at least extend the enrollment until the end of the year.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I am constrained to object again until I have had a chance to examine the specifics as to what the Senator from Michigan is offering.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. May I add that I have joined with other Senators in seeking to have an extension of the date. So I am in agreement with what I believe to be the thrust of what the Senator from Michigan seeks to accomplish. But speaking for myself, I would have to know more and examine the documents before I could refrain from objecting. And on behalf of others on this side, as the manager of the bill, it is incumbent upon me to give them an opportunity to examine what the Senator from Michigan wants to do. So I am constrained to object.

The PRESIDING OFFICER. Objection is heard. The Senator from Michigan has 1 minute remaining.

Ms. STABENOW. Mr. President, I then had to examine the documents before I could refrain from objecting. And on behalf of others on this side, as the manager of the bill, it is incumbent upon me to give them an opportunity to examine what the Senator from Michigan wants to do. So I am constrained to object.

The PRESIDING OFFICER. Objection is heard. The Senator from Michigan has 1 minute remaining.

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The PRESIDING OFFICER. Objection is heard. The Senator from Michigan has 1 minute remaining.

Mr. SPECTER. Mr. President, I again object for the reasons I said. I will be glad to have the effort of the Senator from Michigan renewed later today when I have had a chance to examine it and others have had a chance to examine it. But on this state of the record, hearing it for the first time and being surprised by it, we need time to study it and to ask others to consider it.

The PRESIDING OFFICER. Objection is heard. The Senator has 10 seconds remaining.

Ms. STABENOW. Mr. President, I appreciate the position of the Senator from Michigan, but I ask unanimous consent to pass the bill containing only the part that I believe is secure. I would like to see borders secured. I would like to see legal status for students who study here, for skilled people who help win Nobel Prizes here and improve our economy. I would like to see a comprehensive immigration bill that includes help for people legally here to learn English and learn our history and unite us as Americans. But, Senator ISAKSON, am I correct that if we pass your amendment, it is not, that we can pass a comprehensive immigration bill that includes all of these provisions I just described? The only difference is, as I understand it, that we may not adjust the legal status of those illegally here until the border is secure? Am I correct about that or am I wrong about that?

Mr. ISAKSON. The Senator is absolutely correct, and the premise is you don’t want to create an attraction for more to come until the border is secure and we know we put an end to it.

Mr. LEAHY. Mr. President, The Isakson amendment is designed to tear apart the interwoven fabric of a bill that many of us have worked so hard in a bipartisan manner to pass in the Senate.

The Isakson amendment asserts that there can be no guest worker program and no legalization path for undocumented immigrants currently in the United States until security at the borders is guaranteed. Sounds good, until you realize that comprehensive immigration reform consists of several interrelated steps, each depending on the rest in order to maximize the prospects of the overall plan to get the job done. This amendment, it is pure prescription for failure, by ripping a comprehensive plan apart. That is why this amendment has been described as a “poison pill” that would undermine the bipartisan bill before the Senate.

The Senate recently passed the Defense supplemental appropriations bill, a bill that included nearly $2 billion for border security. It seems that what principles are equal opportunity and laissez-faire. We thrive on immigration in this country. But among those principles, too, is our unity. And first among those principles—at least none is more important—is the principle of the rule of law. Millions of new citizens know that they are free to drive here across the country but not to run stop lights; that they are free to make contracts in this economy but not to break them; that they are free to own a gun under the second amendment but not to shoot someone.

We thrive on legal immigration, but we cannot tolerate illegal immigration. I would like to ask through the Chair, if I may, a question of the Senator from Georgia.

The PRESIDING OFFICER. Without objection, the Senator has 30 seconds remaining.

Mr. ALEXANDER. Through the Chair, my question to the Senator from Georgia is this: I favor a comprehensive immigration bill. I would like to see border security. I would like to see legal status for students who study here, for skilled people who help win Nobel Prizes here and improve our economy. I would like to see a comprehensive immigration bill that includes help for people legally here to learn English and learn our history and unite us as Americans. But, Senator ISAKSON, am I correct that if we pass your amendment, it is not, that we can pass a comprehensive immigration bill that includes all of these provisions I just described? The only difference is, as I understand it, that we may not adjust the legal status of those illegally here until the border is secure? Am I correct about that or am I wrong about that?

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The Senate recently passed the Defense supplemental appropriations bill, a bill that included nearly $2 billion for border security. It seems that what
Senator ISAKSON wants the Senate to do is to wait until all of those funds are expended, and then assess our security. Many of us have been fighting for years to improve border security by targeting more resources for technology on the border by adding 6,000. He made a statement last night that was stronger and displayed a stronger commitment than we have heard from him previously, and I hope he plans to follow through on his words.

The President also spoke about the need to simultaneously implement guest worker programs and a path to earned citizenship for the undocumented. This is similar to the comprehensive approach that those of us who voted for the Judiciary Committee bill, and then the Hagel-Martinez compromise, still believe is necessary to reform our broken system and to secure our borders. Do Senator ISAKSON and the supporters of his amendment believe that the President is taking the Nation in the wrong direction? I find it troubling that with such strong bipartisan support for S. 2611 in the Senate, and the leadership of the White House on the core principles of the bill, these Senators refuse to join in constructive efforts to enact comprehensive reform. From the beginning, many voices outside of the Senate have been intent on bringing down this bill.

Senator SALAZAR has offered an alternative that supports the principles of S. 2611 and that reflects the goals laid out by the President in his statement last night. I urge all Members of the Senate to vote against the Isakson amendment and for the Salazar alternative. I urge Senators to work toward comprehensive solutions that secure our borders and strengthen the Nation, not piecemeal gambits that undermine the efforts of bipartisan progress toward a Senate bill.

The PRESIDING OFFICER. The time of the Senator has expired. So 8 ½ minutes remain under the control of the Senator from Massachusetts.

Mr. ISAKSON. Mr. President, the amendment of the Senator from Georgia does nothing with regard to the National Guard. I have listened to the debate and discussion of the National Guard. Frankly, the way the President described it last night, the Guard would be very limited. They have mainly a supportive kind of proposal. I have real concerns because in my State the Guard is very busy today with the flooding we have in part of Massachusetts. But we are open, at least I am open, on this issue. This amendment has nothing to do with the National Guard.

The fact is that those of us who oppose the amendment of the Senator and support Senator SALAZAR’s amendment believe in strong border security. But we also read history. We know the record of the border. Twenty years ago, we had 40,000 people who were coming in here illegally; 10 years ago, it was 400,000. Do you know what we did? We spent $20 billion over the last 10 years, we have increased border guards there by 300 percent. Senator MURRPHY: We have doubled the numbers to 800,000 today—to 800,000.

What is the answer to that? The answer to that is we need tough border security, but we need tough law enforcement as well. If we are going to secure our borders, we need to deal with the legality or adjustment of status for those who are here, prepared to pay a penalty, work hard, play by the rules, participate in the same rights of our country, and then join the end of the line for those people waiting to come into the United States—at the end of the line, and 11 years from now be able to achieve citizenship.

The fact remains, if you only do one of the proposals—and this the President of the United States understands and spoke to very clearly. I have my differences with the President, but he is absolutely right. He understands history. He is a Border State Governor; and he knows you can’t do this by itself, only at the border. The fact is, in the bill that we support, we increased by 12,000 the border patrol. We create a virtual fence.

If the Senate from Georgia has additional national security matters that they think can be added, we are glad to consider them. But we are dealing with the recognition that you have to have a comprehensive plan. If you are going to gain control of the borders, history teaches us that. We have had hours and days of hearings about that. All you have to do is look at what has happened to the border in the last years.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. Mr. President, as has been pointed out, it is a three-legged stool, including tough law enforcement here in the United States, and a recognition of our humanity and decency and our immigration background. If people are prepared to pay a penalty, play by the rules, work in the services of this country, if they run into trouble with law enforcement, at the end of the line they can earn American citizenship. That is the way to go, and the Isakson amendment short circuits that process.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. ISAKSON. Mr. President, the Senator from Massachusetts has made the most eloquent statement in favor of this amendment I have ever heard. He put on the record exactly what we raised in title I, section 133, to secure the border. I appreciate his comments.

I am happy to yield 4 minutes to the Senator from Georgia, Mr. CHAMBLISS.

Mr. CHAMBLISS. Mr. President, I rise in strong support of the Isakson amendment and am proud to be a co-sponsor. The American people have heard Senators from both sides of the aisle and across the political spectrum come down to the floor of the Senate to talk about the 1986 Immigration Reform and Control Act and how it did not solve the problem of illegal immigration. This was the first attempt by Congress to address the issue of illegal immigration in a comprehensive way. The Immigration Reform and Control Act was the product of a number of compromises, the most being legalizing the illegal population in exchange for stronger enforcement of our immigration laws both at the border and inside the country.

However, we all know now that the 1986 legislation, which closely mirrors S. 2611, did not work and, in fact, invited further illegal immigration, resulting in the critical situation we face regarding illegal immigration today.

As the Senate considered S. 2611 we are operating under the assumption that there are around 11 million illegal immigrants who will take advantage of an amnesty. But the fact is that we simply do not know how many illegal immigrants are in the U.S. some venture to guess that there are 20 million or more.

However, once again we find that many in the Senate are willing to make the same compromise that was made in 1986: legalize an unlimited amount of illegal aliens in exchange for increasing border security, interior enforcement, and worksite enforcement.

Personally I do not agree with this approach. I do not believe that we should provide illegal immigrants with a new path to citizenship through this bill or any bill. I do not think it is the right way to address the presence of a large number of illegal immigrants.

While I do not believe in providing a new path to citizenship for illegal immigrants, the Judiciary Committee disagreed. As a result, the Senate is using some of the provisions of the 1986 act to provide a pathway to citizenship for illegal immigrants. If we are willing to travel down the same path that proved not to work before, shouldn’t we ask ourselves what didn’t work with the 1986 amnesty that will work today? What has changed?

I think one of the main problems with the 1986 amnesty bill was that it ended up being one-sided—the government adjusted the status of millions of illegal immigrants but the promise of greater border security, interior enforcement, and worksite enforcement never materialized.
That is why Senator Isakson’s amendment is so critical. It says that we cannot implement any program to grant legal status to an illegal immigrant provided in this bill until the Secretary of Homeland Security certifies in writing to the President and the Congress that all the necessary measures in this bill are complete and operational. This is a very simple amendment.

I do not see how any Senator who is serious about border security and enforcement or immigration laws can disagree with Senator Isakson’s amendment. It is that we ensure, before we take the same path we did in 1986, a path I disagree with, that we remedy one of the fatal flaws of the 1986 Immigration Reform and Control Act.

Disagreeing with this amendment sends the message to the American people that we are more eager to give illegal immigrants a path to citizenship than we are to secure our borders from illegal immigration and the smuggling of illegal drugs and weapons. I know that is not the message my constituents in Georgia want to hear.

Regardless of where Georgians stand on dealing with the current illegal population, the constant refrain I hear from folks back home is: secure the border. If we do not secure the border and have serious interior and worksite enforcement, then we have accomplished nothing. The American people demand and deserve nothing less.

I am proud to cosponsor this critical amendment, which will show the American people that providing an amnesty to millions of illegal immigrants is not more important than securing our borders. I urge my colleagues to support the Isakson amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, I listened carefully to the President’s speech today. He gets it. As he listens to the debate on the floor from both sides the aisle, more and more Republican and Democratic Senators get it. They understand it now. It isn’t just a matter of getting tough. It isn’t just a matter of enforcement. It is a matter of enforcement and a process that results in comprehensive immigration reform.

If it were just a matter of making it tough to cross our borders, you would assume we would have moved toward solving the problem. But it hasn’t happened. In the last decade, we have doubled the number of Border Patrol agents. They have spent eight times as many hours patrolling the border in that 10-year period of time, and during that same period the number of undocumented immigrants coming into the United States has doubled—despite this dramatic increase in resources. Enforcement at the border is not stopping the flow of people.

The comprehensive bill says you need to do three things. You need border enforcement. I support what the President said last night. I think sending the message to those who can get all the details, on an interim basis is a good thing to move toward enforcement. But you also need to have enforcement in the workplace so there is no magnet for these people to move into the United States. And you need to deal honestly with the 11 million or 12 million who are here and bring them out of the shadows so that we know who they are and where they are, whether they are working and whether they pose any threat to this country. It is a comprehensive approach.

Senator Isakson is stuck on the first issue—just enforce the borders and do nothing else until you have enforced the borders. But we have learned that is, in and of itself, not successful. You need an comprehensive approach—enforcement at borders, enforcement in the workplace, and a process that brings these people out of the shadows.

Senator Salazar has offered a reasonable alternative. He says leave it to the President of the United States to certify that it is in the best interest of our national security to move forward with this process. That puts a mind on the job that we need. It isn’t just a simple certification of enforcement; it looks at the whole picture. Until you look at the whole picture on immigration, we will continue to have politicians debate it back and forth, with their 30-second ads flying in both directions, and nothing happens.

This is a unique opportunity in our history to move forward with comprehensive immigration reform, something that will finally work.

Twenty years ago, when we granted amnesty, we thought it was the end of the issue. We were wrong. We have seen a dramatic increase in illegal immigration into the United States. Now, 20 years later, let us not repeat the mistake with a simpleminded, linear approach that if we just get tough on the border, everything will be fine. You have to do the whole package. The President argued for that last night.

Part of that enforcement in the workplace is a tamper-proof ID card using biometrics so we know who that employee is, where they live, what their background may be, and finally a process—a long, tough process—where those who are here undocumented can earn their way into legal status. It may take them 10 years, it may take them 12 years, but at that time, they have to learn English, they have to work, they have to pay their taxes, they have to pay any fines they owe this Government for coming into this country, and they have to show they have a demonstrated knowledge of the history and the way our Government works. They have to report every year so we know that they are keeping up with their requirements. And if they fail, we deal with them.

The President said last night that in the meantime we will reach legal status. It is not amnesty, but it is a sensible part of comprehensive immigration reform.

I urge my colleagues to support Senator Salazar and oppose Senator Isakson’s amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 4 minutes 20 seconds.

Mr. SALAZAR. Mr. President, let me reiterate that the approach which was outlined by the President, which the bipartisan coalition of Senators has been working on, is a comprehensive approach. History has shown that when we take only one aspect of immigration reform, we fail. We failed in 1986. We failed at different efforts over the last 20 years. This time, we have to get it right.

The President of the United States is right when he ultimately stated last night that we need comprehensive immigration reform. The proposed amendment by my colleague from the State of Georgia, and my good friend, essentially would take what are the 54 provisions of Title I in this piece of legislation we are currently considering, going from section 101 all the way to section 154. It essentially would say that we are only going to be about a border enforcement bill without dealing with the other aspects of the legislation which is proposed. He would leave on the side what we do to bring the 11 million people who are here out of the shadows and get them registered in a system where we can monitor them, make sure if they are criminals they are deported, make sure if they are law-abiding citizens we put them in a kind of guest worker program that will work, and his provision essentially would gut this bill.

The proposal of my good friend from Georgia is no different in most respects from what came out of the House of Representatives. It is a border-enforcement-only bill. It has been said time and time again that in order to address the issue of immigration reform, we need to do it in a comprehensive manner. We need to move with border enforcement, and our legislation does that. The President’s statement last night that we will go ahead and have the National Guard assist us in making sure we are securing our borders needs to be followed.

Second, we need to make sure we are enforcing our immigration laws within the reaches of our country. Our legislation proposes to do that.

Third, we need to deal with the reality of the bill and the elephant in the
Mr. KENNEDY. Mr. President, I will take the last minute 20 seconds.

We ought to learn from history. What we learn from history, from the studies on the border and listening to those hearings, is that just trying to build up the border and add the fence down there is not going to solve the problem. If you read from history, as has been pointed out by Republicans and Demo-
crats, if you just grant amnesty, it doesn’t solve the problem.

We have crafted a balanced program which will have strong national security, strong border protection, and also have strong enforcement in terms of employers and recognize that those individuals who are working here, playing by the rules, and paying the fines, we will have the ability to adjust their status.

You have to have the three legs of the stool. Harry Cohen teaches us that. The Isakson amendment will take two of those important legs away. It doesn’t make sense if we are interested in national security, and it doesn’t make sense if we want to have real immigration reform. The President understands it. I hope the Senate will.

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Mr. REID, is all time expired?

The PRESIDING OFFICER. Who yields time?

Mr. ISAKSON. Mr. President, I yield 1 minute 30 seconds to the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, I ask unanimous consent that my name be added as an original cosponsor of the Isakson amendment.

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

Mr. THUNE. Mr. President, I would like to speak in support of that amendment this morning.

This approach is a very sound concept. In fact, if we get to the heart of the American public’s frustration, clearly the first and most important issue to deal with is the issue of border security, and the people across this country are asking us to deal with it. Frankly, until we deal with that issue, we can’t move on to the next issue of dealing with the 12 million people who are here already. Until we give the American people the confidence that we are serious about enforcing the border, that becomes an irrelevant conversation. This is a very simple concept.

I have supported the Isakson amendment since he first introduced it. We discussed this issue several weeks ago when he had his amendment filed and pending. I am glad we will have an opportunity to vote on it. I believe it is a very sound approach. It simply says that until we do these things, we can’t do these things. The first and foremost paramount responsibility here is border security.

We need to enforce our borders. The Isakson amendment makes that abundantly clear.

Again, before we can deal with the other issues in this debate, I believe the American people expect us to have a secure border and one that is enforced and one that we are serious about in getting our illegal immigration stopped.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will take the last minute 20 seconds.

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Mr. REID, is all time expired?

The PRESIDING OFFICER (Mr. BURRI). The Senate majority still has 2% minutes.

Mr. ISAKSON. Facts are stubborn figures. Senator KENNY said we should learn from history. He served in 1986, when we passed a bill that promised border security that did not deliver, and we ended up quadrupling the number of illegal aliens in the United States.

Facts are also stubborn because every word he said about the Isakson amendment is accurate. He did not discuss a single word of the 614 pages, except to say before you grant legal status to people here illegally, we must have border security so we do not repeat the tragedy of 1986.

In Deep South Georgia, we have an old saying: If you want to get the mud out of the spring, you have to get the hog out of the water. The hog in the water in this debate is those who have been trying to obfuscate everything we are trying to say.

Simply, we want the same thing. We want comprehensive reform. That begins with what the President said last night: Border security first. The President said last night that we can do it. Ask Congress for the money. This is an authorization. I want a commitment.

If we do not commit to the people of the United States of America—our school systems that are overcrowded, our hospitals that are crowded, our courts that are challenged, our civil justice system is challenged—and see to it that we get a border that is secure so we can manage our legal immigration in the future, history will be the teacher that we had in 1986.

Facts are stubborn things. The fact is, the Isakson amendment on this comprehensive reform says what the President said last night, that securing the border first is job one. I submit to you that it is the opposite of what they want to repeat the tragedy of 1986.

I ask my colleagues to sincerely search their heart and soul for their constituents and vote in favor of this amendment. Let’s have comprehensive reform that begins with a secure border.

The PRESIDING OFFICER. All time is expired.

Mr. REID. I will use my leader time.

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

10,000TH VOTE FOR SENATOR LEVIN

Mr. REID. Mr. President, on the next vote cast, we are going to vote on the Isakson amendment, and then we will vote on the Salazar amendment. On the Salazar vote, the distinguished senior Senator from the State of Michigan, CARL LEVIN, will cast his 10,000th vote.

It is very difficult in a short period of time, or a long period of time, to convey to the American people and to this Senate the personality of CARL LEVIN. I have had the good fortune of serving in Congress now for more than two decades. Prior to that, I had the good fortune of representing the State of Nevada in other positions in government.

CARL LEVIN is a unique individual. I have never served with anyone whom I had greater respect for his ability to understand an issue.

There are so many instances. I can look back in the last time we did the Defense authorization bill. We worked very hard to get 45 Democratic Senators to have an amendment that we could agree on that we would put forward our position on the intractable war in Iraq, led by CARL LEVIN. In numerous meetings we held in my office, we came up with an amendment. He would come back each time with his handwritten notes that this needed to be changed or that needed to be changed.

To show his integrity and how people feel about him on both sides of the aisle, when we finished our difficult work, he called me within an hour and said: Would you mind if I discussed this with the President?

Of course, not. Within a few minutes, Senator WARNER was a cosponsor of that Democratic amendment. It was not a Democratic amendment, as we thought it was, it was an amendment for the Senate, and it passed overwhelmingly in the Senate.

With the Schiavo case that came before the Senate, a very difficult matter that came before the Senate, we were out of session. CARL LEVIN was in town. He worked on this, as many will recall, during the recess, and looked at it some more. CARL LEVIN was changing parts of this. Changes were agreed upon by the Senate, and when this matter went to the Eleventh Circuit, the reason they decided the way they did is because CARL LEVIN did to this matter before the Senate.

These are only two examples I came up with as I walked into the Senate. The instances are too numerous to mention, but it is not difficult to mention what a difference CARL LEVIN did make in the Senate and in our country.

Here is a man who has an exemplary family. His wife Barbara is one of the
loveliest, kindest, finest people, with one of the best smiles I have ever seen on a person I have ever known. He has three daughters.

To try to convey the kind of man he is, I was thinking about running for the Senate. I was a Member of the House of Representatives. I came to visit CARL LEVIN. One of the first things I said to him after I said hello, I said: I served in Congress with your brother, Sandy. CARL LEVIN said to me, in the most positive, affectionate way about his brother, he is my brother, but he is also my best friend.

That is CARL LEVIN, a man who was born in Detroit, MI, who has an outstanding educational background. He was a law professor. He practiced law. He now joins a distinguished group of Senators. CARL LEVIN will shortly cast his 10,000th vote. SenatorsSARBANES, LUGAR, and HATCH are in that category. Over 12,000 votes for Senators LEAF, BIDEN, and DOMENICI. Over 14,000 votes for Senators STEVENS, INOUYE, AND KENNEDY; and Senator BYRD has over 17,000 votes. One, two, three, four, five, six, seven, eight, nine, he is in the top ten. And that is the same reason that Time magazine announced that CARL LEVIN was one of the best Senators in the United States. I agree with Time magazine. Congratulations, CARL.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN, I ask unanimous consent for 2 minutes.

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

Mr. LEVIN. Mr. President, first, let me thank the Democratic leader for everything he said and for everything he does for stands for and who he is.

This is a moment I have not looked forward to in terms of responding to what I knew was forthcoming. Basically, I don’t feel 10,000 votes old. The Senate has changed a lot in the last 27 years. Some things have not changed. The trust and the affection and respect we feel for each other is still the basis of our operations. That has not changed.

This Senate is still, surely, the singular place in the world, where men and women can give their own lives and do so with respect for the rights of the minority to debate, to deliberate, and, yes, to delay, if that is important to make an issue clear.

The resilient strength of this Senate makes it almost impossible for someone to serve without sensing the majesty of this place and the special responsibility we all have as caretakers of the Senate.

In addition to my leader, I thank all the leaders of this Senate for making it what it is and keeping it what it is so be. I thank all my colleagues for all of the courtesies they have shown me over the years.

Let me thank my family for the constancy with which they have supported me and thank my staff for all the help they have provided to me. We all know we cannot function without family and staff giving us the total support.

I thank our leader for mentioning my wife Barbara and our three children. I would only add four grandchildren to that. Other than that, he did cover the waterfront so well for us, and I am grateful for that.

Finally, let me thank the people of Michigan who have honored me for all these years with their trust and what is the responsibility that we all bear to our State and to our people.

I look forward to working with each of you, my colleagues, in the future as we have in the past. And a special thanks, again, to you Senator REID for the feeling and passion with which you do your work and in speaking those words.

The PRESIDING OFFICER. The question is on the Isakson amendment No. 3961.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. And I ask for the yeas and nays of the following amendment, on the Salazar amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SALAZAR. I ask unanimous consent Senator MARTINEZ be added as a cosponsor to amendment No. 3994, which is my amendment.

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

The question is on agreeing to the amendment numbered 3961. The yeas and nays have been ordered.

The clerk will call the roll.

The PRESIDING OFFICER. Mr. McConnell.

Mr. MCCONNECeLlLl. The amendment (No. 3961) was rejected.

Mr. CONRAD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I voted to support the Isakson amendment which would have delayed the implementation of the amnesty provisions of this bill until the Secretary of Homeland Security had certified that the bill’s security measures are fully operational.

I oppose amnesty for illegal aliens—absolutely and unequivocally. Therefore, I support those measures, such as the Isakson amendment, that would prevent the amnesty provisions of this bill from taking effect.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before we proceed to the next vote, I want to acknowledge that this is a historic vote for us in Michigan because our senior Senator CARL LEVIN will be casting his 10,000th vote. We are so proud of him in Michigan. He stands for all that we believe in and serves with dignity and is respected by everyone here. I want to mention he is the 25th Senator in the history of our Senate to cast 10,000 votes.

I went back to research his very first vote. I thought this was an example of a historic moment. He cast his first vote on February 22, 1979. It was in favor of a Byrd motion to table a Stevens amendment to S. Res. 61 which was a postcloture rules change resolution. It was very profound, and he has been profound ever since.

Congratulations to Senator Levin.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I join the minority leader in congratulating our colleague, Senator LEVIN, on his 10,000th vote. His 28-year tenure has been marked by vote after vote. It represents his integrity, his character, his leadership. He cast his vote in some of the most significant consequential debates of this country.

Senator LEVIN has been that tireless advocate for our military, our military
The motion to lay on the table was agreed to.

Mr. KENNEDY. President, I believe when we return at 2:1 p.m., we will go to Senator DORGAN’s amendment, followed, hopefully, shortly thereafter by the Bingaman amendment, depending on the outcome, for the notification of the Members.

I thank all of our colleagues for their cooperation for a good morning’s debate and discussion.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m. Thereupon, at 1:02 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VINOVIICH).

COmPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

The PRESIDING OFFICER. Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield the floor.

Mr. SPECTER. While you are undertaking those last-minute preparations, would you give some consideration to a time agreement, an hour equally divided?

Mr. DORGAN. Mr. President, I will do that, but I will not do it at the moment. I want to perfect the amendment and begin discussions, see how many on this side of the country, to come in in full view. This is only one of the many
tremendous contributions to this country and for his long and distinguished service to the people of Michigan.

Mr. DURBIN. I announce that the Senate from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The Clerk will call the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent. The Senator from Mississippi (Mr. GREGG), the Senator from Mississippi and any other Senators in the Chamber de-

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The amendment is as follows:

(Purpose: To prohibit aliens who are currently outside the United States from participating in the H-2C guestworker visa program)

On page 250, between lines 13 and 14, insert the following:

‘‘(I) Eligibility for Deferred Manda-
tory Departure Status.—The alien shall es-
tablish that the alien is eligible for Deferred Mandatory Departure status under section 245c.

Mr. DORGAN. Mr. President, I have offered an amendment. I will describe very briefly what it does. It essentially strikes the guest worker provision, as it is now known. Guest worker is described in other ways—future flow, guest worker. It strikes that provision, but it does it in a way that would not interrupt the underlying bill’s decision to have those who are here for 2 to 5 years to step outside this country and step back in. It would not affect those folks, but it would prevent the guest worker provision from being operative in a way that would allow those who are now living outside of our country, who are not in this country, living outside of the country, to come in in future years under this guest worker provision.

The guest worker, future flow—all these titles that are used by the President and by people in the Senate, it is kind of like Mr. Roger’s Neighborhood. These are wonderful-sounding terms—

future flow. I didn’t know what that was until I learned or heard some of the descriptions of future flow. What that means is we are going to provide a circumstance where we try to get control of immigration but at the same time allow others who are now outside of our country to come into our country under a guest worker provision.

Let me describe the circumstances, especially on the southern border, for the moment. Last year, we believe there were 1.1 to 1.2 million people who tried to come into this country but were apprehended and stopped and prevented from coming in illegally. We also believe that about 1.1 million or so who were stopped and not allowed to come into this country illegally, there were another probably three-quarters of a million people who came illegally across the southern border.

In addition to that, about 175,000 people came in legally across the southern border—those who had children here under the quotas or other circumstances and came into our country legally. So 1.1 million were apprehended and stopped, about three-quarters of a million came illegally, and about another 175,000 came legally into this country.

We are at a time where, if you read the paper every single day, what you see is the new corporate economic strategy. In fact, Tom Friedman wrote a book, ‘‘The World Is Flat.’’ Of course, the world isn’t flat. That being a lot of books, but the world isn’t flat. The proposition of ‘‘The World Is Flat’’ is that there are now 1 billion to 1.5 billion people around the rest of the world.
willing to work for a very small amount of money, so those who want to produce products can move those jobs now to China, India, Bangladesh, Sri Lanka, and produce for a very small amount of income. So they pay pennie an hour, 30 cents an hour, 40 cents an hour to produce the product. They ship the product into the United States to sell. Then they run the income through the Cayman Islands so they don’t have to pay taxes.

Even with this strategic shipping good American jobs overseas is under- way by some of the largest corporate interests, those interests also want not only to ship those jobs overseas, they want to import cheap labor at home. That is the strategy: export good American jobs and import cheap labor. That is probably a good strategy for profits, I am guessing, but it is an awful strategy for this country. That is not the way we built this country. The broad middle class that burgeoned in this country in the last century happened because of the good jobs that paid good wages and had health care benefits and retirement and so on. That is what helped create a middle class in this country. And the presence of the middle class in this country, the middle-income workers in this country, has made this country something very unusual on the face of the Earth.

Now we see a new strategy. The world is flat, we are told. That flat world means you can get rid of American jobs, move them to China. I have told the stories forever, so I will not again, but Fruit of the Loom under- wear, you know, the underwear with the dancing grapes telling us how wonderful Fruit of the Loom is, they are gone; Levi’s, they are gone; Huffy bicy- cles, gone; the Little Red Wagon is gone; Fig Newton cookies is now Mexi- can. I could tell stories forever about exporting American jobs, but the correl- ary to that is that is not enough. Ex- porting good American jobs is not enough. Now it is importing cheap labor.

Alan Blinder—a radical economist, former Vice Chairman of the Federal Reserve Board—Alan Blinder just wrote a piece. He said there are somewhere between 42 million and 54 million American jobs that have the poten- tial to be outsourced. He said not all of those moved abroad in search of cheap wages. But, he said, even those that stay here are going to have to compete with cheaper wages, with lower wages abroad. So that is the future. That is the strategy. That is the new corporate approach—aided and abetted, I might say, by the Congress with these trade deals.

In addition to that which is threat- ening American workers, we have the back side coming in: illegal workers. Yes, they are illegal. When those come into this country, they are illegal if they don’t come through a legal proc- ess. They come in and compete with subpar wages with American workers.

Let me just ask the question for a moment: What would happen in this country if tomorrow we had no immi- gration laws at all? If we said: Look, we are the United States of America. We are a great country. We say to the rest of the world: Welcome, Come here, stay here. How. Just come on, come to America. You are welcome. There are no longer any im- migration laws at all.

What would be the result of that in a world in which one-half of the popu- lation earns less than $2 a day, in a world in which one-half of the popu- lation hasn’t even made a telephone call? What would be the result of our saying we no longer have any immigra- tion laws; we invite the rest of the world to come to this country?

It is interesting. There have been polls done in other countries: How many of you would like to immigrate to the United States? It is massive numbers of people. We would be awash in people who want to come to our country to be somewhat protective of our standard of living, somewhat protec- tive of our jobs and our interest in retaining a middle class that lives well, that has a job in order to work at a de- cent wage, has health care and retire- ment. It is not selfish for us to do that.

There are many voices speaking for immigrants. I don’t want in any way to diminish the dignity or the worth of immigrants. I come from immigrants, I assume those serving in this Chamber come from immigrant parents, grandparents or great-grand- parents.

I don’t want in any way for this de- bate to inflame or in any way diminish the dignity or the worth of immigrants. I come from immigrants, I assume those serving in this Chamber come from immigrant parents, grandparents or great-grand- parents.

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on the floor. The bill on the floor says we have 11 million to 12 million people who have come here illegally. We are not sure how many, we need to find a status for them. And it develops three different categories for them. But it also says, in addition to all of that, there are illegal immigrants living outside of our country whom we want to invite in, in the future, 325,000 a year, and over 6 years with a 20-percent escalator each year that is in this bill you are talking about the potential of 3.8 million additional people.

This piece of legislation says: By the way, let us invite another 10 million people here in 10 years.

That is the way it grows, with 325,000 and the 20-percent escalator.

Is that what we should be doing in our country? Is that the strategy that makes sense?

This country is unusual on this planet. We live here with about 6.3 billion neighbors. We circle the Sun, and in this is the result of the elimination of having developed something extraordinary in the world. I have described the time when I was on a helicopter that ran out of fuel in the mountains and jungle area between Honduras and Nicaragua. We landed under power, but the red lights were on and the bells were ringing and we were not going to fly anymore. We were stuck there for some many hours until we were found. The campesinos from the mountains came to see who had landed. We had an interpreter with us. I was asking them, through this interpreter, a little bit about their lives, what they would aspire for their lives. A young woman was there with three or four children. I said: What is it you aspire for your life?

I want to come to America. I want to move to the United States. I asked: Why?

Because that is the area of opportunity. The United States is an area of opportunity. It is jobs. It is for me and my children to have jobs in the future. We find that virtually in every part of the world. So as a result of that, we have had to have immigration laws. Twenty years ago, we had this same problem that is illegal immigration overrunning this country. It has a direct impact, as I have shown, on American workers, something not much discussed in this Chamber to a direct and a detrimental impact on American workers. That includes Hispanic workers who are here legally and have been here a long time. It diminishes their wages. But 20 years ago we had this debate.

The debate when I was serving in the House at the time was: How do you deal with immigration? The answer was simple. Senator Simpson was on the floor of the Senate, Congressman Mazzoli was in the House, and a piece of legislation passed and was signed into law, the Simpson-Mazzoli bill. There was great celebration because this was going to solve the immigration problem.

How would it solve the immigration problem and employer sanctions? The proposition was that the lure for people to come to this country is to find a job. If you shut off the jobs and you say to the employers: Don’t you dare hire illegal workers, don’t you dare bring people to this country and pay them subpar wages because they are illegal. If you do that, you are going to be hit with sanctions. This Government is going to penalize you.

Guess what. Last year, I am told there was one action in all of the United States against a company that was hiring illegal workers. The year before, there were three actions in all of the United States against employers who hired illegal workers.

This Government did nothing to deal with it, nothing.

The other day in North Dakota—they are building an energy plant—I believe it was the highway patrol who picked up seven people, illegal workers, and told the National Guard, an overstretched National Guard, to pick them up. It was the highway patrol who picked them up, they gave them a separate document, and dropped them off and said: You are now required to come to Minneapolis within the next month—they gave them a specific date—to a hearing on your case. Of course, they will never be in Minneapolis. They will never show up again. It is the process. As some call it, catch and release. You catch them, you let them go, and say: Show up later. Oh, by the way, next time they show up, they will probably be on another job site because this Government does nothing to enforce the law. Now we are told this is a three-legged stool, as if this is a furniture store. All morning I hear three-legged stool. I do not know what that means. I do not know about the three legs. All I know is that you must, it seems to me—if you are going to be dealing with immigration issues—find a way to effectively reduce illegal immigration. You have to do that. You don’t do that by turning a blind eye to the issue of employer sanctions.

Say you are an employer and want to bring in a string of illegal agricultural workers and pay them subpar wages, you are going to get in trouble. If you don’t, you are not going to solve this problem.

In the President’s address last night to the country, I didn’t hear a word about that. He is going to deploy the National Guard, an overstretched National Guard. There have been on multiple deployments, in some cases to Iraq, but no discussion about shutting off the jobs that represent the lure for illegal workers to come into this country—not a word.

It is into this that the first step to deal with the immigration issue is to enforce the prohibition on hiring illegal workers. This issue we are discussing is a big, broad issue. It has legal immigrants coming in who are not citizens but entitled to work under the H-2A program and the H-2B program. We have workers who come in on a temporary basis doing in agriculture. We already have processes by which people come into this country legally to work. What is being discussed is on top of all of that. You have a bill that comes to the floor of the Senate that says: All right. Let us take the 11 million or 12 million—whoever it is—who are here illegally and separate them into three groups. One is the group that has been here less than 2 years. They have to go back. The second is the group that has been here 2 to 5 years. They have to go back, and then they can come right back in.

Third is the group that has been here longer than 5 years, and they have the dignity of earned citizenship, as will the 2 to 5 million people under certain circumstances.

So that is what is in front of us. On top of that, as if they put a big orange-colored patch on the back of this legislation—and by the way, in addition to dealing with that and trying to get tough on employer sanctions, something I have heard before as all of my colleagues have as well, and responding to those same—in addition to all of that, we have decided there are not enough people coming into our country, so we want to allow more, up to 3.8 million more in the coming 6 years. These are people who do not now live here whom we want to take American jobs. We are told the reason for that is there will be people attempting to get across the border anyway.

Let us at least recognize they are going to be what are called future flows. That seems to be giving up on the issue of whether you have good border enforcement. You either have decent enforcement on your side or you don’t. If you have good enforcement, why on Earth would you decide that in addition to allowing 11 million or 12 million people who are here illegally to deal with their status internally in this country and decide in addition to that we have decided that, yes, we have quotas for our country. We have immigration opportunities in H-2A and H-2B and many other areas. But on top of that, we have decided we want up to 3.8 million more to come through our doors. Why is that provision in this bill?

I am told it is in this bill because that is the price the Chamber of Commerce extracted for supporting this bill. I am not sure one has many jobs of that. I am told that is the basis on which the U.S. Chamber of Commerce would support this piece of legislation. Why would they want to support another 3 million in 6 years, or far more in 10 years? Why would they want additional guest workers or future flows to come in legally on top of what is already allowed in this legislation? The answer is
simple. It goes back to the first chart I showed. It is the economic strategy and the new national world, exporting good jobs and importing cheap labor. The guest worker provisions and the future flow provisions are about import- ing cheap labor.

Yesterday I mentioned a man named Jim Fyler. Jim Fyler died because he was shot 54 times. He was shot 54 times because Jim Fyler believed strongly that people should have the right to collectively bargain and to organize. Jim Fyler could deeply about coal miners and the conditions under which coal miners were working: underground, long hours, child labor, bad wages, no benefits. Jim Fyler was one of those folks who, on behalf of collective bargaining, on behalf of forming a union of coal miners, was shot 54 times.

We have gone through all of that in a century—people losing their lives fighting, battling for the right to organize, low-balling for the right to work in a safe workplace. We have had the political fights for minimum wages, the fight to prevent polluting the air and water by companies producing products and dumping their chemicals into the water and the air. We have seen through all of these fights.

Now the American worker is told: By the way, those fights are over. In fact, you won them for a while, but now you have lost because anyone who wants to produce can pole-vault over that and move their production to China and hire someone for 33 cents an hour, work them 7 days a week, 12 to 14 hours a day, and if American workers do not like it, tough luck: The reason we did it is because you cannot compete.

By the way, for those who still have your jobs and they are not outsourced, look behind you. In the back door, we are bringing in low wage workers.

Those low wage workers will work for substantially less money than you are willing to work.

This is about low wage replacement workers, as I call them. It is not guest workers. It is not future flow. It is low wage replacement workers, 3.8 million in the coming 6 years in this bill.

My amendment does two things. One, it gets rid of this future flow guest worker. That does not mean we won’t have immigration. We will. We have many folks in the country how have already resisted the attempt to speak at greater length about these companies which have decided to avail themselves of 20-cents-an-hour labor so they can ship their product to the store shelves in Pittsburgh, Fargo, Los Angeles, and Chicago. I have almost resisted that, but I am thinking maybe I shouldn’t. Maybe I should discuss at some length the circumstances of moving those jobs overseas. Then, by the way, for those whose jobs have not moved, we have a surprise for the end.

We now have, additionally, guest workers coming in who will work at the bottom of the economic ladder and, as the professor from Harvard has said, put downward pressure on wages in this country.

All I am asking the Senate is this: Maybe we could have some discussion, even as we talk about immigration, about the impact and the effect of this Amendment that gives us workers who are here legally. Yes, those are Hispanics, African Americans, Asians, Caucasians, everyone. Many are struggling. They lose their job and get another job at lower pay. The burgeoning middle class is slimming down because the world is flat. We are, too.

That is total rubbish, of course. The so-called flat world is a rose-colored evaluation of how corporations can simply make more money by having American jobs leave our shores and go to another country. I am saying that in the long term, I don’t think that works. I don’t think that supports or creates the foundation for the sustaining of a strong, robust economy in this country that grows for everyone.

We have dangerous inequalities in this country of ours with respect to income. I have shown a couple of charts about that. We need to have some discussion about the impact on American workers with respect to these policies. That is why I have offered this amendment.

I believe the Senator from Pennsylvania wishes to speak.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I inquire of the Senator from North Dakota whether he is prepared now to enter into a time agreement. There have been no Senators on this side of the aisle who have expressed an interest in debating the issue. My reply will be relatively brief. My suggestion would be that we ought to seek to close debate—it now is 3:15—close off debate by 3:15 and move on to another amendment.

I alert colleagues on this side: we are in a position to move forward with the Kyl-Cornyn amendment, which is next in order. I do not think amendments will be offered by the Democrats, but I have made an inquiry, and they are making an effort to identify the Senators who will offer amendments and bring them to the Senate. If the Kyl-Cornyn amendment can be worked out, which is a distinct prospect, we would then move to the Senate amendment. I have alerted Senator Sessions. If he can come to the Senate in the next few minutes, that will be helpful. Then we have Senator VITTER’s two amendments. Senator VITTER talked to me shortly before noontime. If he can come to the Senate and be available, we are in a position to move forward.

The Senator from North Dakota whether he is in a position to agree to conclude debate, say, in 20 more minutes, equally divided.

Mr. DORGAN. I am not in a position to do that. Forty minutes a side is satisfactory. I have a number of Members who have asked for time to speak on amendments. We are trying to reach them.

I understand the Senator from Pennsylvania has an interest in efficiency and time, but there are a good many jobs that depend on getting these things right. This is an important amendment. I am happy to agree to 40 minutes a side.

Mr. SPECTER. I understand the position of the Senator from North Dakota. The unanimous consent that 80 minutes be divided equally between the Senator from North Dakota and myself as manager of the bill and that the debate be concluded in 80 minutes, unless time is yielded back to the handwork of the expert staff. In their form, I ask unanimous consent that there be 80 minutes for debate in relation to the Dorgan
We allow workers to obtain green cards by self-petitioning, if they qualify, and allow students with advanced degrees in science and math to stay in the United States. Title IV exempts workers with advanced degrees in science and mathematics, without a green card, and it increases the annual allotment of H-1B professional worker visas from 65,000 to 115,000, with a fluctuating cap.

Title IV is important as part of a balanced program. If we do not provide for guest workers who come legally with the needs of the American economy, then we are going to create a vacuum and a situation where illegal immigrants will come in to fill those needs. But if we calibrate the number of guest workers which can be accommodated by our economy, which are needed by our economy, then we will discourage illegal immigrants from coming in and taking jobs, finding jobs, which would otherwise be filled by the guest workers who came legally.

This title has been crafted very carefully by the Judiciary Committee. There is substantial support for it, as I understand it, on the other side of the aisle, even as there is some opposition on the other side of the aisle. But in this I think it is essential to recognize that if there are other Senators who wish to come and debate on this side of the aisle, I invite colleagues to debate and move ahead, and perhaps yield back time if that time is not to be used. I yield the floor.

Mr. DORGAN. Mr. President, I yield up to 15 minutes to the Senator from California, Mrs. BOXER.

Mrs. BOXER. Mr. President, thank you very much. I thank my colleague, Senator DORGAN, for being such a leader on this particular part of the bill which I have found extremely troubling from day one.

I note that the chairman of the Judiciary Committee said we better not take the guest worker program out because, if we do take it out, there will be more illegal immigration. Well, maybe I am wrong on this—I do not think I am—but isn’t a basic part of this bill to strengthen the border, the protections at the border? And isn’t that part of what we are trying to do so we can stop the flow of illegal immigration—and having done that, allow the 11 to 12 million who are already here, who have clean records, who are willing to step forward, who are willing to pay the fine, the chance at earned legalization?

And then there is another piece that deals with specific sectors of our economy, such as agriculture, where we know there are problems with the farmworker program. With respect to the agriculture industry, we set up a program called AgJOBS, which I credit Senator FEINSTEIN for putting it in the bill. Senators CRAIG and KENNEDY, in a bipartisan effort, have supported this for many years, along with myself and others.

So we had, I thought, a very well balanced bill until we added a guest worker program. In other words, the bill strengthened the border in one section, created a pathway for the undocumented immigrants currently in the country, and then—addressed one area, agriculture, where we know we need these workers and set up a very carefully structured program that also made adjustments for highly skilled workers such as engineers, and fixed some of the visa programs.

So I thought that was a fairly balanced bill. Then what happened is, anew issue was raised: What really opened guest worker program which, in my opinion, will result in a permanent underclass of workers coming into our country.

What disturbs me is what the provision does to the American workforce. You hear: Oh, these are people who will do work that Americans won’t do. Now, I would say that is a good argument when it comes to agriculture. But we have taken care of agriculture in the comprehensive bill. Most of them do not like what is in the House bill, where if you lean over to help someone who may be having a heart attack on the ground in front of you and that person is undocumented, according to the House, you could go to jail. The American people do not like that.

But the American people also know we have not raised the minimum wage in almost 10 long years—which, by the way, I think we ought to darn well do on this bill—and that if you create another, virtually open-ended guest worker program, you are going to hurt the American people at the end of the day.

So you hear the colleagues on the other side saying: Oh, No. 1, if you don’t have this additional guest worker program, then people will sneak across the border. No. We are strengthening the border. That is one of the underlying principles of the bill. So that is not accurate.

Now they say: Oh, if you don’t do this, we will have jobs that are not filled. Now, what kind of jobs would guest workers do? Remember, we have already taken care of agriculture, so these guest workers are not for agricultural jobs. There are also separate provisions for the most highly educated immigrants, the various visa programs. So what would these jobs be?

Here are some examples: construction, food preparation, manufacturing, and transportation jobs. Now, these are
fields where the vast majority of jobs are held by U.S. citizens and by legal workers. So it is incorrect to claim that the guest worker program, which has been kind of added on to what I think is a good bill, is targeted at jobs Americans will not do. These jobs are good jobs, but it is nothing new.

Now, according to the Bureau of Labor Statistics, in 2004, there were 6.3 million workers employed in the U.S. construction sector, at an average wage of $19.21 an hour or $37,980 a year. Now, I want to tell you, with my working people in California, they are fighting hard for these jobs. They want more of these jobs, not fewer of these jobs. The last thing they want is a guest worker program that is going to provide a big pool of workers who may make far less than this amount and take jobs away from my people. I support the underlying bill except for this provision. I think this guest worker provision throws the whole thing away.

For the bottom quarter of Americans, who are making an average wage of about $7 an hour, construction work is a dream job. They pray for those jobs. They stand in line for those jobs. I've done the same thing. Can the Dorgan amendment not succeed? We are going to take those jobs away because an employer is going to say: Gee, should I hire an $18-an-hour American worker or, let's see, a foreign worker in a guest worker program who I could pay less? You know what is going to happen.

Now, I think the real reason for a guest worker program is not what we hear about, oh, well, otherwise there will be more people sneaking across the border, or we are short all these workers and we don't have workers for construction jobs, transportation jobs, food preparation jobs, manufacturing jobs, and the like, but it is really to set up a permanent cheap labor force. That is why the AgJOBS program, which is tailored to agriculture in a way that makes sense, and all those visa programs that address high skilled jobs? All that makes sense.

I commend the committee for giving us a chance craft such a bill. I would be proud to have as my legacy such a bill. But if we can remove this, what I have called this guest worker add-on, if we can remove this, I think we will have a far stronger bill.

I commend my friend, Senator Dorgan. He is—I wanted to say he is dogged, and he is. He is dogged on behalf of working people. And I think he got this right. I am very glad he has offered us this chance to improve this bill by pulling out the guest worker program.

With that, Mr. President, I yield back the floor. The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I yield back the floor. The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I would like a brief few minutes.

Mr. MCCAIN. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Pennsylvania has 35 minutes. The Senator from North Dakota has 27½ minutes.

Mr. SESSIONS. Mr. President, I would just ask for 5 minutes in support of Senator Dorgan's amendment.

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

Mr. SPECTER. I ask the Senator, are you for or against the amendment?

Mr. SESSIONS. I am for it. I know Senator Dorgan's time is limited. I would ask for maybe 3 minutes.

Mr. DORGAN. I will yield the Senator 5 minutes.
We need to completely redo it. I believe that; I really do. I urge my colleagues to think seriously about this, what we are voting for. I know the motive and I know the desire to do the right thing. We are a nation of immigrants, we are going to allow immigration in the future to continue. When we do, we will increase legal immigration into this country, and I will support that. But the rate of increase provided for in this provision is unjustifiable and, therefore, I support the Dorgan amendment.

I yield back the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 10 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I begin by thanking the Senator from Pennsylvania for his continued leadership and incredible effort on this issue. He has invested thousands of hours, and I continue to appreciate the great job he is doing.

I also congratulate the President of the United States for his remarks last night. It is pretty obvious that his remarks were well received. He gave an outstanding depiction not only of the situation in the United States but the need for us to act. As he said near the end of his remarks:

Tonight I want to speak directly to Members of the House and Senate. An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together or none of them will be solved at all.

The President’s comments are exactly right:

All elements of this problem must be addressed together or none of them will be solved at all.

He went on to say:

The Senate has passed an immigration bill. The Senate should act by the end of the month so we can work out the differences.

The Senator from North Dakota, my friend, keeps talking about how the 1986 amnesty didn’t work. It obviously didn’t work because there wasn’t a guest worker program, which is exactly what the Senator from North Dakota is trying to repeat with the bill which the Senate no longer wants to talk about.

There is a demand for workers in this country. Today, fruit is rotting on the vine and lettuce is dying in the fields because farmers can’t find workers to harvest the crops.

Why do we need a viable guest worker program? So that we can stop the flood of illegals coming across our borders, so we can make the present incentive that brings people to cross our borders illegally come to a halt. How do we do that? Our proposal says if an employer advertises a job for 60 days over the Internet, in a broad variety of places, and no one comes forward to take that job, then a willing worker and a willing employer can join together in a contract that that person can come and work and fill that job that it has already been proven an average American won’t take. If that person continues to work in the United States, he is allowed to remain in the United States under our proposal.

An equally important aspect is that those who are now south of our border or anywhere else in the world will recognize that even if they cross our border illegally and are able to do so, there will be no job for them because the person who has entered into that contract has a tamper-proof biometric document that will be recognized as a valid document in order for someone to obtain employment.

So if someone does cross our border illegally, gets a job—one, he shouldn’t be here. But it has cost him a substantial amount of money to get across, and two, if an employer hires that individual, then, of course, that employer should be prosecuted to the full extent of the law.

It is not an exact parallel, but let me remind one more fact. About 15 years ago we declared a war on drugs. All of us, we were going to stop the flow of drugs from coming across our border and destroying America. Any objective observer will tell you that our progress has been limited, if at all successful.

Why? Because there is still a demand for drugs, and they are coming across our borders. People are using them, and there is still a demand.

There is a demand for workers in this country. As long as we have a system that brings people to cross our borders, both northern and southern—we seem to concentrate so much of our attention on the southern border, but they are coming across both borders—to feed themselves and their families which they can’t do where they are. I would be glad to discuss the failure of the Mexican Government to enforce their border, including their northern border, the need for us to work more cooperatively, the corruption issues that are associated with the issue of people coming across our border. But I predict, even if we had the best cooperation from the Mexican Government, people who can’t feed themselves and their families where they are would still try to come to this country to get jobs. And if you can prove that there are jobs that no American will take, why not have a process, a system where someone can come and take it and work?

There are very few of my colleagues who would deny that the overwhelming majority of people who come to this country are honest, God-fearing, hard-working people, some of whom, by the way, have died in the desert in an effort to come, a larger number every year in the Arizona desert. Their only desire is to better themselves and provide better lives for themselves and their families. They may do all kinds of other benefits associated with this, as well.

One of the reasons why workers come to this country today and stay is because it is so difficult to move back and forth to the families and the homes they came from. If they have a tamper-proof visa, then, for their course, on their vacations or even at the completion of their work, they would feel comfortable in returning to the place where they came from. But now, with the difficulty of crossing back and forth across the border, more and more of them remain here, and sometimes there is a criminal element.

Let me make another point. With illegal immigration, with transportation of people across the border who are coming across illegally, terrible things are happening. We have the coyotes who mistreat them, the coyotes who sometimes hold them captive and demand more and more money. There are shootouts on our freeways in Arizona. No State in America understands how terrible this issue is more than the citizens of my State because over half of the people crossing the border illegally are coming across the Arizona Sonora Desert. It is terrible what is going on. The exploitation and the mis-treatment of these people who are honest, who are God’s children, is terrible. If we could have a viable guest worker program, one that we could enforce, then you would lose this incredible attraction that draws people illegally into our country and, of course, all of the associated bad aspects of it that the citizens of my State of Arizona are so intimately familiar with.

Of course, it frustrates citizens. Of course, it frustrates the Governor of my State to have so many hundreds of millions of dollars in uncompensated health care costs, to have law enforcement requirements and expenses go up, to have all of the problems associated with illegal immigration. But to say somehow that we are not going to satisfy what is clearly, primarily economic immigration—by the way, the Border Patrol statistics say 99 percent of those attempting to cross our Nation’s border illegally are “economic immigrants”—then we are going to be faced with a problem. No wall, no barrier, no sensor, no barbed wire will ever stop people from trying to do what is a basic yearning of human beings all over the world, and that is to have better lives for themselves and their families.

I hope and believe we will reject the Dorgan amendment. As the Senator from Alabama said, he wants to go back and start over. There are a number of us who have invested years in this issue.

I thank my colleague from Massachusetts for his continued leadership.
By the way, all of us are very grateful that he survived a very serious aircraft emergency recently. We are glad that he is well and with us.

I hope we will reject the amendment. I hope we will then move on to other amendments. Within a relatively short period of time resolve most of the controversial aspects of this legislation.

Finally, I thank the President of the United States for what was greeted, as we know from the nightly polls, very favorably by the American people, his support of a comprehensive resolution of this terrible issue that afflicts our Nation, that of illegal immigration.

I yield the floor.

Mr. KENNEDY. Would the Senator be willing to yield 10 minutes?

Mr. SPECTER. Mr. President, I am delighted to yield 10 minutes to the Senator from Massachusetts. But before doing so, I urge other Senators to come to the floor to offer amendments. It is thought that if we focus on the guest worker provisions, we can finish them up this afternoon. Senator KYL and Senator CORNYN actually have precedence, but if they would be willing to yield to other Senators on guest worker, I think we would finish this entire category. And perhaps we can find a way to work out KYl-Cornyn in the interim. We will be looking for an amendment from Senator BINGMAN who wants to reduce the number of guest worker permits. We have an amendment by Senator OBAMA which is on a related issue, I am told, on labor protections. And we have an amendment by Senator FEINSTEIN on having some sunset provisions. Then it is hoped we can get agreement on Senator KERRY’s amendment and be able to accept that. If we could finish this grouping, we would be well on our way.

So if those Senators can come to the floor, we can work out time agreements in an expedient manner. Meanwhile, Senator KENNEDY has requested 10 minutes.

Mr. KENNEDY. Mr. President, I thank the Senator from Pennsylvania. I want to thank my friend and colleague and the principal sponsor of the major comprehensive legislation.

In addition, I ask the Senator from Arizona, is it not true that you have the advertising for a worker in the United States where there is not an Amendment A, a willing worker who comes from outside of the country, that they have some important labor protections—protections with regard to the minimum wage, with regard to Davis-Bacon, with regard to service contracts, protections against exploitation of contractors, which were the source of great abuses at the time we had the Bracero issue and question. Is it not true that we have some protections for those individuals and, therefore, the idea that there is going to be a continuation of the exploitation of these workers working in a substandard way is fundamentally addressed? And is it also not true we have some 2,000 inspectors that are included in the underlying legislation that are going to be charged with the enforcement of this provision, which we have never had?

I listened to so many people talk about our existing Bracero Program. Part of that provision was to have employer enforcement, and it didn’t take place—not under Republicans or Democrats. But we have addressed that issue in the McCain-Kennedy proposal. We have 2,000 inspectors whose responsibility is going to be in terms of the adequate enforcement of the labor protections. Is it also not true—it is true—that we have had important economists who have been before our Judiciary Committee who say that this will have an important, positive impact in terms of wages, working conditions, and treatment of American workers?

I know there are several items that are included in this question, but I want to make sure that we include and build on what was the excellent presentation of the Senator from Arizona. We have talked about having a comprehensive approach. We hoped to have a comprehensive approach earlier this morning, and we have a comprehensive approach. The Senator from Arizona has said and is so obvious—that is, if you are going to have the demand in this country and desperate people in the others, it makes a good deal more sense to try to develop a legal procedure which can be controlled, rather than think that we are going to be able to build fences high enough, long enough, along the 1,800-mile border and prohibit tunnels deep enough to keep people out.

Mr. MCCAIN. Mr. President, in response to my friend from Massachusetts, the Kennedy-McCain bill was a subject of long negotiations. And for more than a year, many of these issues were discussed with us and others. We felt that one of the most important aspects of this legislation was the protection of workers. One of the reasons why illegal immigration is so evil—one aspect you don’t hear so much about is the terrible treatment and exploitation by cruel people of innocent people. A year ago last August, I believe, a police officer in Phoenix opened the door of a horse trailer and 73 people were packed inside, and one was a 4-month-old child.

Often the Senator from Massachusetts and I have discussed what it is like to die in the desert. Every year, every summer more people die. They are not coming—99 percent of them, according to the Border Patrol—to do evil things but to work. Why are there jobs? Because there are jobs that Americans will not fill.

My response to the Senator from Massachusetts is that no one should be under the misunderstanding that this is another Bracero Program. The Bracero Program died because of the abuses associated with it. This gives them a status not of citizenship but of equal protection under the law. Any human being who resides in the United States should not be subject to exploitation and cruelty. That is the nature of America. We can’t say in America that only citizens have the protections of our laws. We say anyone who comes to this country who wants to reduce the number of people in this country who wants to reduce the number of people here looking for a job, and we could focus our effort and attention on the drug dealers who are now corrupting America’s youth. I thank the Senator and, again, I hope my colleagues realize the implications of this vote because if we take it out, then we come in the view of most experts that I know—the rest of the reforms would not be either applicable or enforceable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am going to make a few comments briefly.
Mr. SPECTER. Fair enough. My information was incorrect then. By way of brief rebuttal on the question of impact of guest workers upon the American workers, I ask unanimous consent that the testimony of Dan Siciliano, from the Stanford Law School, be printed in the RECORD at the conclusion of my comments.

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

(See Exhibit 1.)

Mr. SPECTER. The key statement of Mr. Siciliano is:

Some claim that immigration reduces employment levels and wages among native-born workers. This is generally not true.

The text of his statement amplifies on that. I ask unanimous consent that the statement of Professor Harry Holzer from Georgetown University be printed in the RECORD at the conclusion of my comments.

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

(See Exhibit 2.)

Mr. SPECTER. The essence is a statement that:

There seems little doubt, then, that any negative effects of immigration on earnings are modest in magnitude and mostly short-term in nature.

I ask unanimous consent that the statement of Professor Richard Freeman, of Harvard University, be printed in the RECORD at the conclusion of my statement.

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

(See Exhibit 3.)

Mr. SPECTER. His conclusion was:

The gains to native complements exceed the losses to native substitutes, so that immigration—like trade and capital flows—are a net boon for the economy.

The Senator from California had made the argument that American employees are disadvantaged by cheaper costs from immigrant employees, and that is not so under the express terms of the statute.

The bill, S. 2611, does protect U.S. workers and eliminates incentives for employers to hire foreign workers, unless no U.S. worker is available. The bill provides that employers must at least pay the higher of the actual wage paid to other employees with the same skill so that immigrant workers are paid at least the prevailing wage for that job. Employers must provide the same working conditions and benefits that are normal to similar jobs, and employers must provide insurance if State workers’ compensation doesn’t cover all the workers. So that under the pending legislation, an employer has the same cost to hire a foreign worker as a U.S. worker.

How much weight do you put on my side? The PRESIDING OFFICER. Eleven minutes.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. SPECTER. The essence is a statement that:

The gains to native complements exceed the losses to native substitutes, so that immigration—like trade and capital flows—are a net boon for the economy.

I ask unanimous consent that the statement of Professor Richard Freeman, of Harvard University, be printed in the RECORD at the conclusion of my statement.

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

Other countries, industrial countries, have required training programs. They pay—what is it?—in European countries a percent and a half, other countries, so that they have retraining programs. Do we not have, continuing training programs which we do not have.

Mr. SPECTER. How are we going to adjust? What is your sense about how we are going to—we have seen a significant—actually, we are getting the skills, but where people that are going into these high skill jobs, but how are we going to get Americans up to speed so that those Nobel laureates are going to be the sons of native workers rather than foreign workers? What can you comment on that?

Mr. SICILIANO. I think there are two issues. One issue is to know, the temporary program with the continued diversion of monies into special training programs is a good start, so we need the talent in the first place. We need that high-skill talent to maintain our competitive edge, which gives us some runway into which to develop and train native talent. It cannot happen overnight. So the question is, within the next 20 years we can get these people up to speed over the next 20 years we still get the world’s absolute best and brightest, lure them to our best universities, have them pay for that education, make money off the United States, and then they stay here and then have children.

Mr. SPECTER. Do you direct that money and you direct it into targeted training, and that is a bigger issue, I think, to entice U.S.-born workers into the difficult and long-term training that will prepare them for a modern, very knowledge-based economy. But the start is to make sure we keep the industries here because we lure the right talent here, and then we do something over the next 20 years so that the 5-year-olds right now do end up getting the double Ph.D., electrical engineering and applied physics, and go on to win the Nobel Prize. But you are talking about the 5-year-olds, not the 25-year-olds. We need the 25-year-old to get an H-1B, have their own Government pay to go to Stanford University, get that Ph.D. there, and then work at Google, stay here. Good deal for us.

Senator Feinstein. Let me mention another point. I happen to believe that the weakest part of the bills that I have supported is the guest worker program. From a California perspective, it is impossible to say how many workers do not stay in this country at the end of six years by renewing your guest worker permit, but at the end of six years you have to go home. The experience we have had is that many people do not go home. Therefore, it seems to me that the H-2A program, where you bring someone for a limited period of time, has a much better opportunity to work because they do go back and forth across the border.

What do you believe is the optimum amount of time that individual will come as a guest worker and then simply go home at the end of that period of time?

Mr. SICILIANO. Senator Feinstein, I think one should consider the amount of time that an employer may utilize a guest worker, it alters their behavior in terms of their incentives to invest even in a highly skilled guest worker, a low-skilled worker will require a certain amount of training and investment, and the shorter the duration of that opportunity for employment, the less investment in them, which is bad for everyone.

I think one of the possible alternative views is to recognize the limitations that occur if you create a temporary guest worker program and then instead try to identify those lesser-skilled individuals with the long run boundaries of wage and hour rules, allowable behavior on the part of businesses, and then...
Screened up front for who you would allow to enter on that basis and create some path, ad-
suming continuing employment, and a very high bar for behavior and civic behavior, then you would both screen out illegals, and I believe because I believe the evidence demonstrates and I think a lot of the arguments assume that the economy will work it out. If there are no people who go home.

Senator Feinstein. But that is difficult to do. Therefore, if you take the 10 to 12 million people that are here already that work in ag-
culture, logging, janitoring, housekeeping, et cetera, and provide a steady stream of employment and enable them to have a pathway to legalization, are you not really providing a combination that would have cally to see that there is economic upward mobility?

Mr. SICILIANO. I see. With that subset, yes, I would argue that that is the right path, and then on the other question I would defer. I am sorry that I don’t have a solution.

Chairman SPECTER. Thank you, Senator Feinstein.

Senator Kyl. Thank you, Mr. Chairman. Thank you, Senator Sessions. One of the arguments for not being as tough in enforcing the law es-
cially at the border is that in the years past there was a lot of circular migration espe-
cially from Mexico and Central America, people who came here, worked for a while and then went back home. It wasn’t hard for them to continue that process, but once we began the border enforcement, then they were stuck and stayed.

I don’t know that there is any evidence to support that or refute it, but it has been the basis for a lot of people talking about this concept of circularity, and I want to get back to that concept and ask you this question, but I sit in a different world from you. I sit in a world where there is a different kind of argument about mechanization, and so on, that in the lettuce fields of Yuma County, it has always been an American citizen’s job to do. It has been traditionally work done, by the way, by people who live in Mexico and come across everyday and go back home by and large, although there are some that stay longer.

In Arizona, we can’t find enough people to build houses today. Under the bill that Sen-
ator Grassley and I have, we would be increasing lots of temporary visas right now. But we have also seen many economic downturns when you can’t get a job in construction, no matter who the American companies hire, they are not going to hire.

In that case, under our bill we wouldn’t be issuing temporary visas. We would let the ones that are here expire; we wouldn’t issue any more.

I am troubled by the fact that all of you seem to be so skeptical that people would re-
turn. One concept was that, well, when there is not work, they will return. But isn’t it just as likely that what they will do is under-bid Americans for those same jobs?

Mr. SICILIANO. Mr. Chairman, I am familiar with the the [Center for Immigration study] I can answer the specific question, if I may.

Chairman SPECTER. Go ahead, Professor Siciliano.

Mr. SICILIANO. Thank you. That particular study has two types of expenditures—direct payments to immigrant households, so it includes sometimes U.S. citizen children, and indirect attributive costs which are the general expenses by the economy where you have a limited number of house-
holds in the United States.

The study is actually dominated by the general government expenditures component of those costs. So, in other words, if you take the government expenditures, you divide it by the number of households, and then you take that number. And that number is a large number, right? It is high. And in addition, there are high levels of expenditures relative to tax collections.

The way it is driven by our fiscal state as a Federal Government, as opposed to simply the behavior of the immigrants. The di-
rect payments are an important component, but they are actually dominated by and out-
weighed by the general expenditures share, which is interesting, but I think it over-
states the interest of that particular number that you have cited.

Chairman SPECTER. The President of the Dominican Republic was very interested in the money coming back to the Dominican Republic. The estimates are the immigrants in the United States send home about $39 bil-
lion a year in remittances. So on one hand, there is a concern about what that does to com-
merce. That payment is not being used in the United States.

The other aspect is that our foreign rela-
tions are very complicated. We heard a great deal about the difficulties with Venezuela and President Chavez. A vote of the Andean countries on protecting property rights was three-to-two, with the United States win-
ning. We have trade treaties to streng-
then our foreign relations. We heard a lot about their recognizing the leaders of the foreign governments, recognizing our rights to control our borders, but also look-
ring for a humanitarian approach that we have.

How big an impact is it, Professor Siciliano, if $39 billion is remitted from the United States to the home countries?

Mr. SICILIANO. Well, as a component of the overall economy, it is fairly small, but it obviously has tre-
mendous impact for the countries who receive the remittances.

One, the transmission of that money actually generates substantial revenue and profits for U.S.-based business, pri-
marily financial institutions who serve as the intermediaries to make that happen. I don’t think we want to forget that.

The second issue is that the money lands in the hands of individuals who are nationals of obviously that country and some of it re-
cycles as demand for our goods and services, hence jump-starting, we hope, the ongoing trade relations which may mitigate some of the damage that we have seen. It is a good thing.

I think it is a small piece in a big global economy and one that shouldn’t domi-
nate the thinking about how we decide to move forward on the immigration de-
bate.

Chairman SPECTER. Professor Siciliano, do you have a brief comment?

Mr. SICILIANO. Yes, two key points. I think anecdotally in the hands of the economist is a dangerous weapon, so let me just give two quick anecdotal points. One, in the 1960s we know that roughly half of the U.S. workforce lacked a high school diploma, and now about 12 percent of the native-born workforce lack that. That is a tremendous change.

This skill set difference is driving the com-
ment that I think is true, which is it is not
the case that immigrant labor is displacing by and large U.S. labor or depressing wages, and there are two key points to highlight that. Nevada and Kentucky, arguably similar in conditions in many ways—5.5 percent of the population of Nevada right now is estimated to be undocumented. The average high school drop-out wage is $10 per hour. In Kentucky, a lot of illegal immigration is estimated to be undocumented, and yet the high school drop-out wage is $8.73 per hour.

It can’t be simplified into simply saying immigrant labor shows up and it hurts U.S.-born labor. It is much more complex than that. I think, net, it clearly benefits U.S. labor.

Does immigration also worsen their plight? There are certain sectors—like construction, for example—where direct competition from immigrants might reduce employment opportunities in many cases. In other occupational categories (e.g., agriculture, gardening, janitorial work) such competition is more limited or nonexistent, and the programs of immigrant labor are in the aggregate estimated to be offset by equal wages. In the absence of immigration, it is possible that wages would rise and maybe entice some employers to hire black men. But in that context they consider dirty and menial; but the wage increases needed would likely never materialize in many cases, as employers would either remain with capital equipment or enter other kinds of businesses as wages rose.

Two additional points are important here. First, the potential competition to less-educated workers from immigrants depends in part on the overall health of the economy. Immigration rates have been fairly constant to the U.S. over the past few decades. In the very strong labor markets of the late 1990s, these rates of immigration did not prevent us from achieving extremely low unemployment rates and real earnings growth, even among the least-educated Americans. In the more sluggish labor markets since 2001, the same rate of immigration would generally depress job opportunities. But, even in this latter period, the very weak earnings growth of most American workers cannot possibly be attributed to the arrival of a million or so new immigrants annually.

Second, the illegal status of perhaps one-third of immigrant labor magnifies the competitive pressures they generate for less-educated native-born workers. The reduced wages and benefits associated with their illegal status offers more incentive for hiring them instead of native-born workers, who might be interested in some of these jobs and might be more appealing to employers at equal wages.

OTHER ECONOMIC EFFECTS

There is virtually no doubt that immigration reduces the prices paid by consumers on many goods and services. There remains much about these incentives that is unclear, but recent studies, immigration during the period 1980–2000 might have reduced the earnings of native-born high school dropouts by as much as 8 percent, and those of other workers by 2–4 percent.

However, some strong statistical assumptions are required to achieve these results. And, even in these latter, the long-run negative effects of immigration (i.e., after capital flows have adjusted across sectors to the presence of immigrants) are reduced by the fact that for dropouts and virtually disappear for labor overall.

There seems little doubt, then, that any negative effects of immigration, especially on earnings and in modest in magnitude and mostly short-term in nature. To the extent that high school graduates as well as dropouts in the U.S. have fared poorly in the labor market in recent years—especially among men—other factors are much more likely responsible (such as new technologies in the workplace, international trade, and disappearing unionization).

Native-born minority and especially African-American men face many labor market problems besides those associated with illegal immigration such as low education, discrimination, and the disappearance of jobs from central-cities. In recent years, their high rates of crime and incarceration as child support obliga-

Perhaps the most serious economic costs imposed on immigrants on native-born Americans—at least in those few states that serve as the primary “ports of entry” to immigration—might not be those associated with education, health care and other income transfers to the poor. While these costs are no doubt significant, they might be met by legal changes in the welfare system that reduced immigrant eligibility for such transfers. Over time, immigrants might modestly improve the fiscal status of Social Security and Medicare, as it helps replenish the falling ratios of workers to retirees.

By far the greatest benefits of immigration to the U.S. accrue to the immigrants themselves, whose earnings here are often vastly higher than they would be at home countries. Both foreign policy and humanitarian considerations might lead us to approve of this, even though the direct economic benefits to native-born Americans are more limited.

POLICY IMPLICATIONS

If immigration is largely good for the overall U.S. economy, should we simply “open the gates” and allow unlimited immigration and no restrictions on it? Most Americans would be reluctant to do so, especially since there are some significant costs to immigration, and at least, few workers would vote in favor. The non-economic implications of such a move (e.g., for the national character and makeup of our communities) might also be troubling to many people.

But, if our ability to restrict immigration legally is imperfect, what shall we do? Efforts to improve the enforcement of existing laws in humane ways (e.g., without creating felonies for illegal immigrants and those who hire or assist them, or building costly fences along the border) may be worth trying, though their effectiveness may be limited. On the other hand, generating pathways by which illegal immigrants in the U.S. can achieve full citizenship (by paying fines, back taxes etc.) makes a lot of sense, given that their illegal status imposes hardships on them and their children while likely exacerbating the competition they pose to native-born Americans. It seems unlikely that such a move would dramatically raise the share of U.S. workers in these fields. In other sectors, the retirements of immigrant labor to certain key sectors will depend to a growing extent on foreign-educated workers from immigrant labor. It is much more complex than

May 16, 2006  CONGRESSIONAL RECORD — SENATE   S4595  CONGRESSIONAL RECORD — SENATE   S4595
(1) Immigration is part of globalization. It is intimately connected to increased trade, free mobility of capital, and transmission of knowledge across national lines. Ideally, immigration should be positive for the U.S. and the world to make better use of available resources and to raise national and world output. A worker who comes to the U.S. or a multinational to invest may bring capital, particularly human capital, with them, so that both capital and labor move together. The message for thinking about the global economy is: view immigration as related to trade and capital flows; policies that affect trade and capital will alter immigration and conversely.

(2) Immigration is the least developed part of globalization. Immigrants make up about 3 percent of the global workforce; whereas intermediate share of world output is around 13 percent; and foreign equities in investors’ equity portfolio are on the order of 15 percent. Whereas 50 years ago, it was estimated that with this, the range of pay for workers with nominally similar skills is far greater than the range of prices for goods around the world, the ratio of pay to capital: The range of wages in the same occupation in high paying countries relative to low paying countries are on the order of ten to one measured in exchange rates and are on the order of four to five to one measured in purchasing power parity prices. The comparable ratio for prices of Big Macs is less than 2 to 1 and the comparable ratio for the cost of electricity is 4 to 1. Thus, there is a huge incentive for workers to immigrate from developing countries to developing countries. Given this gap in incomes, the incentive to immigrate will remain huge for the next 40-50 years at least.

(3) In the simplest economic model of globalization, the flow of people, goods, and capital are substitute ways to raise production and economic well-being. 

Mr. GREGG. Mr. President, I rise in opposition to this amendment and support Senator SPECTER and Senator Kennedy’s and Senator McCaskill’s position. I think, relative to the effort in this Congress and in the Senate, nobody has put more time into the issue of how we secure our borders relative to the actual physical activity on our borders than I have because I find myself in the jurisdiction of the Appropriations Committee that covers the border security issues. I have come to this conclusion: We can secure our borders. But you cannot do it with just people and money on the border. There has to be a policy in place that creates an atmosphere that lessens the pressure for people to come across the border illegally. The essence of doing that is this guest worker concept. Yes, you have to do everything we can to tighten up the borders in the area of boots on the ground, technology being used, and making sure we have a strong Coast Guard, a strong immigration force, and strong border security force. That type of commitment to be seen is what is needed.

Mr. SPECTER. Yes.

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people who are willing to take the risks to come across the border illegally, no matter how many people you have there. If you are paying $5 a day in Mexico and $50 a day in the United States for a job, and you have a family and you are trying to better yourself, you are going to want to seek that job in America.

The question is, Isn’t there a way to set this process up so that a job seeker can come here, do the job, which the employer also needs them to do because they can’t otherwise fill that position—and this bill protects to make sure that is the case, that it is not taking jobs from Americans—isn’t there some way to set this up so that a person can come into this country, work a reasonable amount of time, and then return to their country, or be here as a guest worker in a guest worker status?

That is what this bill attempts to address. It is one of the three elements of the setting control over our borders. The first element is, of course, strong physical capability on the borders to control the borders.

The second element is to make sure we have a program where when people come into this country to work, they can come in legally.

The third element, of course, is enforcement at the workplace to make sure we have people working have that legal status of a guest worker.

That is the essence of this bill, in part, along with the border security elements. I strongly support it and hope we will reject the amendment as proposed.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Pennsylvania is not on the floor of the Senate. My understanding was when his side was finished, he was going to yield back his time. I will proceed on the assumption that he is in place, and I have the right to close. How much time remains?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. DORGAN. Mr. President, this is an interesting discussion and interesting debate. A couple of points have come to mind.

I have heard now three or four people come to the floor of the Senate and say: A long time ago, Somebody has been here 25 years, didn’t come legally 25 years ago, has a child here, or two, perhaps a grandchild, they worked here, paid taxes here. I am not interested in rounding them up and moving them out of this country.

I understand some of the urges of people who have written some of this legislation. What I don’t understand is this: There is no discussion about its impact on the American worker when they say: Oh, by the way, let’s solve all these issues and let’s, on top of all of this, add one more big arm that sticks out, and that is the so-called guest workers where we allow 3.8 million people in the next 6 years who are not here now, not working in America now, living outside of our country now, to come in and take American jobs.

What on Earth are we thinking? Can’t we have some modicum of discussion about the effect on American workers?

I put this chart up earlier, and I will put it up again because this discussion relates exactly to a string of failures. I am told we are all complimenting the President for his speech last night. I don’t compliment the President for his trade strategy. We have the highest trade deficit in the history of this country: every single day, 7 days a week, $2 billion in trade deficit—every single day. That means Americans jobs are going overseas. We are choking on debt.

What is the status of this trade? It is a green light for big companies to export jobs, and they are going wholesale, 3 to 4 million jobs just in the last few years. They are going overseas.

By the way, Alan Blinder, a mainstream economist, former Vice Chairman of the Federal Reserve Board, said in his recent piece: I believe in “Foreign Affairs,” that there are now 42 to 54 million American jobs that are potentially subject to being exported to other parts of the world because now we have 1 billion to 1.5 billion people in the rest of the world willing to work for pennies. So 42 to 54 million American jobs are subject to that kind of influence.

He says they won’t all be exported, but even those who remain here will see lower wages and downward pressure on wages and benefits, health care, and retirement. That is the future on that side. Exporting good jobs.

The world is flat, we are told. The book shines from the bookstores, “The World is Flat.” We look with rose-colored glasses at all the American jobs now in Bangalore, India, and in Beijing, China. We say: Isn’t that something?

I will tell you what is something. Those jobs used to be here supporting families. There is no social program this Senate works on that is more important than a good job that pays benefits and allows people to take care of their family. There is no social program as good as that.

We are talking about exporting good jobs, and exactly the same influence that resulted in this provision being put in this bill wants there to be imported cheap labor through the back door. That is what this guest worker provision is all about: importing cheap labor.

We are told the reason the 1986 law that was trumpeted 20 years ago, immigration reform, sanctions against employers who hire illegal immigrants didn’t work is because there was no guest worker program. That is unbelievable to me. That is not the case at all.

This proposition is to say: You know how we will stop illegal immigration? We will just define them all as legal.
At least 325,000 plus 20 percent, that is 3.8 million in 6 years. We will define them as legal. We won’t have a problem, we will just change the definition. Let me show a couple of charts. These are people living in extraordinarily primitive conditions. They are undocumented workers. We can count where they are bunking. They were brought in, by the way, by a company to help repair in the aftermath of Katrina, a Government contract, mind you, with undocumented workers. Let me show you whose jobs they took. That contractor hired these folks, and all the electricians, including one Sam Smith whose house was completely destroyed in the Ninth Ward after Katrina slammed into that coast. He returned to the city because of the promise of $22-an-hour wages for qualified, experienced, long-term electricians. He and 75 people were guaranteed work for a year at that naval institution. He was quickly disappointed. He lost his job within 3 weeks because the other contracting company brought in undocumented workers who were unqualified and were willing to work for pennies. I am the one who exposed this situation, and not long after I exposed it, there were inspectors who went on that base. I don’t know the result of it all. All I am telling you is this is going on all across this country. This is a guy who lost his home and had a job and was displaced by someone coming through the back door willing to work for pennies. It wasn’t just that person, it was the employer who decided they wanted to fatten their profits by hiring, in this case, illegals.

The way to solve that is not to say: Let’s make them legal. The way to solve that is to say that job ought to go to Sam who lost his home, who is a qualified electrician. He is the person who should have the job. Yet contractors bring in these undocumented workers or, in this case, they perhaps bring in workers under the so-called guest worker provisions. Actually, they are not really guest workers, they are low-wage replacement workers. We should call them what they are.

We were told in the discussion earlier that we should accept this because we can’t stop it. It is going to happen whether we like it or not, so let’s just declare them legal. I don’t understand that at all.

I mentioned earlier that this planet we live on, to the extent we know it, is the only place in the universe where we know life exists and we move around the Sun. On this planet of ours, we were blessed to be born in this country, live in this country, or come to this country and be a part of this great place called the United States. We built a standard of living unparalleled in this world. We did that through great sacrifices by our great ancestors. Now we are told one of that matters very much because it is a flat world, it is a global economy; by the way, we can move jobs overseas, and we can bring cheap labor through the back door.

Just once—and I guess it won’t happen this afternoon—just once I would like to hear a real debate about jobs in this country, about American workers who have lost good jobs, African-American, Asian-American workers—our entire workforce. Just once I want to hear a discussion about what this means to American workers. Yet almost none of that has been heard on the floor of the Senate any time during this discussion.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. SESSIONS. I have the opportunity to serve on the Senate Judiciary Committee. We had one hearing that dealt with these issues and dealt with some of the issues the Senator has been talking about specifically. Professor Richy and Professor Samuelson. Why are these pretty pro-immigration panels, but I think they all agree with Senator DORGAN—Richard Freeman holds the Herbert Asherman Chair, professor of economics at Harvard University. This was his quote just a few weeks ago at a hearing:

One of the concerns when immigrants come in that way, they may take some jobs from some Americans and drive down the wages of some Americans and, obviously, if there is a large number of immigrants coming in and if they are coming in at a bad economic time, that’s likely to happen.

Is that consistent with the Senator’s views and that of Professor Samuelson?

Mr. DORGAN. That is exactly the case, although this is Professor Freeman. I have never known an economist to lose his or her job to a bad trade agreement. They sit around thumbing their suspenders. They occasionally smoke a pipe and these were pretty pro-immigration panels, but I think they all agree with Senator DORGAN—Richard Freeman holds the Herbert Asherman Chair, professor of economics at Harvard University. This was his quote just a few weeks ago at a hearing:

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Mr. DORGAN. That is exactly the case, although this is Professor Freeman. I have never known an economist to lose his or her job to a bad trade agreement. They sit around thumbing their suspenders. They occasionally smoke a pipe and these were pretty pro-immigration panels, but I think they all agree with Senator DORGAN—Richard Freeman holds the Herbert Asherman Chair, professor of economics at Harvard University. This was his quote just a few weeks ago at a hearing:

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economic immigrants. Man, the world is full of them. If the world has one-half of its population making less than $2 a day, are there economic immigrants willing to come from many corners of this globe to this country? The answer, of course, is yes. But we have immigration laws and quotas because if we were flooded with tens and tens of millions of people searching for opportunities in our country, we would diminish opportunities for Americans who live here and work here and built this country. That is why we have immigration quotas.

One final point, if I might, on this issue of employer sanctions. That is a matter of will. You know there are no employer sanctions. The law says there are employer sanctions. Last year, I am told—I need to check this for sure, but I am told that there was one enforcement effort against one employer that hired illegal immigrants. The year before, there were three in the entire United States. That is a matter of lack of will. That is a matter of looking the other way when businesses want to hire cheap labor through the back door. Only when they are pressed will authorities finally go down and take folks living in these conditions who have taken jobs of people who lost their homes in Hurricane Katrina. Only when they are forced will someone show up, knock on the door, and say: You know something, this is illegal.

This is a very important debate. In some ways, I regret that we have as short a time as we do. I probably should not have agreed to a time agreement, there is so much to say about it. Yet we will have a vote this afternoon.

My colleagues have spoken here with great authority. We all come here and wear white shirts and dark suits and all sound authoritative. Some are right, and some are wrong. It is hard to tell the difference. So we will have a vote on this. At the end of this vote, I suppose this will move right ahead because we are told, if this vote prevails, if my amendment prevails, as I said earlier, it is like pulling a loose thread on a cheap suit—the whole arm falls off and the whole suit is worthless. I don’t understand why they construct legislation that way, but every time somebody brings a proposal to the floor of the Senate which is the result of negotiations, they want you can’t interrupt anything because, after all, when we shut the door and negotiated this, we all did that in good faith, so don’t be messing with our product. If you pull one piece of it out, you ruin what we have done. I have heard that a million employers realized they were not going to get away with this.

Mr. SESSIONS. I would, briefly. I think it sort of confirms what you are saying. We had a subcommittee hearing on this, and the second professor, Dr. Barry Chiswick, the head and research professor at the Department of Economics at the University of Illinois in Chicago, said:

There is a competition in the labor market. And the large increase in low-skilled immigration that we’ve seen over the last 20 years has had a substantial negative effect on the employment and earning opportunities of low-skilled Americans. . . . [The] large increase in low-skilled immigration has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently resident in the United States.

Mr. President, how much time remains?

The PRESIDENT OF THE SENATE. The Senator has 3 minutes 25 seconds.

Mr. DORGAN. Mr. President, the Senator, I believe, wanted to ask if I would yield for a question. I am happy to do that.

Mr. SESSIONS. I would, briefly. I think it sort of confirms what you are saying. We had a subcommittee hearing on this, and the second professor, Dr. Barry Chiswick, the head and research professor at the Department of Economics at the University of Illinois in Chicago, said:

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Does that comport with the theme of the remarks of the Senator?

Mr. DORGAN. The Senator is absolutely correct. It seems to me this is not at issue, the question of what this means to American workers. It just is not.

Mr. SESSIONS. Here is Professor Harry Holzer at the same committee hearing, three out of five witnesses, most of them pro-immigration witnesses. He is an associate dean and professor of public policy at Georgetown. He says:

Now, absent the immigrants, employers might need to raise those wages and improve those conditions of work to entice native born workers into those [construction, agriculture, janitorial, food preparation . . .] jobs.

I believe when immigrants are illegal they do more to undercut the level of wages of native born workers.

So I think he also would agree with the Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say that this economic strategy isn’t working. This doesn’t work. Fig Newton cookies moved to Mexico, and the Chinese just bought WHAM-O, Hula Hoop, Slip ’N Slide, and Frisbee. To the extent this bill will make illegal workers come in stamped as legal, we know they are not going to make Fig Newtons and Frisbees because those jobs are gone, but we know there is a reason for a guest worker provision, and the reason is there are interests that support this bill only on the condition that they continue to allow low wage workers to come in the back door even as major American corporations are exporting good American jobs out the front door. I think that is a construct that 5, 10, and 20 years from now is dangerous to this country and restricts opportunity rather than expands it for the American people.

I do not support this provision. I hope my colleagues will support my amendment and strike this guest worker, future flow, or low wage replacement worker provision, as I call it, in the underlying piece of legislation.

I yield the floor.

The PRESIDENT OF THE SENATE. Who yields time?

Mr. SPECTER. Mr. President, I will yield back. Is all time consumed by Senator DORGAN?

Mr. DORGAN. I yield back my time. Mr. SPECTER. I yield my time. I move to table the Dorgan amendment and ask for the yeas and nays.

The PRESIDENT OF THE SENATE. Is there a sufficient second?

There is a sufficient second.

The question is on Agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

MR. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. RENATO LIVIUS) is necessarily absent.

The result was announced—yeas 69, nays 28, as follows:

(Rollcall Vote No. 123 Leg.)

YEAS — 69

Akaka Feingold
Alexander Chafee
Allen Graham
Bennett Collins
Brown Crapo
Bunning Johnson
Burns Johnson
Burton Johnson
Cantwell Johnson
Cantrell Kerry

[Continued at end of ballot]
The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk reads as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mrs. FEINSTEIN, proposes an amendment

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce the number of H-2C non-immigrants to 200,000 during any fiscal year)

Beginning on page 292, strike line 18 and all that follows through page 295, line 4, and insert the following:

(g) NUMERICAL LIMITATIONS.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in the first fiscal year by striking the period at the end and inserting “;” and “; and”

(2) by adding at the end the following: 

(2) by adding at the end the following: 

(C) under section 101(a)(15)(H)(ii)(c) may not exceed 200,000 per year, each year, for the next 6 years under my amendment.

Mr. BINGAMAN. Mr. President, as we all know, the immigration bill creates a new temporary guest worker program aimed at providing an equal and orderly process for individuals to come to this country and to work in sectors of our economy where there is a shortage of available workers.

We had good debate in connection with the Dorgan amendment with regard to that guest worker program. Everyone who listened to that debate understands this is a new program which is being added to our immigration laws, one which is not available today for anyone to use.

Specifically, the bill pending before the Senate allocates 325,000 temporary guest workers for the first fiscal year, and in each subsequent year the numerical limit is flexible. If the cap is reached—that is, the full 325,000—the number of available visas would increase. It could increase by 10 percent if the cap is reached by July 1; and if it could increase by 20 percent in the next fiscal year, depending upon how quickly those visas were used or taken. In essence, what the bill provides is that many economists have made the case, I believe very eloquently, that the 20-year period continues indefinitely. This legislation continues indefinitely until Congress changes the law again. So this chart could just as easily have been for 10 years or 15 years or 20 years. And if you really want to see the power of compound immigration, if it continues like it compound interest, we should have developed a chart that takes us out 10 or 15 or 20 years. So the chart exemplifies how the number of guest workers may increase over this 6-year period under these different scenarios. The chart could have been made for a longer period.

If the 325,000-person cap is reached within the first 3 months of the fiscal year, we will have added almost 4 million guest workers over this 6-year period. If the cap is reached in the second or third quarter of the fiscal year, we will have added just over 3 million. And if the cap is hit in the third quarter of the year, we will have added a little under 3 million workers under this particular program.

In addition, it is important to note that although these visas are issued only for up to 6 years, these workers have the right to petition to become legal permanent residents within 1 year if the employer files for them or within 4 years if they self-petition.

Frankly, I believe we need to be a little more judicious with respect to the number of visas we are allocating under this program. This is a brand new program. Under the amendment, which sets the numerical limit for such visas at 200,000, there would be no more than 1.2 million guest workers admitted over these first 6 years.

We need to recognize that guest worker programs, if they are not properly implemented, can impact on American workers. Senator DORGAN made the case, I believe very eloquently, that many economists have...
spoken about the downward pressure on wages that results when you increase the labor supply. We need to recognize that our success with regard to the temporary worker program we have now, such as with regard to agriculture, has been more limited, and we should not make a mistake here by erring on the side of extravagance in allocating these visas or authorizing the issuance of these visas until we know how this program is going to impact American workers.

I did not vote for Senator Dorgan’s amendment to eliminate the guest worker program, but I do believe we need to be judicious about the extent of the guest worker program that we authorize. We definitely should not be signing on to some kind of automatic compounding of the number of workers eligible for legal entry into this country under that program. There are a variety of jobs that may be filled by eligible for legal entry into this country under that program. There are a variety of jobs that may be filled by a myriad of guest worker visas, but there should not be placing American workers in these sectors of our economy in the position of competing with virtually an unlimited number of guest workers, which is what I fear we are putting American workers in if we leave this law the way it now pending in this pending legislation.

The underlying bill does create a temporary guest worker task force. This task force is charged with assessing the impact of the guest worker program on wages and on labor conditions and the employment of American workers and with then making recommendations about whether the numerical cap should be lowered or raised. But then you go on with the legislation, and the increase mechanism is not in any way tied to the recommendations of the task force. The overall number of visas could significantly increase automatically, regardless of whether the program is determined, by this temporary guest worker task force, to be hurting American workers.

So if Congress wants to raise the caps, we have the authority to do that every year. We meet here every year. We can raise the cap. But we should not provide for an automatic increase in the number of temporary visas irrespective of how that increase is affecting American workers.

Just like reducing the number of guest worker visas to 200,000 a year is not a drastic measure that undercuts the bill’s goal of providing a more realistic framework for immigrants to legally come into this country. According to the Congressional Research Service, under this overall bill, we will at least be doubling—here is a chart that shows what is going to happen to the projections for employment-based legal permanent residents coming into this country under this legislation. We will have to double the flow of legal permanent immigration under the bill in the first year. We increase family- and employment-based numerical limits, and we exempt categories of individuals from these caps.

Overall, the bill does provide for many legal avenues for individuals to legally come into the United States and to work. For example, as this chart shows—the chart is based on the Congressional Research Service report—we are significantly increasing the number of employment-based legal permanent residents under the bill. I strongly believe the amendment I am offering with Senator Feinstein is a reasonable approach. It ensures that an unlimited number of guest workers are not admitted under this program. I hope my colleagues will agree with me that this is a good change. This amendment would improve the legislation, would allow us to maintain a guest worker program, which the President has strongly endorsed maintaining, but would improve the program by limiting it to a level we can understand and manage in these first few years.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The PRESIDING OFFICER. Mr. Bingaman. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. Bingaman. Seventeen and a half.

The PRESIDING OFFICER. Yes.

Mr. Bingaman. Mr. President, I yield 12 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. Feinstein. Mr. President, I thank the Senator from New Mexico.

Mr. President, I would like to speak as a member of the Judiciary Committee. I think one of the things we really need to understand about this bill is that it is a very large bill. It is 640 pages long. It contains a multitude of programs. And it—through the visa programs, the nonimmigrant visas—brings in large numbers of people.

I think when we were in Judiciary we did not realize the extent to which large numbers of people are brought in on some of these visas. We were working to a march. We had to get the bill done. And it is my understanding that studies of the bill now on the floor have shown that this bill could allow up to 38 million new legal immigrants. That is a number greater than 60 percent of the current U.S. population in the next 20 years. Now, that is a way-out figure—20 years—but I think we have to begin to look at each of the visa increases over at least the next 10-year period to determine how many people would come in, particularly the guest worker program.

I am happy to cosponsor this amendment with Senator Bingaman. The amendment does two things: it lowers the annual numerical cap from 325,000 of H-2C guest worker visas—and there are a myriad of guest worker visas, but there is H-2C, there are H-2B—and it eliminates the annual escalator.

In my view, all annual escalators in this bill should be eliminated because they bring in too many people over a relatively short period of time. This bill has the potential, as I said, to bring in millions of guest workers over the years. This means that over 6 years—the length of an alien’s stay in the United States under this temporary visa category—there could be 1.2 million workers in the United States.

Under the current proposal, let’s say you start at 325,000 guest workers in the first year, and you add the 10-percent escalator. That escalator would yield, over 6 years, 2.7 million people. The 15-percent escalator would take it to, over 6 years, 3.2 million people. And if you had the 20-percent escalator, it would take it up to, over 6 years, 3.6 million people. And if we multiply too many. So the current bill doubles and even triples the number of foreign guest workers who could enter the United States over the 6 years of our amendment.

I hope this amendment will pass. I would hope that we could eliminate the escalators in these visa programs. The H-1B visa escalator would have a total of 3.67 million people over the next 10 years. Now, that is a lot. We increase the H-1B from 56,000 to 115,000, and then we put in a 20-percent escalator each year. If the number of visas reached the 115,000—and it will therefore, the next year you add 20 percent—then if that is reached, you add another 20 percent. And it compounds in this manner to the tune of a total of 3.6 million.

I am very concerned about this. I hope the Bingaman amendment will be successful. Again, it does two things. It reduces the base amount from 325,000 to 200,000, and it eliminates the escalator. Two hundred thousand guest workers a year are ample because this is just one part of the bill. There are other visa programs. There is H-1B. There is earned adjustment. It all adds up to millions and millions of people. I strongly support the Bingaman amendment. I urge my colleagues to vote yes.

I yield the floor.

The PRESIDING OFFICER (Mr. Alexander). The Senator from New Mexico.

Mr. Bingaman. First, I thank the Senator from California for her strong support for my amendment. Particularly because of her role in the development of the legislation in the Judiciary Committee.
Committee, she pointed out very well the reasons this amendment is meritorious. I hope people, even some Members on the Judiciary Committee with Senator FEINSTEIN, will look at this favorably and consider it an improvement.

I ask unanimous consent that Senator ALEXANDER from Tennessee be added as a cosponsor of the amendment.

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

Mr. BINGAMAN. I know we have one other Senator who has indicated a desire to speak in favor of the amendment. Let me point out to my colleagues that both myself and Senator ALEXANDER are Members who voted against the Dorgan amendment that was just tabled. I cannot speak for Senator ALEXANDER, but from my perspective, I am persuaded that there is value in having a viable guest worker program. I support that part of the legislation. Without the merits of it, particularly since it is a new program.

For us to start it at 325,000 per year and then have an automatic escalator in the law and have no sunset on it at all, as it appears to be in the amendment, this is permanent law, unless Congress comes back and changes the law 10 years from now, we will still be taking the previous year's total and be able to increase it by 20 percent. That gets to a point where Americans want to have a very legitimate complaint. I favor allowing an opportunity for people to come here and take jobs that Americans don't want. But I do not favor allowing people to come here to bid down the price of labor to such a point that Americans are unwilling to take jobs for the very meager salaries that employers are able to pay.

It is a straightforward amendment. I hope my colleagues will support it. I know we have one more speaker. I believe the Senator from California would like 2 minutes. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my colleague from New Mexico. As anyone watching the debate saw, I was in support of what Senator DORGAN was trying to do which was to strip the guest worker program from this bill, a bill that is intended to do good things. I support strengthening the border, and I do support giving 11 or 12 million hard-working people who have paid their dues, who will come forward and learn English and who will pay the fines, who have a clean record, a path to legality. I strongly support that, and I strongly support the AGJOBS provision of this bill. But I predict that this guest worker program, which the Senate has now ratified, is going to come back to haunt people because, as Senator BINGAMAN has said to us, they way this bill is structured, the workers will grow exponentially in this guest worker program to the point where, according to some estimates, we are talking about tens of millions of guest workers over the next 20 years.

What Senator BINGAMAN is trying to do is to put a cap on this, a real cap, not the phony cap that is in the bill that says it will escalate up to 20 percent every year. You figure out the math. It is kind of amazing.

What Senator BINGAMAN is doing is making this a better bill. I strongly support the amendment he is proposing. I thank him for the opportunity to speak on behalf of his amendment. As usual, he has brought commonsense to the Senate. I hope the Senate will strongly support the Bingsaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is always difficult to make a determinative statement. The committee came to the figure of 325,000, after a great deal of analysis and thought. It is the result of a compromise that was worked out, with some figures being substantially higher than that, and that is the figure the committee came to. The amendment offered by Senator BINGAMAN and Senator FEINSTEIN would also eliminate the fluctuation which is to allow for a 20 percent increase if we hit the top. What we are trying to do in this legislation is to accommodate the market, if there is demand for these guest workers. So the fluctuating cap is perhaps even more important than the difference between 325,000 and 400,000.

When we considered the Dorgan amendment, we were debating the issue as to the way the guest worker program fits into overall comprehensive reform so that if we were able to accommodate the needs of the American economy with these guest workers, then we fill the jobs. They are not open. We do not create a vacuum on jobs so that immigrants who are in this country illegally are available to take the jobs. This is a regulatory approach which accommodates for the needs of the economy and is the figure that we best calculate to accommodate them. I think if we had come in at 200,000, we would be looking at an amendment for 125,000 or at some other figure. There is an obvious give and take as to whatever figure we have. Somebody has a different figure to make it lower.

I have great respect for those who say we ought to protect American jobs and that we ought not to have guest workers who are going to take those jobs or lower the compensation for the people who hold American jobs. We put into the RECORD on the Dorgan amendment testimony from three expert witnesses. I will not repeat it and put it into the RECORD again. But the essential conclusion was that there would be minimal impact on taking American jobs and minimal impact on compensation.

The statute is carefully constructed to protect American workers, taking away any incentives for employers to hire foreign workers. For example, the employees must be paid the higher of what is the actual wage paid to other employees with the same skill or the prevailing wage rate for that job. So the law requires the employer to pay those immigrants that would pay somebody else. And the employers must provide the same working conditions and benefits that are available for similar jobs. You don't have a class of immigrant workers who are being taken advantage of. The employers must provide insurance if the State workers compensation doesn't cover all of these workers. So you have a situation where there are no incentives to lose American jobs. We think this figure is a fair figure and a realistic figure arrived at by the committee after very long deliberation and after a compromise. We think this figure should stay.

In the absence of any other Senator seeking recognition, I would inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes remaining, and the Senator from New Mexico has 7 minutes. Mr. SPECTER, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. May I ask my colleague, is it his intent that I should close my argument now and then we would have a vote?

Mr. SPECTER. Mr. President, yes.

Mr. BINGAMAN. Mr. President, I thank my colleague for that concise answer.

Let me say that I have great respect for the chairman and his effort to put together a bill that he believes makes sense. As he says, it accommodates the market. That is an interesting concept, accommodating the market. The amendment I am offering, along with Senator FEINSTEIN and Senator ALEXANDER, is an amendment that would say that we need to go at this in a prudent fashion and limit the number of people who are going to be able to come into the country and apply through this new program that we are defining for the first time in law as part of this bill.

Some of the arguments I have heard in favor of the guest worker program relate to the workers themselves, the workers who are trying to get into this country, the workers who are trying to make a better life for themselves. I have empathy for those workers as well. But, quite frankly, there is a virtually unlimited supply of people who would like to come here and work and improve their life by doing so. We need to make judgments about how large a group we are going to allow in each year. That is why I am proposing the amendment.

As far as employers are concerned, there are a lot of employers who, given the option of signing a contract to bring in workers from another country who they know will be in many respects less likely to complain about working conditions, less likely to raise
any concerns about their employment situation, would find that attractive. And accordingly, you could see a great demand by some employers to go ahead and meet their employment needs through this device.

As I said before, I favor a guest worker program. It makes sense to have a guest worker program.

But I think it also makes sense for us to do it in a more reasonable way than the bill currently calls for and not to build in some kind of automatic escalator that will occur regardless of what we determine the impact is going to be on American workers. I think we can come back and raise the cap again if we decide in 2 years or 5 years, or whatever, that we want to do that. But we should not build into this legislation an automatic escalator that will make it extremely likely that the number of workers will substantially increase in coming years by virtue of this legal provision that we put in the law.

Mr. President, I urge the support of my amendment and I hope my colleagues will see this as a way to improve the legislation rather than an undermining provision of the legislation.

I yield the floor.

Mr. SPECTER. Mr. President, I move to table the amendment and ask for the yeas and nays. I put my colleagues on notice that this is going to be a strict 20-minute vote because we have Members who have planes to catch.

The PRESIDING OFFICER. Is all time yielded back? All time is yielded back. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to table.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCOLLUM. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 18, nays 79, as follows:

[ HollCroll Vote No. 124 Leg. ]

YEAS—18

Bond Brownback Chafee DeWine Graham Gregg

Baucus Bayh Biden Bingaman Boxer Burns

Burr Byrd Cantwell Carper Bayh Clinton

Chesbrough Collins Crist

Corker Cornyn Feingold

Craio Crapo Dayton DeMint Dodd

Lotsa Lugar Smith

Specter McCain Stevens

NAYS—79

Akaka Alexander Allard Allen Baucus Bayh Biden Bingaman Boxer Burns

Burr Byrd Cantwell Carper Bayh Clinton

Chesbrough Collins Crist

Corker Cornyn Feingold

Craio Crapo Dayton DeMint Dodd

Lotsa Lugar Smith

Specter McCain Stevens

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KERRY) proposes an amendment numbered 3999.

Mr. KERRY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the capacity of the United States Border Patrol to rapidly respond to threats to border security and to provide emergency responses to increased border threats)

On page 63, between lines 9 and 10, insert the following:

Subtitle F—Rapid Response Measures

SECTION 161. DEPLOYMENT OF BORDER PATROL AGENTS. (a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents (referred to in this subtitle as "agents") from the Secretary, the subject paragraph (1) and (2), may provide the State with not more than 1,000 additional agents for the period of patrolling and countering the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department’s ability to provide border security wide of the State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(b) ELIMINATION OF FIXED DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.—Section 5202(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), as amended by section 101(b)(2), is further amended by striking "2,000" and inserting "3,000".

SECTION 162. BORDER PATROL MAJOR ASSETS. (a) CONTROL OF BORDER PATROL ASSETS.—The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, air, craft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS. (1) HELICOPTERS.—The Secretary shall increase, by not less than 100, the number of helicopters used in the United States. Border Patrol and shall ensure that appropriate types of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase, by not less than 250, the number of power boats under the control of the United States Border Patrol, and shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—
(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and
(B) implement training programs for the agents and assets, including safe operating procedures and rescue operations.
(c) MOTOR VEHICLES.—
(1) QUANTITY.—The Secretary shall establish a vehicles appropriate for use by the United States Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 3 agents. These police-type vehicles shall be replaced not less than every 3 years. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol.
(2) FEATURES.—All motor vehicles purchased for the United States Border Patrol shall—
(A) be appropriate for the mission of the United States Border Patrol; and
(B) have a panic button and a global positioning system device for navigational purposes.

SEC. 163. ELECTRONIC EQUIPMENT.
(a) PORTABLE COMPUTERS.—The Secretary shall ensure that police-type vehicles in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases suited to the operational requirements of the United States Border Patrol.
(b) RADIO COMMUNICATIONS.—The Secretary shall ensure that all radio communication systems so that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.
(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.
(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are purchased and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 164. BORDER ARMOR.
(a) BODY ARMOR.—The Secretary shall ensure that each agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each agent shall be permitted to select from among a variety of approved brands and styles. Agents shall be strongly encouraged, but not required, to wear such body armor whenever practicable. All body armor shall be replaced not less than every 5 years.
(b) WEAPONS.—The Secretary shall ensure that each agent is equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face.
(c) EQUIPMENT.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, hats, haversack, protective equipment, and at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 165. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Secretary such sums as may be necessary for fiscal years 2007 through 2011 to carry out this subsection.

Mr. KERRY. Mr. President, I also ask unanimous consent that Senator Bingaman be added as a cosponsor of this amendment.

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

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, obviously this is an issue that has touched a lot of nerves all across the country. We all understand the volatility and the tension within in it. We have an enormous task to try to find a fair, orderly, humane, and secure process for protecting our border. That is what we are trying to do.

Last night, President Bush spoke to the Nation about the challenge we face. I have strong reservations about some of the President’s immigration proposals. But I believe on balance the President gave a thoughtful and compelling case for why we have to act urgently. I think he particularly talked about the importance of acting comprehensively in solving the immigration puzzle.

I say to my colleagues, I think most of us have found as we have been wrestling with this issue, it is like a balloon. If you push in one place, it expands in another place, so you have to come at it in a comprehensive way. Each component of this reform is dependent on the other component in order to make the overall reform successful. We are not going to be successful if we don’t create an effective employer verification system because workers will find a way to keep coming in if we don’t. If we don’t secure the border, the border doesn’t address the 11 million undocumented workers currently in the country.

We need the President’s leadership so that this bill or this approach does not turn into one of those unfunded mandates or neglected opportunities like No Child Left Behind or even the Medicare prescription drug law.

Last night, the President announced his intention to dispatch 6,000 National Guard troops to the southern border. All of us agree we need to strengthen the southern border. But I disagree with President Bush about how we ought to get there and how fast we can get there. Yes, we need more strength and more personnel at the border. We need better enforcement of our immigration laws. But, particularly in a post-9/11 world, when you look at the recommendations of the 9/11 Commission, we need to do a better job of preventing the flood of immigrants who are crossing the borders every day.

But the question, what you need to do that job is not a makeshift force of already overextended National Guardsmen to militarize the border but rather specialized agents who are trained to do the police work, to track down individuals who make an illegal crossing, and to ensure that the borders are not easy avenues for those crossings.

I remind my colleagues that in the late 1980s and early 1990s, when our cities and our communities were facing a crime epidemic, we didn’t send the National Guard in to do the job. We hired more police officers and invested in community policing. The COPS Program provided 100,000 skilled and trained law enforcement officers on the streets of the communities of our country and crime dropped.

After 9/11, the mission of the Border Patrol changed. No longer are they charged with simply securing the border. They are now patrolling one of the greatest vulnerabilities in the war on terror. As their mission changed, their numbers increased, but they have never increased enough to do the job.

Currently, we have fewer than 12,000 Border Patrol agents. Those agents are patrolling 8,000 miles of land and seacoast, and because of the need to provide continuous coverage, no more than 25 percent of those agents are securing our borders at any given moment. That means there are over 4,000 agents patrolling 8,000 miles of land and our borders. So, if instead of spreading them out as we do today you put them all along the border, with just Texas alone, you would then have roughly two Border Patrol agents per mile. It is physically impossible to protect the borders of the United States under those circumstances.

There are additional numbers put into this legislation, but I have heard
that, in fact, by joining the Federal Law Enforcement Training Center together with the National Training Center in Artesia, NM, which has recently increased its training capacity, we could do more. It is not rocket science, it is about capacity. If you don't have the capacity you can't build the capacity to meet the demand.

If we have the will to make this happen, we can make it happen.

So we already know this is a stopgap measure to buy time to come up with what is already a failed immigration policy and a failed border policy. The 9/11 Commission warned us, several years ago now, that we needed to have additional personnel. Those calls have never been heeded. We need to heed them now. My amendment will increase the number by an additional 1,000 this year and that will be above the increase of 2,000 agents contained in the underlying bill.

Frankly, I think we ought to be trying to do more than that, but that is the reasonable level that we seem to be able to accept and also train at the same time under the current circumstances.

In addition, my amendment would give the Border State Governors the ability to request up to 1,000 more Border Patrol agents in the Department of Homeland Security in times of international border emergencies. In deciding whether to grant the Governor's request, the Secretary would have to consider the effect any shuffling of Border Patrol agents would have on overall border security.

Last year, a survey by Peter D. Hart found that just 31 percent of the frontline Border Patrol agents said they were satisfied with the "tools, training, and support" they received to protect our borders. That should be 100 percent. What we need to do is guarantee that we take the steps in order to make those changes.

In addition, my amendment increases the number of helicopters and power boats available for Border Patrol, and it provides Border Patrol agents with the training they need to use those tools. We guarantee a ratio of one patrol vehicle for every three agents and ensure that each of those vehicles is equipped with a portable computer. That also provides every agent with clear and encrypted two-way radios, night vision equipment, GPS devices, high-quality body armor, and reliable and effective weapons. It makes each and every agent certain that they have the necessary equipment and uniforms for the kind of climate in which they are working.

I am told that the Senator from Pennsylvania is prepared to accept this amendment. I thank my colleagues for their support of it.

As I said, if we don't have a sufficient training capacity, it is very close to the expertise needed. I heard of Border Patrol agents who have had to go through survival training and different kinds of training that is highly specialized. These individuals are engaged in law enforcement and police work. I think everybody in this country would like to see our National Guard, which is already stretched thin, minimally involved to the degree possible. The best way to do that is to get more Border Patrol agents trained faster.

I thank the Senator from Pennsylvania.

MR. SPECTER. Mr. President, I think it is a good amendment to increase the number of Border Patrol agents. We accept the amendment.

Mr. SPECTER. Mr. President, I now yield to Senator Kyl for the Kyl-Cornyn amendment. I ask unanimous consent that it be the first amendment pending tomorrow morning.

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

The Senator from Arizona is recognized.

AMENDMENT NO. 4027

MR. KYL. Mr. President, there is an amendment at the desk which I would like to have considered at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] for himself and Mr. CORNYN, Mr. GRAHAM, Mr. ALLEN, Mr. MCCAIN, Mr. Frist, Mr. BROWNBACK, and Mr. MARTINEZ, proposes an amendment numbered 4027.

MR. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 358, line 3, insert "(other than subparagraph (C)(i)(II))" after "(9)"

On page 359, after line 12, insert the following:

(6) INELIGIBILITY.—

(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

(i) the alien has been ordered removed from the United States;

(ii) the alien failed to depart the United States during the period of any voluntary departure order issued under section 240B;

(iii) the alien is subject to a final order of removal under section 319(a);

(iv) the Secretary of Homeland Security determines that—

(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(v) the alien has been convicted of a felony or 3 or more misdemeanors.

(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

(i) entry into the United States without inspection;

(ii) remaining in the United States beyond the period of authorized admission; or

(iii) failure to maintain legal status while in the United States.

(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien (i) entered without inspection, (ii) failed to maintain status, or (iii) was ordered removed under 212(a)(5)(C)(i) prior to April 7, 2006, and—

(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239a(a); or

(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien.

(iii) the alien's departure from the U.S. now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

On page 376, strike lines 13 through 20 and insert the following:

(4) INELIGIBILITY.—

(A) IN GENERAL.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

(i) has been ordered removed from the United States—

(I) for overstaying the period of authorized admission under section 217;

(II) under section 235 or 238; or

(III) pursuant to a final order of removal under section 240;

(ii) the alien is subject to section 241(a)(5);

(iii) the alien failed to depart the United States during the period of any voluntary departure order issued under section 240B;

(iv) the Secretary of Homeland Security determines that—

(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(v) the alien has been convicted of a felony or 3 or more misdemeanors.

(B) EXCEPTION.—Notwithstanding paragraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

(i) entry into the United States without inspection;

(ii) remaining in the United States beyond the period of authorized admission; or

(iii) failure to maintain legal status while in the United States.
Mr. KYL. Mr. President, let me briefly explain this amendment. It is a somewhat different version from what was introduced a couple of weeks ago and was pending at the time this legislation was laid aside for other business.

This amendment has the primary purpose of ensuring that people who have committed serious crimes or have absconded and for whom an order for their removal has been issued would not be entitled to the benefits of the legislation.

Specifically, in the bill as written, there were certain crimes which were included, and if you had committed one of those crimes, you could participate in the program—certain crimes of moral turpitude, for example.

What we found was that list was not all-inclusive and there were other serious crimes, including felonies, that were not included and therefore needed to be included in the legislation.

Among the crimes that courts have said did not involve moral turpitude and therefore needed to be included in this legislation are the following: alien smuggling, conspiracy to commit offenses against the United States, simple assault and battery, involuntary manslaughter, simple kidnapping, weapons possession—for example, for possession of a sawed-off shot gun—burglary, money laundering, and there are others as well.

The point is, we want to be sure this legislation denies the benefits of legal status, including potential citizenship, to anyone who has committed a serious crime of this type. Therefore, the statute provides that if you have been convicted of a felony or three misdemeanors, you should not be able to participate in the program.

In addition, the alien could argue that his failure to appear and be removed was due to exceptional circumstances beyond the control of the alien or that the alien's departure from the United States would result in extreme hardship to the alien or that the alien was admitted for permanent residence.

I yield the floor.

Mr. KYL. Mr. President, I appreciate the comments of my colleague and my friend Senator McCain. I believe that ultimately this amendment makes the bill better and our country safer.
thank him, Senator GRAHAM, and Senator KENNEDY for their work in helping us to negotiate provisions of this amendment.

I join my colleague from Arizona in expressing the view that we should not take lightly the need to conclude the debate, and I hope we will receive substantial support for the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, for the record, I would like to compliment our staff because most of the hard work in this place goes on in some back room with our staff people trying to work through the problems of the bill. They have done a great job for Senators Kyl, CORNYN, and MCCAIN. I am proud of what my staff has done, and particularly Senator KENNEDY’s staff. We have all gotten good staff support on this issue.

Very clearly, succinctly, to the point, if you are a criminal, if you have committed a felony, if you have committed a crime or three misdemeanors, you don’t get a second shot. Off you go. That, to me, is important.

Under the bill, we are trying to give people a pathway to citizenship that would be earned and that would add people a pathway to citizenship that would be earned and that would add value to our country. Senators Kyl and MCCAIN, and CORNYN, and I am proud of what my staff has done, and particularly Senator KENNEDY’s staff. We have all gotten good staff support on this issue.

There is another group of people who are subject to deportation on the civil side. I think it is very fair that in a limited class of cases, we will allow people on the civil side subject to deportation a chance to make their case anew in terms of being eligible for a future guest worker program that may become our Nation’s law based on the base bill.

Who are these people? If you are in a civil deportation hearing and you can demonstrate that you never received the order to leave, then we are going to give you a second shot. It is hard to comply with something you don’t know about. That happens on occasion.

Second, we are going to allow you, on the civil side receiving a deportation order, to make an argument about how it would affect your family and take the human condition into consideration.

There is a unique group of people who come to this country—not by illegally crossing the border and overstaying their visa—who are one step ahead of a death squad in some foreign land. It could be Haiti or other places, it could be Cuba, with an oppressive Communist regime, and the only way they can get out of that country to come here is it make up a story that would keep them from being killed. What we are saying is, if you come into our country through an inspection system and you have to save your family from an oppressive government or ahead of a death squad, we will let you tell us about that. We will sit down and figure out if it makes sense to make you part of this program.

There are not that many people, but we don’t want to leave anybody behind that has a meritorious case to be made on the civil side. If you are a criminal, forget it. You have had your chance, and you have blown it. This, to me, makes the bill better, whether it is the underlying bill or not. This is a concept that is uniquely American.

If you believe in playing by the rules, as Americans do, and you hurt people, you are not going to get a second shot at hurting people again in our country. If you got caught up in a legal system that sometimes is complicated and you have a meritorious argument to be made and you have never hurt anyone, we are going to listen to what you have to say.

I am proud to be part of it. Senator KENNEDY has been very helpful. I hope we can get close to 100 votes. This is something that should bring us together. Senators Kyl and CORNYN demonstrated, even though Members may not agree with the base bill, to try to find a way to make this part of the bill better.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me express my appreciation to the Senator from Arizona, the senior Senator, the Senator from South Carolina, for working with Senator Kyl and myself on this amendment.

This whole subject is complicated and has so many different moving parts. What I mean by “subject.” I mean comprehensive immigration reform. Sometimes I think people start with a deep skepticism about what other Senators are actually trying to do.

I hope as this amendment is accepted when we vote, we will see that the alliance that has been created around this amendment, that our colleagues understand, even though there may be some who disagree with some aspects of the bill in the Senate, we are deeply committed to comprehensive immigration reform. We understand it is important we have border security, interior enforcement, worksite enforcement, a temporary worker program, and that we deal in a humane and compassionate fashion with the 12 million people who have already lived in our country in violation of our immigration laws.

Certainly, there are improvements that can be made to this underlying bill. This amendment is designed to do exactly that. It was first introduced well over a month ago and then, unfortunately, we were unsuccessful in getting a vote on the amendment. It now looks as if, through hard work, discussion and cooperation, the intent behind this amendment is better understood. It has already been eloquently explained by Senators Kyl, GRAHAM, and MCCAIN.

Let me say the whole purpose of this amendment was to make sure that those who have already had access to our criminal justice system and our civil litigation system, and lost, cannot come back and get another second bite at the apple. This amendment clarifies whether certain convicted criminals are eligible for the benefits of the legalization program contained in the underlying bill.

To be clear, the underlying bill, without this amendment, would allow certain criminal aliens to get legal status. The underlying bill disqualifies aliens who are ineligible to obtain a visa because of certain criminal convictions. But this only means crimes that are defined as crimes involving moral turpitude or drug-related crimes.

Under the current bill, without this amendment, not all crimes—including some felonies—would bar an alien from obtaining legal status. Let me share you a few examples that do not automatically exclude an alien from getting a visa and therefore would not render an alien ineligible for legalization absent this amendment.

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Under the current bill, without this amendment, not all crimes—including some felonies—would bar an alien from obtaining legal status. Let me share you a few examples that do not automatically exclude an alien from getting a visa and therefore would not render an alien ineligible for legalization absent this amendment.

Ironically, this provision, once this amendment is accepted, will bring this bill in the Senate up to par, basically, with the 1986 law which recognized that program and excluded any alien that had been convicted of a felony or three misdemeanors. That is the basis upon which this amendment is offered.

I might also add, of course, those who have had an opportunity to have their cases adjudicated, to have their day in court, but simply thumb their nose at the law and have gone underground, those individuals who have already had a bite at the apple, have already had their day in court and lost and simply gone underground and defied their deportation order, they also would be excluded from the legalization benefits contained in the bill, subject to some of the exceptions and the extreme hardship provisions that Senator GRAHAM and others have discussed.

I very much appreciate my colleagues, including Senator KENNEDY, the manager of the bill on the minority side, indicating their positive response to this amendment. While there is no formal agreement, it is the sense that this amendment is likely to be accepted.

It just goes to show if we continue to work together, talk to each other and try to work our way through our differences, we can make progress on the bill and actually improve it over the bill as proposed. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.
Mr. KYL. Mr. President, in view of some things that were said a couple weeks ago, let me close this out with a couple of brief comments.

At the time that Senator CORNYN and I first introduced this amendment, we speculated that ultimate result in 300,000, 400,000 500,000 people being denied the benefits of the legislation. However, there were those on the other side who said this was a poison pill, this was going to preclude everyone who came into the country illegally. By laying it down, you have created a poison pill. By laying it down and looked at it, our colleagues will say: This is an amendment we can support. It makes sense to deny citizenship to serious criminals.

I join my colleagues from Texas in saying I appreciate the fact that, hopefully now, knock on wood, tomorrow morning, first thing, we will be able to have a vote on this amendment and not only vote on it but finally, having sat down and looked at it, our colleagues will say: This is an amendment we can support. It makes sense to deny citizenship to serious criminals.

If we can approach the other amendments in the same fashion we have finally gotten to with this amendment, we can actually finish this bill. I urge my colleagues to cooperate with us in that way.

Mr. CORNYN. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. CORNYN. Mr. President, through the Chair, I inquire, isn’t it a fact over the last few weeks on behalf of the Republican leadership, the Senator has tried to collect all of the potential pool of amendments and consolidate those amendments down into a reasonable number in a good-faith effort to try to move this process forward? We shared that list with our colleagues on the other side of the aisle. Does the Senator believe that demonstrates the good faith we have tried to demonstrate from the very start?

Mr. KYL. I thank the Senator from Texas for that.

Yes, we have tried to do that. I see the distinguished minority leader is here, and I suggest the best way to get this bill quickly considered and finished is to lay down as many of the amendments as Members have ready and then have the minority and majority side work together to figure out the proper order of those amendments, to try to enter into time agreements. If we are able to do that, I don’t have any doubt that we can complete the work of this Senate before the Memorial Day recess on this important piece of legislation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am grateful the Senator from Oklahoma has asked that I indicate that we have no objection to his being in the queue.

As has been announced by the distinguished manager of the bill, the Senator from Pennsylvania, we are going to take the immigration bill, the Obama amendment, and then we are going to go to Sessions, then a Democrat, and as far as we are concerned on our side, we have no objection whatever to Senator INHOFE being the next Republican amendment in order.

I have not checked with the majority leader, and if there is a problem, I can change it, but I ask consent that be the case.

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

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I thank the minority leader for the quick response. I do not know we are all anxious to get as many amendments up and taken care of as possible. I know we cannot do this until probably tomorrow sometime, and it is our understanding there is now a unanimous consent for Senators KYL, OBAMA, SESSIONS, a Democrat, and then me. With that, if no others want to be heard on the amendments, I would like to visit about the amendment we will take up tonight. I do not think it is correct.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, in his speech, the President endorsed the idea that people immigrating to this country should assimilate and learn English.

I will quote from his speech: . . . We must honor the great American tradition of the melting pot, which has made us one nation out of many peoples. The success of our country depends upon helping newcomers assimilate into society, and embrace our common identity as Americans. Americans are bound together by our shared ideals, an appreciation for our history, respect for the flag we fly, and an ability to speak and write the English language. English is also the key to unlocking the opportunity of America. English allows newcomers to go from picking crops to opening a grocery . . . from cleaning offices to running offices . . . from a life of low-paying jobs to a diploma, a career, and a home of their own. When immigrants assimilate and advance in our society, they realize their dreams . . . they repay our society . . . and they add to the unity of Americans.

Last November, speaking to an audience in Davis-Monthan Air Force Base in Tucson, President Bush again stated his support for immigrants to learn English. He said:

Every new citizen of the United States has an obligation to learn our custom and our values, including liberty and civic responsibility, equality under God and tolerance for others, and the English language to be part of any kind of an immigration bill.

Today, once again, I am offering my English amendment. No. 3996, along
with my colleagues, Senators SESSIONS, COBURN, BURNS, Bunning, and others. My amendment follows Congressman PETTER KING’s bill, H.R. 4408, as well as Senator SHELLY’s bill, S. 323, from the 109th Congress, by making English the official language and requiring all official business of the United States to be conducted in English.

It also allows exceptions. This is very important because arguments have been made against it. But there are exceptions, and law specifically says something should be done in another language, such things as protecting someone’s legal rights to make sure they understand what their privileges are, what their responsibilities are when they are fled.

Also, recently, when we experienced Hurricane Katrina, where an evacuation order was issued, that order could be delivered by the Federal Government in necessary languages to get the message out. So we have taken care of these problems.

I would suggest there are three main reasons we support this amendment. The first is for unity and assimilation. To begin with, as the President has said numerous times, learning English is vital to achieving assimilation, assimilating yourself into society. So many people are looking at illegals who are officially over and getting jobs, but they do not stop and think about the fact that in order to become a citizen, you have to assimilate into society so you can enjoy the benefits. They do not come naturally. You have to make it happen.

President Theodore Roosevelt echoed this point at a luncheon for the National Americanization Committee on February 1, 1916. He said:

‘Let us say to the immigrant not that we hope he will learn English, but that he has got to learn it. . . . He has got to consider the interest of the United States or he should not stay here.”

It goes all the way back for many years. We have referred to this.

Our country is made up of immigrants from all over the world, immigrants who have joined together under common ideas, common beliefs, and a common language to function as “one nation under God.”

As we allow great numbers of immigrants, legal and illegal, into the country, we are overwhelming the assimilation process and creating what some have called “linguistic ghettos,” segregating these immigrants into a massive underclass who are not able to obtain good-paying jobs and climb out of poverty and Government dependency.

By not requiring immigrants to assimilate and learn English, we are also undermining race and importing dangerous, deadly philosophies that go against our American ideals.

September 11 is an example of this, as Muslim extremists executed their jihadist philosophy against the United States. Hundreds of thousands of Americans to lose their lives.

The second thing to be considered is the cost. The Office of Management and Budget estimates that it costs taxpayers between $1 billion and $2 billion to provide language assistance under President Clinton’s Executive order that came out during his Presidency.

There are also enormous costs associated with the mandates that local government and national ballots. For example, Los Angeles County taxpayers spent over $1 million in 1996 to provide multilingual voting assistance in Spanish, Chinese, Vietnamese, Japanese, and Filipino, according to a GAO report.

In 2002, Los Angeles’s multilingual election costs more than doubled to $3.3 million, according to the Associated Press.

The third reason is, this is something the American people want. All the American people want it. I have never seen anything polled more consistently than this issue has been polled. Three national associations are dedicated solely to this amendment: U.S. English, English First, and Pro-English.

Senator SPECTER’s Judiciary Committee invited this amendment in the Legislative Directors’ meeting in the Republican Policy Committee by saying, “Welcomed amendments on English” as a means to enhance “assimilation” of immigrants.

This issue has raised millions of dollars in direct mail over the years. These donors must include populists, conservatives, and a bipartisan support. No other amendment has been more thoroughly vetted. This concept has been around for decades, indeed, for centuries. Historically, the legislation has been bipartisan.

In 1997, several of us joined Senator SHELLY in his official English bill. It was a bipartisan bill with 21 cosponsors, including Democrats Hollings and BYRD and many others. And over 150 current Members of the House of Representatives have cosponsored official English legislation.

Most of the States—27—have made English their official language. This is kind of interesting. The vast majority of the States, on their own, on a State basis, have made English the official language.

There are 51 nations around the world that have made English their official language, but we have not. Now, can you explain to me why Gambia, Sierra Leone, Uganda, Zambia, and Zimbabwe have made English their official language, yet the United States has not?

The pollsters, consistently over the last 20 years, have all shown positive results at levels in the 80ths, the 80-per-centile range. In 1998, G. Lawrence Research showed 87 percent favored English as the official language, with only 8 percent opposed and 5 percent not sure.

A 1999 national survey by Luntz Research asked: Do you think English should be made the official language of the United States? Eighty-six percent of Americans supported making English the official language. Only 12 percent opposed it.

Eighty-one percent of first-generation immigrants, 83 percent of second-generation immigrants, and 87 percent of third- and fourth-generation immigrants supported making English the official language. And this also.

I think a lot of people have this misunderstanding that this is some kind of a protectionist issue. Yet the vast majority of Latinos, the vast majority of immigrants have supported this. This is also.

In 2000, Public Opinion Strategies showed 84 percent favored English as the official language, with only 12 percent opposing.

Ninety-two percent of Republicans, 76 percent of Democrats, and 76 percent of Independents favor making English the official language. That is according to a 2004 Zogby International poll.

Another Zogby International poll question on official English—this poll was a month old. Between March 14 and 16 of 2006—said: Five out of six likely voters support official English. When informed the United States has no official language, five out of six likely voters—84 percent—agree the country should make English their official language. The majority of Hispanic voters support official English. An overwhelming majority of likely Hispanic voters—71 percent—agree the country should make English the official language.

Majority support official English. Official English is not an “extreme” position. Eighty-four percent of self-identified “moderate” voters support English as the official language.

Hispanics also agree learning English is important. So it is not just that it is the right thing to do, it is what they can do for themselves. The National Council of La Raza, which opposes official English, commissioned a 2004 Zogby poll showing that Latinos believe in the importance of learning English. Over 97 percent strongly agreed that “the ability to speak English is important to succeed in this country.”

In south Florida, Hispanics back English, according to a 2005 University of Miami School of Communications/Zogby International survey. “How important is it for Hispanics who immigrate to the United States to adopt American culture?” Seventy percent answered it was very important. These are Hispanics who are responding.

The December 2002 Pew Hispanic Center/Henry J. Kaiser Family Foundation National Survey of Latinos asked:

Do you think adult Latino immigrants need to learn English to succeed in the United States or can they succeed even if they only speak Spanish?

About 9 in 10—89 percent—of Latinos indicate that they believe immigrants need to learn to speak English to succeed in the United States.

And this goes on and on and on. There should not be any question in anyone’s mind that one of the most
popular notions out there is for us to adopt English as the official language.

Finally, according to ProEnglish, a group dedicated to making English the official language, one out of every five Americans speaks a language other than English at home.

Referring to immigrants speaking English in our country, Congressman STEVE KING of Iowa said:

I don’t think the immigrants are the problem; I think it is the people at the border that are telling them that they don’t have to learn English, should not have to and keep them in these cultural enclaves so that then allows them to control the immigrants and gives them political power.

I believe we are doing a great disservice if we do not recognize this as one of the true, great issues of our time. There is no more appropriate time than during the consideration of this immigration bill to bring this out and finally do something we have talked about doing now for over 100 years and getting it done and getting it done on this bill.

Mr. President, let me repeat how much I appreciate the minority leader allowing me to get into the queue. We look forward to having this debated and voted on tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

20TH ANNIVERSARY OF TOYOTA IN GEORGETOWN, KENTUCKY

Mr. McCONNELL. Mr. President, 20 years ago I was pleased and proud to help welcome Toyota to Kentucky. I rise today, equally pleased and proud, to continue to do so for years to come.

Mr. President, let me repeat how much I appreciate the minority leader allowing me to get into the queue. We look forward to having this debated and voted on tomorrow.

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

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The assistant legislative clerk proceeded to call the roll.

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

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

HONORING OUR ARMED FORCES

STAFF SERGEANT JOHN G. DOLES

Mr. President, I wish to honor a brave soldier from Oklahoma who gave his life in service of this Nation, SSG John Doles of the U.S. Army embodies the spirit and values that protected this country’s freedom and continue to spread hope to the far corners of the world.

Sergeant Doles was an “all-American kid” he grew up in Chelsea, OK, riding horses and playing football. Sergeant Doles joined the Army in 2000 and attended Airborne School at Fort Benning, GA, where he became a Ranger and told his father that this was what he wanted to do with his life because he loved his country.

Sergeant Doles was also a devoted family man. He left behind a wife, Heather, and two children, Logan and Breanna. After his tour in Afghanistan, he planned to reenlist and become an instructor at the Army Ranger School at Fort Benning, GA, so he could be closer to his family.

Sergeant Doles was no stranger to the hazards of duty. He participated in one of the largest combat jumps since World War II. His unit parachuted into northern Iraq in March of 2003 with the “Red Devils.” This major operation assisted in the swift liberation of Iraq.

Sergeant Doles was a squad leader of about a dozen soldiers with the 1st Battalion, 506th Infantry, part of the 173rd Airborne Brigade. On Friday, September 30, 2005, he was killed in an ambush in Shah Wali, Afghanistan. He was 29 years old.

Sergeant Doles gave his utmost to his family and his country. He has left behind many who saw firsthand what a true hero he was. As a son of Oklahoma and a fine example of what this country stands for, Staff Sergeant Doles deserves our honor and remembrance.

PRIVATE FIRST CLASS TRAVIS J. GRIGG

Mr. President, I wish to honor the memory of a remarkable man. PFC Travis J. Grigg was an Oklahoman through-and-through: a hard worker,
Mr. President, I rise today to honor the memory of a brave American who gave his life defending the Nation. He felt a call to serve his country, to be part of something bigger than himself, and ultimately he paid the highest price. First Sergeant Tobias C. Meister, of Jenks, OK, was assigned to the Army’s 321st Civil Affairs Brigade which was deployed to Afghanistan.

First Sergeant Meister was born in Remsen, Iowa and joined the Iowa National Guard in 1992. 2 years prior to graduating from Ramsen-Union Community High School in Iowa. He was an infantryman before transferring to the Reserves in 1998 and attending the University of Texas at San Antonio. There he earned a Bachelor of Science degree in Emergency Management.

First Sergeant Meister was an accomplished martial artist who was undefeated as a kickboxer. Those who fought against him knew immediately he was a fierce competitor. One of his opponents said that Meister weighed 250 pounds and from the waist up was muscle. He described what he did to his opponents as ‘heart if you saw him fight.’ He loved martial arts and the discipline that it required.

First Sergeant Meister was a drill sergeant and had been named the Army Reserve’s Drill Sergeant of the Year in 2002. In 2004, he decided to join those he had been training for combat. On December 28, 2005 in Asadabad, Afghanistan, he was killed at the age of 30 during combat patrol operations when an improvised explosive device was detonated near his humvee.

Private First Class Joplin is survived by his wife of 12 years, Belinda, and his children, Tori and Alicia. They will not forget this Oklahoman hero, Mr. President, I rise today to honor the memory of a son of Oklahoma, Petty Officer Brian K. Joplin.

Petty Officer Joplin grew up in Hugo, OK and was assigned to Helicopter Mine Countermeasures Squadron 15, based at the Naval Air Station in Corpus Christi, TX. He was an aviation machinist and was known as a mechanic whose talent was second to none. Petty Officer Joplin was always willing to give his time to friends and neighbors. He spent his Memorial Day weekend of 2005 repairing and certifying a vintage B-25 Mitchell Bomber that was very much like the one his grandfather flew in World War II.

Petty Officer Joplin was deployed to Iraq in June of 2005. On Tuesday October 4, 2005, he was on a training mission when he fell from his MH-53 Sea Dragon helicopter and was killed. He was 24 years old.

Petty Officer Joplin is survived by his wife of 12 years, Belinda, and his children, Tori and Alicia. They will always remember a loving husband and father who had a great sense of humor, patience, and forgiveness and our thoughts are with them. We remember Petty Officer Joplin for his service, dedication, and love of his country, and at the same time, we recognize his valor and commitment. He will not be forgotten. The memory of men like Petty Officer Joplin that I am proud to be a part of this great country. He was a special soldier, a true Oklahoman, and a true American.
wife of a longtime friend who had died of cancer.

On January 22, 2006, TSgt Jason L. Sneed’s vehicle struck an improvised explosive device while conducting a convoy escort in the vicinity of Taji, Iraq. He was 31 years old, and the U.S. Army posthumously awarded him the Bronze Star and Purple Heart. Mr. President, we have lost a shining example of dedication, service, and sacrifice for others and should never forget the sacrifice of TSgt Jason L. Sneed.

ARMY SPECIALIST JOSHUA M. PEARCE

Mr. President, I rise today to remember a young man from Oklahoma, Army SPC Joshua M. Pearce, who knew what it meant to be a soldier and Army SPC Joshua M. Pearce, who was killed while attempting to rescue Mr. President, we should always remember the sacrifices of those who served the way PFC Joshua Francis Powers served and sacrificed for our freedom. Specialist Pearce was described by friends and family alike as a person who had always made everybody in the room smile.

Specialist Pearce was deployed to Iraq as a part of the 2nd Battalion, 1st Infantry Regiment, 172nd Stryker Brigade Combat Team that is stationed at Fort Wainwright, AK. Over the next 6 months he served in Iraq, he talked to his mother, Becky Hilliard, through e-mail, telephone, or instant messaging on a daily basis. In an open letter he wrote on September 11, 2005, Specialist Pearce stated that “I am not here to kill someone; I am here to help as many as I can live a better life. If killing some people to save the life of a fellow soldier happens to fall in the agenda, so be it. We drive down the streets of things and see little children on the corners bare-footed asking for water, food, or whatever they can get.” He told his sister, Heidi Barncastle, that “he was doing this so his nephews didn’t have to.”

Specialist Pearce was riding in his Stryker military vehicle on February 26, 2006 near Mosul, Iraq, when it was hit with an improvised explosive device. He was 21 years old. Specialist Pearce did not want his friends and family to mourn his loss should he die. We have to protect our people. We have to keep our world safe. We have to protect our people.

CORPORAL JEFFRY A. ROGERS

Mr. President, I wish to honor a true hero today. Corporal Jeffry A. Rogers, gave his life while serving in Iraq. Cpl Jeffry Alan Rogers is an example of the selfless dedication that is essential to maintaining this country’s freedom.

Cpl Rogers was deployed to Iraq from Oklahoma City and attended Putnam City North High School. He was one of six from the class of 2002 who enlisted in the military after graduating. He insisted on enlisting in the Marines after witnessing the horrors of September 11 saying, “We have to keep our world safe. We have to protect our people.”

Cpl Rogers became an outstanding marine assigned to F Company, 2nd Battalion, 1st Marine Division in Camp Pendleton, CA. His high test scores earned him an invitation to join the security forces and a $50,000 scholarship. He suggested to his parents that they build a house with the money that they had saved for his college education, and he even designed the house where his family now lives in Yukon, OK.

Cpl Rogers is remembered as a courteous and loving man who always said the little things that mean a lot to people. His commanders fondly recall how he informed under him and helped them set goals.

In his last letter to his parents, he quoted John 15:13 saying “Greater love hath no man than this, that a man lay down his life for his friends.” Mr. President, Cpl Jeffry Rogers indeed demonstrated this deepest love. At 21 years of age, he put aside his own safety, volunteering to serve in the most dangerous of professions. He gave everything, and his sacrifice will be remembered by friends, family, and all of us who are profoundly indebted to him.

TECHNICAL SERGEANT PATRICK L. SHANNON

Mr. President, I rise today to honor a son of Oklahoma who after over 37 years has finally returned home. TSgt Patrick L. Shannon was serving his country in the Vietnam War when he was declared missing in action in 1968 after the radar site he and 18 other servicemen were operating in Laos was attacked by North Vietnamese commandos. We now know that Technical Sergeant Shannon did not survive the attack. He was 30 years old.

Technical Sergeant Shannon was from Oswasso, OK, along a radar installation Lima Site 85 atop the Pha Thi Mountain in the Houaphan Province in Laos, which was approximately 13 miles south of the border with North Vietnam. Lima Site 85 was helping to direct U.S. bombing missions of key targets in North Vietnam. On the morning of March 11, 1968, the site was overrun by North Vietnamese soldiers. Only 7 of the 19 servicemen survived the attack, and the United States later bombed the site for 4 days to destroy the equipment that was left behind. North Vietnamese soldiers later threw the bodies of the dead servicemen off a cliff because the rocky ground did not permit a burial. This is where the remains of Technical Sergeant Shannon were found.

Technical Sergeant Shannon finally came home last year. A DNA sample from his sister helped to positively identify Technical Sergeant Shannon and bring closure to his family who had wondered what had really happened to him on that fateful day. His youngest child, Paula Wallace, said that her father “would be happy to be back in America.” Mr. President, I am happy that TSgt Patrick L. Shannon has finally returned home after answering his country’s call to arms.

SERGEANT FIRST CLASS BRANDON K. SNEED

Mr. President, I wish to honor a brave soldier from Oklahoma who gave the ultimate sacrifice for our freedom. SFC Brandon Sneed of the U.S. Army embodied the spirit of service and the values that make this country what it is today.

Sergeant Sneed was a great soldier. He joined soon after graduating from high school in 1990. As he rose through the ranks, he developed a reputation of dependability. He was serving as a field medic with Bravo Company in the 1st Battalion, 30th Infantry Regiment that was attached to the 69th Armor Regiment serving in Iraq.

Sergeant Sneed was no stranger to the hazards of duty. He would routinely go under fire to retrieve wounded soldiers. His second tour in Iraq was scheduled to end in December of last year.

Sergeant Sneed was also a family man. He married his wife Lori in 1994, and they had two children, Christopher, Brandee, and Brandon, Jr. His family had just moved into a new home. Sergeant Sneed met his wife while they both served their first tour in the Army together; they had plans to open a rehabilitation facility upon his retirement from the Army.

On October 10, 2005, Sergeant Sneed was killed while attempting to rescue
an injured soldier when his Bradley Fighting Vehicle was destroyed by a roadside bomb. This occurred near Ramadi in Iraq’s Anbar province. He was 33 years old. He had a strong sense of duty, work ethic, and a caring heart. He was devoted to his family, his country, and his duty to his soldiers. Sergeant First Class Sneed deserves our honor and remembrance.

CORPORAL JOSHUA J. WARE

Mr. President, I wish to honor one of this country’s fallen warriors, a young man who grew up near my home State of Oklahoma. Marine Cpl Joshua J. Ware was serving the cause of freedom in Iraq when he paid the ultimate price.

Corporal Ware was born in Lawton, OK. He played football and baseball and ran track at Roland High School. In 2002, 1 year before he graduated, he signed up for the Marine Corps and enlisted just 5 days after graduating from High School and just 2 days after his birthday.

Corporal Ware was serving in Iraq with F Company, 2nd, Battalion, 1st Marine Division, and bravely fought in combat since 1968. He was the first Comanche or Kiowa to die in combat since 1968. Corporal Ware was serving in Iraq on his second tour of duty in Iraq on November 16, 2005, when he was killed by a roadside bomb. This occurred near Ubaydi, Iraq. He was 20 years old and was the first Comanche or Kiowa to die in combat since 1968.

Many are left behind who are proud and grieved at his sacrifice. Corporal Ware left behind is his parents, three brothers, and one sister.

The loss of Corporal Ware is one that will continue to be felt as the years pass. He gave more than was required, in life and in the sacrifice of his death. He gave up his own well-being, putting himself in harm’s way, and demonstrated courage that demands our recognition. I hope to express our gratefulness for his sacrifice with these simple words and honor him before the Senate today.

THIRTIETH ANNIVERSARY OF THE MOSCOW HELSINKI GROUP

Mr. DODD. Mr. President, last Friday, May 12, marked the 30th anniversary of the oldest active Russian human rights organization, the Moscow Helsinki Group.

The creation of the Moscow Helsinki Group was announced on May 12, 1976, at a press conference called by Academic Andrei Sakharov, who later won the Nobel Peace Prize for his defense of human rights and his commitment to world peace. Formally named the “Friends League to Assist in the Implementation of the Helsinki Final Act in the USSR,” its members sought to monitor the Soviet Government’s implementation of the historic Helsinki Accords.

Sakharov’s initiative of Professor Yuri Orlov, a physicist by profession and a veteran human rights activist, the group joined together 11 committed individuals to collect and publicize information on Soviet violations of the human rights provisions enshrined in the Helsinki Accords. The group monitored fundamental rights and freedoms, including freedom of movement and freedom of religion, as well as the basic rights of minorities.

The group documented evidence of systemic human rights abuses and provided reports of Helsinki violations to the Presidium of the Supreme Soviet and the embassies of Helsinki signatory countries. Additionally, these reports were widely distributed to Western correspondents. All together, the Moscow Helsinki Group published 195 numbered reports, along with numerous other documents, some of them in cooperative initiatives with other human rights organizations. These reports played a critical role in documenting the Soviet Union’s failure to adhere to many of its Helsinki commitments.

The example set by the Moscow Helsinki Group inspired human rights activists elsewhere in the USSR. Helsinki monitoring groups were founded in Ukraine, Lithuania, Georgia, and Armenia, and affiliated groups were also established to combat psychiatric abuse for political prisoners and to defend religious liberty in Lithuania. As time went on, more brave individuals joined the Moscow Helsinki Group in its pursuit of truth and accountability.

However, regrettably, the Soviet Government tolerated the “assistance” provided by the Moscow Helsinki Group in monitoring the Soviet Union’s adherence to Helsinki commitments. The state-controlled Soviet press launched a campaign of slander against the group. By early 1977, the group’s founders, Dr. Yuri Orlov and Alexander Ginsburg, a longtime activist who had earlier produced the celebrated “White Book” on the trial of writers Andrei Sinyavsky and Yuri Danilov, became subjects of political charges. Cyberneticist Anatoly “Natan” Sharansky and retired geologist Malva Landa were arrested shortly thereafter. Orlov was sentenced to 7 years in a labor camp and 5 years in internal exile. Ginsburg received 8 years labor camp and 3 years internal exile. Sharansky was sentenced to a total of 13 years in labor camp and prison, and Landa received 2 years internal exile.

In other words, following this path into the “Guag” or were forced to emigrate. By 1981, KGB pressure had left only three members of the Moscow Helsinki Group at liberty in the Soviet Union, and they were forced to announce the “suspension” of their work. In 1984, one of those three, Dr. Edvard Bonner, joined her husband, Dr. Sakharov, in forced internal exile in the closed city of Gorky.

Tragically, in December 1986, just as the Soviet political system was showing the signs of the exhaustion that would eventually lead to its collapse, Moscow Helsinki Group member Anatoly Marchenko died during a hunger strike at Chistopol Prison. Just over 2 months later, hundreds of known political and religious prisoners were freed from the Soviet prison system.

With the advent of Glasnost, the Moscow Helsinki Group was formally reconstituted in July 1989 by a handful of Helsinki Veterans, and several new members joined their cause. Today, the Moscow Helsinki Group continues to work to defend human rights in post-Soviet Russia. And while there have been dramatic changes in Russia since the collapse of the Soviet Union, the lure of authoritarianism still has a strong appeal for some in today’s Russia.

Mr. President, on the occasion of its 30th anniversary, I congratulate the members and former members of the Moscow Helsinki Group, many of whom, sadly, are no longer with us, for their courage and fortitude in the struggle against tyranny. I wish the group continued success as they work to advance democracy, defend human rights, and promote a vigorous civil society.

TRIBUTE TO JOHN BRAMLEY

Mr. LEAHY. Mr. President, at the end of this month, John Bramley will step down as provost of the University of Vermont. From a day-to-day standpoint, the provost of a university is more important than the president of a university. The provost of a university is the chief of operations who embraces the president’s vision and implements ideas into reality. By ensuring that academics, research, and student life are running smoothly, the provost creates an environment that enriches the lives of students, faculty, administrators, and the community.

As provost of the University of Vermont since 2002, John Bramley has not only excelled as provost, but also set a standard that other universities use as a benchmark to measure other provosts around the country.

I have known John since he came to the University of Vermont from England in the early 1980s. I believe that John excelled as provost because of his leadership in earlier positions that he held at the university. John is first and foremost an animal science scholar who is known internationally for his groundbreaking research on bovine tuberculosis. He is also an excellent teacher who genuinely enjoys the interaction between and challenges from students—both undergraduate and graduate. That became evident when he was recognized with the Joseph Cargan Teaching Award in 1996.

John excels as provost because of his leadership in earlier positions that he held at the university. John is first and foremost an animal science scholar who is known internationally for his groundbreaking research on bovine tuberculosis. He is also an excellent teacher who genuinely enjoys the interaction between and challenges from students—both undergraduate and graduate. That became evident when he was recognized with the Joseph Cargan Teaching Award in 1996.

I jokingly think that his early demonstration of these administrative
skills likely led to his demise as being tapped interim provost and then eventually as provost in 2002. And we are so grateful that John was at his position, as this turned out to be a critical time in the history of the University of Vermont.

It is no secret that during the 1990s UVM suffered from several years of unstable and rocky leadership. Not surprisingly, such a rapid turnover at the helm of a major university led to many problems including budget shortfalls; low morale among faculty, staff and students; and, less than stellar relations with the local Burlington and statewide communities. The work of both interim president Ed Colodny and John guided the university to calmer waters during that difficult time, and helped to build a strong and valuable foundation for the incoming president.

Under President Fogel’s administration, the university has been reinvigorated and its prestige restored. I am sure that Fogel would have agreed when I say to all my colleagues that we owe much to John Bramley for bringing the university into this new, promising chapter in its history.

John is stepping down as provost, but I am not going to have to end this speech with a farewell. John will be returning to what I think he enjoys most, his teaching and research. I know he will continue to be an important part of the University of Vermont community and I look forward to continuing to see him on campus.

IN RECOGNITION OF REPRESENTATIVE TINA FALLON

Mr. CARPER. Mr. President. I rise today to recognize Representative Evelyn K. “Tina” Fallon upon her retirement from Delaware’s House of Representatives after more than 28 years of dedicated public service. Known to friends and colleagues alike as she is a woman with a kind heart, diverse interests and great abilities, Tina embodies the best of Delaware.

Born in Dudley, NC, on September 16, 1917, Tina has experienced firsthand the many changes that Delaware has undergone over the years and this level of experience will be difficult, if not impossible, to replace.

A longtime resident of Seaford, DE, Tina holds a bachelor of arts degree from Castleton College, located in Randolph, NC, and a master’s degree in education from the University of Delaware. She married her husband, James D. Fallon, Jr., in 1938, and they had four children together. After James’ passing in 1982, Tina continued to raise their sons, George, James, William and Howard.

Before winning her first campaign when she was 61 years old, an age when many public servants are ready to retire, Tina worked for more than 25 years as an educator teaching math and science at Seaford High School. This experience has allowed her to speak with authority about Delaware’s education system and the many issues that affect Delaware’s young people.

Often recognized as the oldest member of the State legislature, Tina brought a wealth of knowledge to Delaware’s House of Representatives along with energy and enthusiasm that belied her age. Her life experience gave her an understanding of faith and family values that transcended party slogans and struck an authentic chord in her constituents and everyone who had the pleasure of calling her their friend.

Representative Fallon has quickly become known as one of Delaware’s most approachable and hardworking public officials. Her keen intellect and commonsense approach to problem-solving helped her serve her constituents and make Delaware a better place for us all.

Tina also served as a mentor for incoming members of Delaware’s House of Representatives. Her positive attitude and boundless energy set a high standard for her colleagues to follow. A firm believer in acknowledging the hard work and accomplishments of her constituents, Tina was often seen visiting homes and businesses throughout the state while delivering House tributes to those who deserved them.

During my time as Governor, I had the honor of naming Representative Fallon as the “Travel and Tourism Person of the Year” in 1998 for her outstanding work to promote and develop Delaware’s tourism industry. Delaware’s economic health and many small businesses are better off because of her efforts to promote the first State’s historical and natural attractions. Also in 1998, she was honored by the National Republican Legislators Association as a “1998 Legislator of the Year.” She was one of only 10 people across the Nation to receive this honor.

As a member of the influential Joint Finance Committee, Representative Fallon helped shape Delaware’s multi-billion dollar annual operating budget. Her ability to work with members of both parties made her an invaluable participant in figuring out how best to fund the current and future needs of Delaware. Tina also chairs the House Tourism Committee and is a member of five other committees as well.

Following her retirement, Tina plans to spend time with her children and grandchildren. After such a distinguished career serving the people of this great State, I know that many will agree with me when I say that her retirement is well deserved. I thank Tina for her friendship, applaud her service, and wish her and her family only the very best in all that lies ahead for them.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

TEN-YEAR ANNIVERSARY OF THE BUFFALO, WV TOYOTA PLANT

Mr. ROCKEFELLER. Mr. President, I rise today to recognize a milestone in my home State of West Virginia. Ten years ago, in 1996, a world-renowned automobile company, the Toyota Motor Corp., began producing engines and transmissions in my home State, marking the first major automobile manufacturing plant to West Virginia.

In the following 10 years, Toyota Motor Manufacturing of West Virginia, TMMWV, has never stopped expanding. It now employs more than 1,100 people and has invested more than $1 billion in our State.

But the story actually begins almost 10 years earlier with a series of meetings I had with Dr. Shoichiro Toyoda, the son of Toyota’s founder and its visionary leader for much of the 1980s and 1990s. I met Dr. Toyoda’s father, the company founder, during my time in Japan in the 1960s. He soon introduced me to his son, Shoichiro, who would go on to steer Toyota into the future, becoming known as one of the world’s most successful leaders and turning Toyota into a truly global force in the automobile industry. So in the mid-1980s, very early in my Senate career, I began the long, slow process of trying to draw a great company and great family to invest in West Virginia as a key part of their bold plan for investment in the United States and in North America.

I recall walking through cornfields in Putnam County with the Toyota site selection committee—facing the hurdles of excavation, preparation of the site, the narrow valley in Buffalo, highway infrastructure, and the construction of a bridge to the site. By the time Toyota decided to make Buffalo its new home, I felt like a full-fledged member of that site selection team. The cornfield of those days is now a state-of-the-art manufacturing facility, with a spotless parking lot outside for the hundreds of West Virginia workers proud to arrive for work there every day.

Many in the company and outside thought this move was a mistake for Toyota. They thought this was a mistake for West Virginia. They thought that West Virginians could not do the work.

But Dr. Toyoda saw what others did not—a strong, smart, and friendly workforce and a great place to do business. Although it took many years and a number of meetings with my friend Dr. Toyoda—meetings I now look back on fondly—I am pleased to place production at the time Toyota decided to make Buffalo its new home, I felt like a full-fledged member of that site selection team. The cornfield of those days is now a state-of-the-art manufacturing facility, with a spotless parking lot outside for the hundreds of West Virginia workers proud to arrive for work there every day.

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But Dr. Toyoda saw what others did not—a strong, smart, and friendly workforce and a great place to do business. Although it took many years and a number of meetings with my friend Dr. Toyoda—meetings I now look back on fondly—I am pleased to place production at Toyota’s plant in Buffalo, WV, has gained national and international renown. It is the single most productive engine and transmission facility in all of North America for 3 years running, according to the Harbour Report, which is the auto industry authority on manufacturing efficiency and productivity. Toyota has implemented more recommendations from its Buffalo workforce than from most of its
other facilities. In fact, other much larger cities around the country are envious of our tremendous success. In The Buffalo News recently, we learned that Buffalo, NY, is looking longingly at Buffalo, WV, and its enormous success in the automotive industry.

"Toyota is now the second largest automobile producer in the world and has expanded six times in West Virginia alone. Our plant has also spawned a number of automotive suppliers around the State. Toyota has been the anchor of development in the United States and in Japan has given these workers the tools they need to succeed and excel. I extend my gratitude for this coordination and my congratulations for 10 years of hard work and great accomplishments.

Again, Mr. President, I commend the workers and Toyota for 10 years of operations in West Virginia. This company, which is a worldwide model for any kind of manufacturing, took a risk on West Virginia. But their investment has paid enormous dividends, just as I promised my friend Dr. Toyoda it would almost 20 years ago.

Mr. FEINGOLD. Mr. President, Libya’s decision to abandon its illegal weapons programs, and today’s news that the verification process has been successfully completed, and the fact that Libya is cooperating in international counterterrorism efforts, are tremendously positive developments that make our world safer. Libya’s experience demonstrates that countries have more to gain by acting responsibly and abiding by international norms than by seeking weapons of mass destruction. However, the establishment of diplomatic relations between our countries does not mean that Libya’s progress on all fronts has been satisfactory. According to the State Department’s 2005 human rights report, Libya’s human rights record remains poor last year, with Libyan citizens unable to change their government and subject to severe restrictions of their civil liberties. As we begin developing a new relationship with Libya, we must continue to press Libya to improve its human rights record and governance, and to address the cases pending in U.S. courts with regard to its terrorist activities of the 1980s.

ADDITIONAL STATEMENTS

(At the request of Mr. Reid, the following statement was ordered to be printed in the RECORD.)

CONGRATULATING BUDRO KENNETH BAISDEN

Mr. ROCKEFELLER. Mr. President, today, I want to congratulate Budro Kenneth Baisden and other young, aspiring poets for their poetry as part of the Poetry of Rural Places writing competition. Budro Baisden comes from southern West Virginia and he has lived in our coal fields, surrounded by coal miners and the culture of the coal fields. He participates in the Coalfield Writers, Marshall University Writing Project. This month, as the West Virginia winner, he got to travel to Washington, DC, for the first time, to accept his award, and to read his poem in the Library of Congress. In his poem, Baisden eloquently expresses the arduous life of a coal miner, the adversity that oppresses rural Americans, and the acceptance of a life destined to be spent underground in the mines. Given the mine tragedies that hit West Virginia and other States earlier this year, the spirit and the simplicity of his words implores us to acknowledge the parallel experiences of rural Americans nationwide. The words of this young West Virginia poet should inspire us to think about life through the eyes of a coal miner. It is with great pride that I submit this poem for the Record to share with my colleague and the public.

Mr. President, I ask that the poem be printed in the RECORD.

The poem follows:

LIFE THROUGH A COAL MINER’S EYES

Dark at day
Dark at night
It never changes
That’s the mines
Cold and wet this they know
Still they put on their hardhats
And go
No one knows why they seek that hole
Deep in the mountains
With all that coal
To risk their lives for a single light pole
That shines through a window of a Coal miner’s home
But there is only one thing that shines so bright
Not the light you pass every night
It’s the smile of their wives
When they come home at night
That’s life through a coal miner’s eyes.

—Budro Baisden

Mr. ROCKEFELLER. Baisden is one of several students visiting Washington for the Poetry of Rural Places program, representing the National Writing Project, NWP, and the Rural School and Community Trust initiatives. Working together in a unique partnership, the NWP and the Rural School and Community Trust have provided students from rural areas across the country for their actions above and beyond the call of duty. This year, Captain Kelly Willis, Sergeant Jeff Edwards, and Officers Chris Hardy and Robert Clark, all of the Des Moines Police Department, were recognized for their professionalism and valor in saving the life of a teenage robbery suspect.

Last winter, when officers attempted to stop a stolen vehicle being driven, the suspect, a teenager from Nebraska, attempted to escape and was arrested. The vehicle and attempted to swim across the icy waters of the Des Moines River. Sergeant Edwards and Officer Hardy realized the teen was in trouble when the suspect grew tired and his head went under water. They understood the risks of entering the frigid river; nonetheless, they jumped in after the teen and attempted to pull him ashore. Captain Willis and Officer Clark also entered the river to assist with the rescue. After pulling the teenager to shore, Officer Clark performed CPR on the unconscious teen, who was taken to the hospital in critical condition but eventually recovered.

I congratulate these four public servants for their courageous actions last winter. Law enforcement officers are often required to make life-or-death decisions, and this requires superb training and excellent judgment, which these four officers clearly possess in abundance. The people of Des Moines are very fortunate to be served by such outstanding professionals. I thank these four officers for their service and thank them on their well-deserved recognition by their peers at the TOP COP Awards program last week.

DES MOINES POLICE OFFICERS HONORED FOR VALOR

Mr. HARKIN. Mr. President, I have come to the floor today to salute the achievement of four Des Moines police officers who received richly earned recognition from the National Association of Police Organizations last week at the TOP COPS Awards here in Washington.

Every year for the past 13 years, the National Association of Police Organizations has presented awards to outstanding law enforcement officers across the country for their actions above and beyond the call of duty. This year, Captain Kelly Willis, Sergeant Jeff Edwards, and Officers Chris Hardy and Robert Clark, all of the Des Moines Police Department, were recognized for their professionalism and valor in saving the life of a teenage robbery suspect.

When they come home at night
It’s the smile of their wives
When they come home at night
That’s life through a coal miner’s eyes.

—Budro Baisden

Mr. President, I have

To risk their lives for a single light pole
That shines through a window of a Coal miner’s home
But there is only one thing that shines so bright
Not the light you pass every night
It’s the smile of their wives
When they come home at night
That’s life through a coal miner’s eyes.
TRUANCY COURT PROJECT

Mr. THUNE. Mr. President, today I rise to recognize the students who participated in the Truancy Court Project for the Pennington County Juvenile Diversion Program.

The 17 students who successfully participated in the Truancy Court Project deserve the special recognition they are receiving today. After starting off the school year with a rocky beginning, each individual student took it upon themselves to volunteer for this project and to excel at it. Each of them has improved attendance, improved their relationships with their teachers, and most importantly learned the value of education.

It gives me great pleasure to rise with the citizens of Rapid City and Ellsworth in congratulating the Truancy Court Project students for their successful participation in the program.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:00 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4297. An act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

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

H.R. 4954. An act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2810. A bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling programs and agencies on aging, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6837. A communication from the Assistant Secretary of Defense (Reserve Affairs) transmitting, pursuant to law, the National Guard Challenge Program Annual Report for Fiscal Year 2005; to the Committee on Armed Services.

EC–6838. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report entitled “Distribution of DoD Defense Workload Fiscal Years 2005 through 2007”; to the Committee on Armed Services.

EC–6839. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled “Assessment of the United States Defense Industrial Base”; to the Committee on Armed Services.

EC–6840. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled “Foreign Sources of Supply: Assessment of the United States Defense Industrial Base”; to the Committee on Armed Services.

EC–6841. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–6843. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13947 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–6844. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 13383 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–6845. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report prepared by the Department’s Office of Fair Housing and Equal Opportunity on “The Impact of the ‘Default Reporting Period’” ((RIN2502-A120)(FR–4916–F–02)) received on May 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6846. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Manufactured Home Construction and Safety Standards Technical Correction” ((RIN2502-A122)(FR–4886-C–03)) received on May 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6847. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to omitting Libya and adding Venezuela to the list of countries not cooperating fully with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC–6848. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and license for the export of defense services sold commercially under a contract in the amount of $100,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–6849. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of the proposed authorization for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–6850. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of the proposed authorization for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–6851. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of the proposed authorization for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–6852. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of the proposed authorization for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–6853. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Algeria and Spain; to the Committee on Foreign Relations.

EC–6854. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Jordan; to the Committee on Foreign Relations.

EC–6855. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–6856. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Algeria and Spain; to the Committee on Foreign Relations.

EC–6857. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Algeria and Spain; to the Committee on Foreign Relations.

EC–6858. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.
EC—6856. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, the report of draft legislation to authorize appropriations for the Merit Systems Protection Board, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

EC—6857. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-09' (FAC Case 2005-09) received on May 15, 2006; to the Committee on Homeland Security and Governmental Affairs.

CONGRESSIONAL RECORD—SENATE S4617

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. ENZI (for himself, Mr. KENNY, Mr. ISAKSON, Mrs. MURRAY, Mr. Boren, Mr. BYRD, Mr. DEWINE, and Mr. SANTORUM):
S. 2803. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DeMINT:
S. 2804. A bill to extend the duty suspension on polysiloxane; to the Committee on Finance.
S. 2805. A bill to suspend temporarily the duty on 2,6-Di-tert-butylphenol; to the Committee on Finance.
S. 2806. A bill to suspend temporarily the duty on sodium hypophosphite; to the Committee on Finance.
S. 2807. A bill to suspend temporarily the duty on Cyanuric chloride; to the Committee on Finance.

By Mr. DeMINT:
S. 2808. A bill to suspend temporarily the duty on textured rolled glass sheets; to the Committee on Finance.

By Mr. DeMINT:
S. 2809. A bill to suspend temporarily the duty on 4,4'-Diaminostilbene-2,2'-disulfonic acid; to the Committee on Finance.
By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. DeWine, Mr. Nelson of Florida, Mr. Kyl, Mr. Carper, Mr. TALENT, Mrs. LINCOLN, Ms. Snowe, Ms. Cantwell, Mr. Santorum, Mr. Bayh, Mr. Burns, Mr. Conrad, Ms. Murkowski, Mrs. Murray, Mr. Smith, and Mr. Hatch):
S. 2810. A bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes; read the first time.

By Ms. STABENOW (for herself and Mr. DORGAN):
S. 2811. A bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes; to the Committee on Finance.

By Mr. DAVISON:
S. 2812. A bill to amend the Petroleum Marketing Practices Act to prohibit restrictions on the installation of renewable fuel pumps, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:
S. 2813. A bill to provide for relief of Claudia Marquez Rico; to the Committee on the Judiciary.

By Mr. BURNS:
S. 2814. A bill to amend title X, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. DODD:
S. 2815. A bill to establish the Commission on Economic Indicators to conduct a study and submit a report containing recommendations concerning the appropriateness and accuracy of the methodology, calculations, and reporting used by the Government relating to certain economic indicators; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):
S. 2816. A bill to amend the Internal Revenue Code to provide an income tax credit for the manufacture of flexible fuel motor vehicles and to extend and increase the income tax credit for alternative fuel refueling properties; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):
S. 2817. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SALAZAR (for himself, Mr. ALDARD, Mr. BAYH, Mr. Bunning, Mr. MCCONNELL, and Mr. Wyden):
S. Res. 480. A resolution expressing the sense of the Senate regarding the Chemical Weapons Convention; to the Committee on Armed Services.

By Mr. FRIST (for himself, Mr. REED, and Mr. ENOS):
S. Res. 144. A resolution of the Senate relative to the death of Jacob Chic Hecht, former United States Senator for the State of Nevada; considered and agreed to.

ADDITIONAL COSPONSORS

S. 167. At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 167, a bill to establish the National Bankruptcy Reform Commission, and for other purposes.

S. 414. At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 414, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1109. At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1109, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicare and State children's health insurance programs.

S. 1112. At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SHERIDAN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1293. At the request of Mr. BOND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1293, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1479. At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1354, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 1862. At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1862, a bill to authorize the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1863. At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 2005. At the request of Mr. REED, the name of the Senator from Minnesota (Mr. CROMAN) was added as a cosponsor of S. 2005, a bill to provide for the updating, and maintenance of National Flood Insurance Program rate maps, and for other purposes.
S. 2140 was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2178, a bill to make the stealing and solving to prevent, detect, treat, interdict any rail connections or railway-related connections that traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey, and that specifically exclude cities in Armenia.

S. 2461, a bill to prohibit United States assistance to develop or promote any rail connections or railway-related connections that traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey, and that specifically exclude cities in Armenia.

S. 2480, a bill to amend the Fairness to Contact Lenses Consumer Act with respect to the availability of contact lenses.

S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2614, a bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems.

S. 2629, a bill to improve the tracking of stolen firearms and firearms used in a crime, to allow more frequent inspections of gun dealers to ensure compliance with Federal gun laws, to enhance the penalties for gun trafficking, and for other purposes.

S. 2638, a bill to amend the Social Security Act to make the stealing and solving to prevent, detect, treat, interdict activity and for other purposes.

S. 2652, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal Minimum wage keep pace with any pay adjustments for Members of Congress.

S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2725, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress.

S. J. RES. 19, a joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year.
amendment No. 3961 proposed to S. 2611, supra.

At the request of Mr. THUNE, his name was added as a cosponsor of amendment No. 3961 proposed to S. 2611, supra.

AMENDMENT NO. 3960

At the request of Mr. COBURN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3966 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3961

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Iowa (Mr. GASS) were added as cosponsors of amendment No. 3968 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3962

At the request of Mr. BYRD, the names of the Senator from Tennessee (Mr. AXE) and the name of the Senator from Alabama (Mr. BURNs) were added as a cosponsor of amendment No. 3981 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3963

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Iowa (Mr. GASS) were added as cosponsors of amendment No. 3985 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. ISAKSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BYRD, Mr. DEWINE, and Mr. SANTORUM):

S. 2803. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, as the chairman of the Senate Committee on Health, Education, Labor and Pensions I am pleased to announce today the introduction of comprehensive legislation designed to make our Nation’s mines and miners safer—the Mine Improvement and New Emergency Response Act of 2006, the MINER Act. I am particularly pleased to note that the MINER Act is the product of a truly bipartisan effort that includes Senator KENNEDY, the committee’s ranking member, Senators ISAKSON and MURRAY, the chair and ranking member of the Subcommittee on Employment and Workplace Safety, and Senators ROCKEFELLER and BYRD. They have all worked tirelessly to make this bill a reality, and I am grateful for their leadership on this issue and their co-sponsorship of the MINER Act.

Mining, and coal mining in particular, is vital to our national and local economies, and to our national energy security. No aspect of mining is more important than protecting the health and safety of those whose hard work fuels the industry.

This year our Nation has experienced tragic losses in the coal mines of West Virginia. Following the accident at the Sago mine, Senators ISAKSON, KENNEDY, ROCKEFELLER, and I traveled to West Virginia to meet with the families of those miners whose lives were lost. I brought that experience, and committed to do our best to ensure that such tragedies will not be repeated. To further that commitment, we have sought the views of experts and stakeholders on a wide range of mine safety issues and have conducted hearings and roundtables on such issues as mine safety technology. In the MINER Act, we have done much to reach our common goal of safeguarding the lives of all those who work in our Nation’s mines.

The legislation that we produce today addresses the issue of mine safety in a variety of ways. First, the MINER Act would require the development of mine-specific emergency response plans that incorporate safety and technology provisions designed to enhance miner safety. In the area of technology, in particular, the MINER Act recognizes that as safety technology evolves, so, too, must our approach. Thus, the plans that are initially developed must be periodically modified to reflect such changes.

Second, the MINER Act recognizes the critical role of mine rescue teams, and those who serve on them, in enhancing the safety of miners. The legislation directs the Secretary of Labor to issue regulations that will make new provisions for mine rescue teams, and it creates liability protection for those who serve on those teams and their employers.

Third, the MINER Act recognizes that in emergencies the ability to craft a prompt response is dependent upon prompt notification. Thus, the MINER Act provides that in the case of serious life-threatening accidents notification must be made to Federal Mine Safety officials within 15 minutes.

Fourth, the legislation recognizes that despite all efforts, accidents may occur in the future, and that in those instances MSHA should be prepared to provide refuge chambers designed to communicate with the families of those affected. Accordingly, the MINER Act requires MSHA to establish a policy to meet both of these objectives.

Fifth, the legislation recognizes the key role of technology in improving mine safety and the key role of the National Institute of Occupational Safety and Health in advancing such technological development. The MINER Act establishes an Office of Mine Safety within NIOSH, a NIOSH-administered grant program designed to foster the development and manufacture of new mine safety equipment, and a NIOSH-chaired interagency working group designed to facilitate the transfer of technology that may be adaptable to mine usage from such other Federal sources as the National Aeronautics and Space Administration, NASA, the Department of Defense. The bill also contains provisions to streamline testing of technologies.

Sixth, the MINER Act recognizes there are some areas regarding technology and engineering and mining practice about which uncertainty remains. The MINER Act recognizes that such issues are better addressed with the informed assistance of experts. Thus, the MINER Act creates a technical study panel to review the belt air issue and directs further NIOSH study and testing regarding refuge chambers. It also requires the Secretary to utilize the regulatory process to issue final regulations regarding the strength of seals used in abandoned mining sections. These directives do not prejudice the issues or dictate any result or approach, however they do provide an important means of developing a body of expert opinion with regard to these issues.

Seventh, throughout the development of this legislation my long-held belief that the vast majority of mine operators take their safety responsibilities with great seriousness has been reinforced. The conscientious efforts of mine operators throughout the country have been the principal reason behind our continual improvement in mine safety over the years. We must recognize this essential fact even as we must also recognize that there are a handful of operators who do not fall in this camp. In the instance of these “bad actors,” the MINER Act provides tools MSHA can use to more readily deal with those who fail to pay civil penalties. The MINER Act codifies a tenfold increase in the available criminal penalties, and it creates an increased maximum for flagrant violators in line with the administration’s proposal and creates minimum penalties for the most serious types of infractions.

Lastly, the legislation recognizes that training and education play a critical role in the effort to make mines and miners safer. Therefore, the legislation contains scholarship provisions to address the anticipated shortages of trained miners and MSHA personnel as well as fostering the skills of those who will work on the next generation of mine safety technology. It also contains provisions for the establishment of a program to provide a full range of mine safety training grants.

These steps, when taken together, will help make our Nation’s mines a safer workplace today and in years to come. (At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mr. ROCKEFELLER. Mr. President, to join with several of my distinguished colleagues to introduce S. 2803, the Mine Improvement and New Emergency Response,
MINER Act of 2006. This is the first time Congress has taken a critical look at mine safety since the 1970s. It will be the first significant update of statutory mine safety standards in a generation. The advances in this legislation represent long overdue health and safety improvements for our Nation’s miners. The MINER Act will affect every mine and every miner in the country. When fully implemented by the Mine Safety and Health Administration, MSHA, and coal operators, the MINER Act will make the men and women who work in our Nation’s coal mines safer than they have ever been.

Like many Americans, I was transfixed by the coverage of the tragic events at the Sago Mine in Upshur County, WV, this past January. My heart went out to the families of the miners as they waited and prayed for—and were cruelly denied—a happy ending. Except for the brief elation when we learned of Randal McCloy’s miraculous survival, we were all heartbroken by the devastating outcome. Because these were miners and families in my State of West Virginia and because for years I lived and worked in nearby Buckhannon, the tragedy at Sago hit very close to home for me. For current and retired miners and their families across the country, the deaths of the Alma miners, as well as those who lost their lives at the Longbranch No. 1 mine in West Virginia and at other mines in Kentucky, Utah, Alabama, and Maryland just this year.

The MINER Act amends the Federal Mine Safety and Health Act of 1977 to do the following:

- Requires companies to submit to MSHA emergency preparedness and response plans, including requirements to deploy state-of-the-art technologies for two-way communications, miner tracking, improved breathing apparatuses, and lifelines. These improvements could include immediately wherever feasible and no later than 3 years after enactment. Each miner must have enough breathable air accessible to last for a sustained period of time.
- Requires coal operators to supply miners with additional supplies of breathable air, both in working sections of coal mines and at intervals on escapeways so miners can walk out in the event of a disaster.
- Increases training on self-rescuers to make sure that technologies are properly deployed in the mine as soon as they become available.
- Requires operators to notify MSHA within 15 minutes of a disaster or face up to $50,000 in penalties.
- Improves the overall safety of miners by strengthening mine rescue team requirements for all underground mines. Now at least one miner per shift will have to be sufficiently familiar with the mine’s escape routes, survive a co-ordinator in the even of an accident, more miners will be rescue-trained, and response time will be cut in half—down to 1 hour.
- Requires NIOSH to conduct research, including field testing, of refuge chambers and could result in the Secretary issuing a new regulation to require them.
- Creates an Office of Mine Safety in NIOSH to distribute mine safety research, search and development grants and to coordinate with other Government agencies on technology they use that might be adapted for mine safety purposes.
- Establishes a family liaison position for post-accident assistance to miners’ families.
- Creates for the first time a schedule of higher minimum penalties for the most egregious health and safety violations—essentially doubling fines for serious violations.
- Tightens MSHA fine collection procedures and gives MSHA new authority to shut down mines for failure to pay persistent violations.
- Requires the Secretary of Labor to improve standards for seals in abandoned areas of underground coal mines.
- Establishes a technical study panel made up of scientists and health and safety experts to review and report to the Secretaries of Labor and Health and Human Services on the use of “belt air” and the replacement of worn belts with fire-resistant materials.
- Creates three scholarship programs: for community college study in basic safety and mine skills for new miners; for college-level study leading toward employment with MSHA; and college and graduate study in mining-related disciplines.

This legislation makes our coal mining operations safer, more predictable, and more reliable and is set to change the way we work in the coal mining industry. It is a game changer. The advances in this legislation represent long overdue health and safety improvements for our Nation’s coal miners. I believe the MINER Act is legislation that will fulfill those goals and is the very least we owe to all the men and women who work in the Sago and Alma mines, as well as those who lost their lives at the Longbranch No. 1, Black Castle, Candice No. 2, and Jacob
our mines, it is not the last word in health and safety protections for the men and women who work underground. More aggressive measures on mine safety may be needed. Chairman Enzi has produced a very good bill, but I would have included more mandatory, positive language to require the introduction of emergency refuge chambers in mines, and I would have prevented the use of belt air anywhere its use presents an unreasonable hazard to miners. In any event, miners should not have to wait much longer for Congress to act. Legislatively can be a slow process, but in times of crisis—and I believe we are in a time of crisis in our mines—Congress must act.

As we work to move this legislation through Congress, we must commit with equal dedication to ongoing oversight. I believe I have that commitment from the chairman of the HELP Committee. But we need to ask more of the administration also: in resources—real dollars; in renewed dedication to an inspector workforce weakened by retirements and attrition; and in more vigilance on the part of mine inspectors, who must be willing to spend the time in those mines where safety concerns go unabated today. On the front lines, I believe our coal companies understand that safe mines are productive mines, and our miners come to work each day ready and willing to do their jobs in the safest way possible.

I commit to work with my cosponsors and the Congress and the administration who care about miners to get this bill enacted this year and to continue to improve mine safety even after the MINER Act passes.

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

(The bill will be printed in a future edition of the RECORD.)

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DeWEIN, Mr. NELSON of Florida, Mr. KYL, Mr. CARPER, Mr. TALENT, Mrs. LINCOLN, Ms. SNOWE, Ms. CANTWELL, Mr. SANTORUM, Mr. BAYH, Mr. BURNS, Mr. CONRAD, Ms. MURKOWSKI, Ms. MURPHY, Mr. SMITH, and Mr. HATCH):

S. 2810. A bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare Part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes; read twice and ordered to be reported for consideration.

SEC. 1. SHORT TITLE.

This Act may be cited as the “Medicare Late Enrollment Assistance Act of 2006”.

SEC. 2. ELIMINATION OF MONTHS IN 2006 FROM THE CALCULATION OF ANY LATE ENROLLMENT PENALTY UNDER MEDI

(a) ELIMINATION.—Section 1860D–13(b)(3)(B) of the Social Security Act (42 U.S.C. 1395w–123(b)(3)(B)) is amended by adding at the end the following new subparagraph:

“(3) The amount of a grant to a State under this section from 1 of the amount made available under subsection (a) shall remain available until the end of the 2006 fiscal year.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

SEC. 3. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE COUNSELING PROGRAMS.

(a) In General.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $13,000,000 to the Secretary of Health and Human Services for fiscal year 2007, for the purpose of providing grants to States for health insurance counseling programs receiving assistance under section 560 of the Omnibus Reconciliation Act of 1990.

(b) ALLOCATION.—(1) Allocation based on percentage of low-income beneficiaries.—The amount of a grant to a State under this section from 1 of the total amount made available under subsection (a) shall be based on the number of individuals that meet the requirement under section 1860D–14(a)(3)(A)(ii) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(A)(ii)) relative to the total number of part D eligible individuals (as defined in section 1860D–14(a)(3)(A) of such Act (42 U.S.C. 1395w–114(a)(3)(A))) in each State, as estimated by the Secretary of Health and Human Services.

(2) Allocation based on percentage of rural beneficiaries.—The amount of a grant to a State under this section from 1 of the total amount made available under subsection (a) shall be based on the number of part D eligible individuals (as so defined) residing in a rural area (as determined by the Administrator of the Centers for Medicare & Medicaid Services) relative to the total number of such individuals in each State, as estimated by the Secretary of Health and Human Services.

(c) A VAILABILITY.—Amounts made available under subsection (a) shall remain available—

(1) for obligation until November 1, 2006; and

(2) for expenditure until June 30, 2008.

SEC. 4. ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.

(a) In General.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $5,000,000 to the Secretary of Health and Human Services for fiscal year 2007, to enable the Assistant Secretary on Aging to provide grants to States for area agencies on aging (as defined in section 102 of the Omnibus Reconciliation Act of 1990 (Public Law 101–173; 117 Stat. 2071)).

(b) Allocation based on percentage of low-income and rural beneficiaries.—The amount of a grant to a State under this section from 1 of the total amount made available under subsection (a) shall be determined in the same manner in which a grant made under this section was determined under paragraphs (1) and (2) of subsection (b) of such section.

(c) Availability.—Amounts made available under subsection (a) shall remain available—

(1) for obligation until November 1, 2006; and

(2) for expenditure until June 30, 2008.

SEC. 5. MEDICARE ADVANTAGE REGIONAL PLAN STABILIZATION FUND REVISIONS.

(a) In General.—Section 1885(e)(5) of the Social Security Act (42 U.S.C. 1395w–27(a)(5)) is amended by adding at the end the following new subparagraph:

“(5) (C) Additional limitation in no case may the total expenditures from the Fund—

(1) prior to October 1, 2007, exceed $4,500,000,000; and

(2) during the period beginning on October 1, 2007, and ending on September 30, 2011, exceed $4,507,000,000.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2381).

By Mrs. FEINSTEIN:

S. 2813. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am introducing a bill to provide lawful permanent residence status to Claudia Marquez Rico, a Mexican national living in Redwood City, CA.

Born in Jalisco, Mexico, Claudia was brought to the United States by her parents 16 years ago. Claudia was just 6 years old at the time. She has two younger brothers, Jose and Omar, who came to America with her, and a sister, Maribel, who was born in California and is a U.S. Citizen. America is the only home they know.

Six years ago that home was visited by tragedy. As Mr. and Mrs. Marquez were driving to work early on the morning of October 4, 2000, they were both killed in a terrible traffic accident when their car collided with a truck on an isolated rural road.

The children went to live with their aunt and uncle, Hortencia and Patricio Alcala. The Alcalas are a generous and loving couple. They are U.S. citizens with two children of their own. They took the Marquez children in and did all they could to comfort them in their grief and supervise their schooling, and made sure they received the counseling they needed, too. The family is active in their parish at Buen Pastor Catholic Church, and Patricio Alcala serves as a youth soccer coach. In 2001, the Alcalas were appointed the legal guardians of the Marquez children.

Sadly, the Marquez family received bad legal representation. At the time of their parents’ death, Claudia and Jose were minors, and qualified for special immigrant juvenile status. This category was enacted by Congress to protect children like them from the hardship that would result from deportation under such extraordinary circumstances, when a State court deems them not to be deportable, abused, abandoned or neglected. Today, their younger brother Omar is on track to lawful permanent residence status as a special immigrant juvenile. Unfortunately, the family’s previous lawyer failed to secure this relief for Claudia, and she has now reached the age of majority without having resolved her immigration status.
I should note that their former law-
er, Walter Pineda, is currently an-
swering charges on 29 counts of profes-
sional incompetence and 5 counts of
moral turpitude for mishandling immi-
gration cases and appears on his way to
being disbarred.

I am offering legislation on Claudia’s be-
half because I believe that, without
it, this family would endure an im-
mense and unfair hardship. Indeed,
without this legislation, this family
will not remain a family for much lon-
ger.

Despite the adversity they encoun-
tered, Claudia and José finished school
and now work together in a pet grom-
ing store in Redwood City, where Clau-
dia is the store manager. They support
themselves, and they are dedicated to
their community and devoted to their
family. In fact, last year Claudia be-
came the legal guardian of her 14-year-
old sister Maribel, who lives with her and
José at their home in Redwood City.
Maribel, 7 years old, is completely
to live with the Alcaldes so as not to in-
trude his studies at Aragon High
School in San Mateo. Again, Maribel is
a U.S. citizen, and Omar is eligible for
a green card.

Claudia’s family has no close relatives
in Mexico. She has never visited Mexico,
and she was so young when she was
brought to America that she has no
memories of it. How can we expect her
to start a new life there now?

It would be an injustice to add to
this family’s misfortune by tearing
these siblings apart. This is a close
family, and they have come to rely on
each other heavily in the absence of
their deceased parents. This bill will
prevent the added tragedy of another
wrenching separation.

I ask unanimous consent that the
text of the bill be printed in the
RECORD along with a letter from Clau-
dia and José Marquez Rico.

The text of the bill, section by sec-
tion, the material was ordered to be printed in the
RECORD, as follows:

S. 283

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

SECTION 1. PERMANENT RESIDENT STATUS FOR
CLAUDIA MARQUEZ RICO.

(a) In GENERAL.—Notwithstanding sub-
sections (a) and (b) of section 201 of the
Immigration and Nationality Act (8 U.S.C.
1151), Claudia Marquez Rico shall be eligible
for issuance of an immigrant visa or for ad-
justment of status to that of an alien law-
fully admitted for permanent residence upon
filing an application for issuance of an immi-
grant visa or the application for ad-
justment of status is filed with appropriate
fees not later than 2 years after the date of
the enactment of this Act.

(b) ADJUSTMENT OF STATUS.—If Claudia
Marquez Rico enters the United States be-
fore the filing deadline specified in sub-
section (c) she shall be considered to have
entered and remained lawfully and, if oth-
wise eligible, be eligible for adjustment
of status under section 245 of the Immiga-
ration and Nationality Act (8 U.S.C. 1255) as
of the date of the enactment of this Act.

(c) APPLICATION AND PAY-
MENT OF FEES.—Subsections (a) and (b) shall
apply only if the application for issuance of
an immigrant visa or the application for ad-
justment of status is filed with appropriate
fees not later than 2 years after the date of
the enactment of this Act.

(d) RECONSIDERATION OF IMMIGRANT VIS-
A VISUM NUMBER.—Upon the granting of an immigrant
visa or permanent residence to Claudia
Marquez Rico, the Secretary of State
shall decrease the total number of immigrant
visas for the United States to the level
by 1, during the current or next following fiscal
year, the total number of immigrant visas
that are made available to natives of the
country of the alien’s birth under section 203(a) of the Immigration and Nationality
Act (8 U.S.C. 1153(a)) or, if applicable, the
total number of immigrant visas that are
made available to natives of the family of
the alien’s birth under section 203(e) of such
Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION
TREATMENT FOR CERTAIN RELATIVES.—The
natural parents, brothers, and sisters of
Claudia Marquez Rico shall not, by virtue of
such relationship, be accorded any right,
privilege, or status under the Immigration
and Nationality Act (8 U.S.C. 1101 et seq.).

JANUARY 3, 2005.

Senator DIANNE FEINSTEIN,
U.S. Congress,
Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing to request your assistance in introducing a private bill in the United States Senate on
our behalf. We are currently in deportation proceedings in Immigration Court in San Francisco, California. We are twenty-
one and eighteen years old respectively. We have two other siblings, Omar, sixteen, and Maribel, twelve.

Our parents entered the United States without documents in 1996. We were very young when we first came to
the United States in or ever living in Mex-
ico. Our life in the United States is the only
thing we have ever known, it is where our
family, friends, and community are and have
always been.

In October 2000 our parents were both killed in a terrible car accident. We were so sad to suddenly not have our parents
and scarred about what our future would bring.

After the accident we went to live with our aunt and uncle, Hortencia and Patricio Alcala, in San Mateo, California and they
became our legal guardians. It was difficult to adjust to life without our parents. We lived in a new home, in a new environment, and
attended different schools with new people.

Everyting in our lives had changed.

Before their deaths, our parents had a case
before the Immigration Court in San Fran-
cisco, California and we were included in
that case. Our youngest sister Maribel was
born here in the United States and so she is
citizen and not part of our case. We know
that despite the deaths of our parents that
case continues and that we may be deported
to Mexico. We have a lawyer who is trying to help us.

She said she will be able to help our brother Omar in his case because he is still a minor but that there are few options for us to remain in
the United States. We are trying to find a
solution for our case but are scared we may
be deported before we are able to do so.

Our parents came to this country because
they wanted a better future for us and all
we want is the chance to have the kind of oppor-
tunities they sought for us. Jose Elvis wants
to study mechanics and then open his own
business, then open his own business. We want
to go to college. All of our dreams would be lost if we had to re-
turn to Mexico. We have no family there and
no way of supporting ourselves. Even though
we were born and raised here we are
came our legal guardians. It was difficult to
adjust to life without our parents. We lived in
a new home, in a new environment, and
attended different schools with new people.
Everything in our lives had changed.

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turn to Mexico. We have no family there and
no way of supporting ourselves. Even though
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Ben Bernanke, now Chairman of the Federal Reserve Board of Governors,
While our economic statistics will likely never provide perfect, real-time gauges of our economy’s performance, that does not mean we should cease seeking to improve them. Chairman Bernanke’s predecessor at the Federal Reserve, Alan Greenspan, was known for his search for insight not only by reading economic data, but also by knowing its limitations and pushing for better ways to measure what was happening in national and global economies. As Chairman Greenspan recognized in a speech to the American Economic Association on January 3, 2004, “the economic world in which we function is best described by a structure whose parameters are continuously changing.”

Chairman Greenspan makes an important point. As our economy evolves, so too should our methods for measuring it. In a recent Business Week cover story, reporter Michael Mandel outlines one example of how modern features of the 21st century economy may be challenging the accuracy of traditional economic indicators. America’s economy, Mandel argues, has become “increasingly knowledge-based,” driven by intangible investments in addition to the production of tangible goods. Intangibles, however, are notoriously difficult to measure, so as a result, our traditional indicators may be leaving out a growing portion of the economic picture. If intangibles truly are growing in importance, our statistics must better account for them in order to provide a full and accurate measure of economic activity.

Intangibles may be the only economic factor that our current indicators may not capture accurately. Researchers in academic and public policy institutions have also questioned the way we measure poverty in America. They suggest that the government’s use of “reported household income” as the primary measurement tool does not properly account for regional differences in the cost of living or noncash items such as food stamps. As a result, we may be systematically undercounting the number of Americans living in poverty, especially those living in high-cost areas. Mr. President, if we as a Nation are going to effectively fight the scourge of poverty, we must know where to aim and have the ability to measure our progress.

Properly accounting for intangibles and developing more realistic standards of poverty represent only two of the many challenges we face in improving the way we measure our economy. Public servants at each of our government statistical agencies, along with independent researchers, are working continuously and diligently to better understand the environment and reporting information. But the challenge is to bring these efforts together in a larger, coordinated context, with the mission to fundamentally re-examine the way we measure economic activity and our progress as a society.

The legislation I introduce today, the Economic Indicators Commission Act of 2006, will achieve this goal. It establishes a nonpartisan panel of eight experts appointed by Senate and House leadership, in consultation with the Chairmen and Ranking members of the Banking and Finance Committees in the Senate, the Financial Services and Ways and Means Committees in the House, and the Joint Economic Committee. The bill directs the Commission, with both useful and troubling data from such entities as the Federal Reserve and Council of Economic Advisers and the Commerce and Labor Departments, and report its findings and recommendations to the Congress within 90 days of its creation. In order to formulating effective policy and improve market efficiency, we need a full and accurate picture of the economy. Our economic data has the power to literally move markets; it influences billions of dollars worth of investment and public policy decisions. The legislation I introduce today will help Americans make more informed decisions by improving these statistics. Going back to Chairman Benanke’s joke about having the jokes of the economy as a difficult-to-drive car, this bill will help drivers de-fog the windshield and upgrade the speedometer, for the benefit of all.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SEC. 3. ESTABLISHMENT OF COMMISSION.
(a) ESTABLISHMENT.—There is established the Commission on Economic Indicators (in this Act referred to as the “Commission”).
(b) MEMBERSHIP.—
(1) COMPOSITION.—The Commission shall be composed of 8 members of whom—
(A) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the Senate, and the Joint Economic Committee;
(B) 2 shall be appointed by the Minority Leader of the Senate, in consultation with the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the Senate, and the Joint Economic Committee;
(C) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen and Ranking Members of the Committee on Financial Services of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee; and
(D) 2 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Chairmen and Ranking Members of the Committee on Financial Services of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee.
(2) QUALIFICATIONS.—Members of the Commission shall be—
(A) appointed on a nonpartisan basis; and
(B) experts in the fields of economics, statistics, or other related professions.
(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.
(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner: as the original appointment.
(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.
(e) MEETINGS.—The Commission shall meet at the call of the Chairman.
(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.
SEC. 4. DUTIES OF THE COMMISSION.
(a) STUDY.—The Commission shall conduct a study of—
(1) economic statistics collected and reported by United States Government agencies, including national income, employment and unemployment, wages, personal income, wealth, savings, debt, productivity, inflation, and international trade and capital flows; and
(2) ways to improve the related statistical measurements so that such measurements provide a more accurate and complete depiction of economic conditions.
(b) CONSULTATION.—In conducting the study under this section, the Commission shall consult with—
(1) the Chairman of the Federal Reserve Board of Governors;
(2) the Secretary of Commerce;
(3) the Secretary of Labor;
(4) the Secretary of the Treasury;
(5) the Chairman of the Council of Economic Advisers; and
(6) the Comptroller General of the United States.

(c) REPORT.—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit a report to Congress which shall contain a detailed statement and conclusions of the Commission, together with recommendations for such legislation and administrative actions as the Commission considers appropriate, including a recommendation of the appropriateness of establishing a similar commission after the termination of the Commission.

SEC. 4. AUTHORITY OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of any department or agency shall furnish such information to the Commission. The Commission shall maintain the same confidentiality for such information made available under this subsection as is required of the head of the department or agency from which the information was obtained.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. The compensation of the Commissioner who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission shall have regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel appointed by the Chairman shall not exceed the rate prescribed for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any person of the Commission who are employees of the Federal Government shall be considered employees of the Commission for purposes of chapters 63, 81, 83, 85, 87, 89, 89A, 89B, and 90 of this title.

(B) MEMBERS OF BOARD.—Subparagraph (A) shall not apply to members of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detail to the Commission, without reimbursement, with or without a reassignment, and, and such detail shall be without interruption or loss of civil service status or privileges.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services, and for other purposes, to the Committee on Finance.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 5316 of such title.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):

S. 2816. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the manufacture of fueling pumps and tanks which was enacted as part of last year’s energy bill. That existing provision allows a tax credit of 30 percent of the cost of installation, with a maximum credit of $30,000. Our bill modifies this credit in three ways. First, we would eliminate availability of the credit for the large oil companies that would be required to install such E85 pumps under the Biofuels Security Act of 2006. These companies have the financial wherewithal to install these pumps without the need for a tax credit. Second, for retailers who would not be required to install E85 pumps and tanks under the Biofuels Security Act, our bill would enhance the tax credit to 50 percent of the cost of installation, with a maximum credit of $30,000. Our bill modifies this credit in three ways. First, we would eliminate availability of the credit for the large oil companies that would be required to install such E85 pumps under the Biofuels Security Act of 2006. These companies have the financial wherewithal to install these pumps without the need for a tax credit. Second, for retailers who would not be required to install E85 pumps and tanks under the Biofuels Security Act, our bill would enhance the tax credit to 50 percent of the cost of installation, with a maximum credit of $30,000. This tax legislation would also create a new consumer tax credit for the purchase of flexfuel vehicles if the vehicles have no fuel efficiency loss from the use of E85 as compared to regular gasoline. Current flex-fuel models do have some mileage loss. We understand that there is technology available—for example, a Saab “biofuel” flex-fuel E-85 model that makes 40-mpg, 30-mpg, and 25-mpg on seaweed or plants. Third, for retailers who would not be required to install E85 pumps and tanks under the Biofuels Security Act, our bill would enhance the tax credit to 50 percent of the cost of installation, with a maximum credit of $30,000. Our bill modifies this credit in three ways. First, we would eliminate availability of the credit for the large oil companies that would be required to install such E85 pumps under the Biofuels Security Act of 2006. These companies have the financial wherewithal to install these pumps without the need for a tax credit. Second, for retailers who would not be required to install E85 pumps and tanks under the Biofuels Security Act, our bill would enhance the tax credit to 50 percent of the cost of installation, with a maximum credit of $30,000. This tax legislation would also create a new consumer tax credit for the purchase of flexfuel vehicles if the vehicles have no fuel efficiency loss from the use of E85 as compared to regular gasoline. Current flex-fuel models do have some mileage loss. We understand that there is technology available—for example, a Saab “biofuel” flex-fuel E-85 model that makes 40-mpg, 30-mpg, and 25-mpg on seaweed or plants. Third, for retailers who would not be required to install E85 pumps and tanks under the Biofuels Security Act, our bill would enhance the tax credit to 50 percent of the cost of installation, with a maximum credit of $30,000.

The Biofuels Security Act of 2006 stakes out three broad approaches toward increasing production of renewable fuels and connecting the infrastructures required for biofuels to a new fleet of flexible fuel vehicles. In combination these policies can extend home-grown renewable fuels to a predominate place in America’s energy mix.

The Biofuels Security Act of 2006 moves forward to aggressively increase the amount of renewable fuels used in the marketplace to a requirement of 60 billion gallons in 2030. Our approach is phased through a realistic and technically feasible glide path beginning with a 10 billion gallon requirement in 2010, escalating to 30 billion gallons in 2020 and doubling that standard in the final decade. Existing ethanol capacity is anticipated to grow by approximately 50 percent in 2006, from 4.4 billion gallons to 6.3 billion gallons by the end of 2006. Domestic ethanol production is meeting demand and ethanol from corn has the ability of producing upwards of another 10 to 15 billion gallons in the next decade. As ethanol production from corn matures, new feedstocks, such as switch grass will complement corn as a driver toward ethanol production. Setting benchmarks and creating long-term market stability through a demand-driven standard will ensure a competitive biofuel market and help drive down the cost of gasoline and other refined products that pinch consumer budgets.

Tying together future demand are 2 sets of standards and incentives that will transform the availability of higher blends of ethanol fuels. Our bipartisan approach requires auto manufacturers to produce vehicles that can run on higher blends of renewable fuels. Flexible fuel vehicles are capable of operating with ethanol blended fuels, such as E85—a blend of 85 percent ethanol and 15 percent gasoline. Auto manufacturers are gradually...
moving toward production methods that can inexpensively modify trucks and cars to perform at the highest standards on E85 fuel. The Nation lacks, however, a long-term policy that sets benchmarks and targets to manufacture dual-fueled vehicles. Today, there are approximately 6 million dual-fueled vehicles in the United States, a small fraction of the 230 million gasoline and diesel-fueled vehicles filling our roads. Through introducing this bill we are committing to the public that in a decade after enactment of the Biofuels Security Act all vehicles sold in the United States will be dual-fueled vehicles providing maximum performance on all fuel blends.

The second basket of requirements and incentives is targeted toward ensuring that as Americans purchase dual-fueled vehicles that the fueling infrastructure is in place to meet the demand. Retail gasoline stations that market E85 and E30—diesel fuel mixed with 30 percent petroleum diesel fuel—are few and far between. Fuel distributors and retail station owners who want to market E85 are often locked out through contractual agreements with big oil companies offering E85 are independent distributors and station owners that understand the competitive advantage from distributing alternative fuels. The Biofuels Security Act ties together dual-fueled vehicles with refueling infrastructure through an enhanced tax credit of 75 percent capped at $45,000 for the installation of refueling equipment for small business gas station owners. The credit is phased back to 50 percent and capped at $30,000 for larger retail gasoline station owners. Our goal is that in a decade at least 40 percent of all retail gasoline stations include an alternative fuel pump.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):

S. 2817—A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, high prices for gasoline, diesel fuel, and other petroleum-energy continue to cause pain for millions of people, in Iowa and all across the country. Our dependence on foreign oil is a clear and present danger to our national security. If we are serious about national security, we need a bold national commitment to renewable energy—a commitment on par with the Apollo moon-shot program in the United States. I am pleased to be joined by my colleague from Indiana, Senator LUGAR in proposing a major component of such a program—the Biofuels Security Act—a comprehensive plan to ramp-up ethanol and biodiesel production, and to make it available and usable at the pump in every State in America.

Perhaps Senator LUGAR said it best earlier this year when he commented that energy is the albatross around the neck of U.S. national security. The distinguished senior Senator from Indiana has been a thoughtful, prescient thinker about the national security implications of our addiction to foreign oil, and I am delighted to be joining with him today.

Senators JOHNSON, DORGAN and BIDEN are also original cosponsors of this legislation, for which I am grateful. The Senators have been outspoken champions of biofuels for many years now, and strong advocates for their home States.

The goal of this legislation is to help restore America’s energy security—which, in this day and age, is synonymous with national security. Transportation fuels, accounting for two-thirds of our energy use, are the place to start this transition.

Our plan has three key components. First, we are proposing a substantially higher, but achievable, renewable fuels standard or RFS, requiring that our Nation blend into the gasoline supply 10 billion gallons of renewable fuel annually by the year 2010, 30 billion gallons of renewable fuel annually by the year 2020 and 60 billion gallons annually in the year 2030. The current RFS is 7.5 billion gallons of renewable fuels in 2012. At the time we enacted the present RFS in last year’s energy bill, many of us believed this was a reasonably ambitious schedule. However, it is now evident that biofuels growth will outpace this figure within the next couple of years—well in advance of the 2012 target date. This is very good news.

Second, our plan would make E85—the blend of gasoline and 85 percent ethanol—available at stations all across America. Major oil companies would be required to increase the number of E85 pumps at their stations by 5 percentage points annually. Within a decade, approximately 25 percent of gasoline stations nationwide would be required to have E85 pumps. The major oil companies have the financial wherewithal—and the ability—to provide E85 infrastructure at a growing percentage of gasoline stations over the next decade. This is a reasonable, responsible reinvestment of a fraction of their recent earnings in the many billions of dollars. The bottom line is that our domestic oil companies have a shared responsibility to help enhance our energy security, and this is one excellent way for them to contribute.

Third, our plan would make flex-fuel vehicles nearly universal in the United States. Flex-fuel vehicles are capable of using both gasoline and 85 percent ethanol blends—by 10 percentage points annually, until nearly all new vehicles sold in the U.S. are flex-fuel within a decade. Our legislation calls for all of the major auto manufacturers to produce increasing numbers of FFVs, rising to 100 percent of vehicles 10,000 pounds or less over the next decade. This is eminently achievable, and probably easy enough to do much sooner than that.

Recent estimates for the extra cost of manufacturing an FFV are as low as $30. It is a matter of modifying the engine, fuel line and adding a fuel sensor, which most vehicles have anyway. It is not more expensive than many other federal requirements for the auto industry. Air bags are more expensive, for instance. And the bottom line is FFVs are being sold for the same price as regular cars.

America’s dependence on foreign oil is the source of so many of our problems, today. We are transferring vast amounts of wealth to regimes that are not friendly to our interests. We are vulnerable to price hikes and embargoes. Millions of petrodollars are finding their way into the hands of terrorists and other extremists. And we are accelerating the pace of global warming.

Substituting biofuels for oil in the transportation sector won’t solve these problems overnight, but it will make a difference, and a potentially dramatic one in the longer run.

Let me mention a few eye-opening facts and figures to illustrate these points. The United States has less than 5 percent of the world’s population, but we consume 25 percent of the world’s oil. If crude oil prices remain above $60 a barrel this year, we will spend well over $300 billion on oil imports. Projections indicate that, over the next 25 years, world demand for energy will grow by 50 percent. All of this growth in energy use, of course, contributes to dangerously rising levels of greenhouse gas emissions.

The reality is that gasoline is much more costly than most Americans realize, even at $3 a gallon. According to a recent study entitled the “The Hidden Cost of Oil,” gas really costs more than $10 a gallon. This is because of all the costs we don’t factor into its price at the pump, including military expenses, subsidies, and so on.

There is no question that the ambitious goals set forth in this bill are achievable.

The last few decades ago, Brazil committed itself to a similar course. Renewable fuels have played a big part in Brazil’s achieving energy independence. Currently, ethanol production in
the U.S. is increasing by 25 percent annually. If we sustain that rate of increase, we will be able to reach the aggressive renewable fuels standard in the Harkin-Lugar plan. In fact, we will be able to beat it.

For Brazil, the story is quite different. Brazil, years ago directed that all gasoline stations carry ethanol as an alternative fuel. Our legislation would require the major oil companies to do their share by installing E85 pumps over the next decade. This should not pose too much of a challenge or obstacle.

Another key to Brazil’s success is the fact that, in just 3 years’ time, nearly 70 percent of new vehicles sold there are flex-fuel vehicles. We are asking the auto companies to accomplish a similar goal of nearly universal production, only we are giving them a decade to phase in the production and sale of flex-fuel vehicles. Most of the companies that sell vehicles in the United States also sell them in Brazil. If they can produce flex-fuel vehicles for Brazil, they can also produce them for the United States.

Let me explain in more detail why Senator LUGAR and I are proposing can be accomplished.

The 30-billion-gallon and 60-billion-gallon targets are attainable, as well. A joint study by the Department of Agriculture and the Department of Energy found that biofuels could supply 60 billion gallons of renewable fuels a year—30 percent of current U.S. gasoline consumption—on existing lands without any disruption to our food or feed supply.

The key to ramping-up production will be commercializing ethanol made from feedstocks in addition to corn and other grains, including corn stover, straw from wheat and other crops, switchgrass or even trees. There are a host of provisions that I and others authored in the energy bill—ranging from loan guarantees to increased bio-mass research and development—to make cellulosic ethanol production a reality.

Currently, at least three companies are planning commercial-scale cellulosic ethanol plants. They could be operating within the next 2 to 3 years. One company, Iogen, has the backing of Shell Oil. Just 2 weeks ago, according to reports, Iogen received a cash infusion from Goldman Sachs. By setting an ambitious new RFS, with a sufficient lead time, I believe the 60-billion-gallon threshold is not only attainable, but beatable.

In any case, should something unexpected happen to interfere with reaching these benchmarks, the Environmental Protection Agency has, within the existing RFS, authority to waive the requirement in whole or in part based on a finding of insufficient supply.

If we take bold actions to guarantee the fuel supply, if we increase the number of flex-fuel vehicles capable of running on E85, and if we increase the infrastructure of E85 pumps, we will be poised to usher in a new era of energy security much sooner than previously imagined. That is the foundation we lay in this legislation.

This bill would also require that 100 percent of new vehicles purchased for federal fleets be alternative-fueled vehicles, which could include flex-fuel vehicles. The current requirement is 75 percent. I do not see why we shouldn’t expect the federal government to be as aggressive as possible in this area.

Last year’s energy bill closed a loophole in the purchasing requirement that had allowed agencies to buy alternative-fueled vehicles but not use alternative fuels such as E85. That was a step forward. Requiring all the federal fleet to be alternative fueled is yet another step forward in having the Federal Government lead by example when it comes to biofuels.

We also update the Gasohol Competition Act of 1980, legislation designed many years ago to ensure the reasonable availability of ethanol at the pump. It applies to high blends such as E85 and so that oil companies cannot prevent a franchisee from installing E85 pumps.

The concern back then, and still today, is that petroleum companies were unreasonably preventing or prohibiting ethanol-blended fuels from being offered at gasoline stations. The Gasohol Competition Act did two things. First, it made it unlawful to charge additional credit card fees for gasohol. Second, it prohibited unreasonable discrimination against the sale of gasohol. Our legislation would update the Gasohol Competition Act to prohibit discrimination against E85.

We are also proposing several relatively modest amendments designed to bolster this legislation which will be introduced as stand-alone legislation.

The oil-producing countries think they have us over a barrel, but they will soon get the message: We have had enough. And we are dead serious about determining our own energy future. I urge my colleagues to cosponsor this important legislation.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 480—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CHEMICAL WEAPONS CONVENTION**

Mr. SALAZAR (for himself, Mr. AL-LARBI, Mr. BAYH, Mr. BINGHAM, Mr. MCCONNELL, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Armed Services:

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3994. Mr. SALAZAR (for himself and Mr. MARRERO) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes.
SA 3995. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3996. Mr. INHOFE (for himself, Mr. SESSIONS, Mr. COBURN, Mr. BUNNING, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3997. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3998. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3999. Mr. KERRY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4000. Mr. SANTORUM (for himself, Mr. FRIST, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4001. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4002. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4003. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered tolie on the table.

SA 4004. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4005. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4006. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4007. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4008. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4009. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4010. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4011. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4012. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4013. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4014. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4015. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4016. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3994. Mr. SALAZAR (for himself and Mr. MARTINEZ) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

"SEC. 1. Declaration of title.

"(a) In General.—Title 4, United States Code, is amended by adding at the end the following:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec. 161. Declaration of official language.

"(a) English shall be the official language of the Government of the United States.

"(b) The Government of the United States shall conduct its official business in English, including publications, income tax forms, and informational materials.

"(c) The Government of the United States shall preserve and enhance the role of
English as the official language of the United States of America. Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are provided, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal government in a language other than English, the English language version of the form is the sole authority for legal purposes."

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following:

"S. Language of the Government reform and for other purposes; which was ordered to lie on the table; as follows:

On page 178, line 24, before "20 detention facilities", insert "at least".

On page 179, line 1, strike "10,000" and insert "20,000".

Beginning on page 179, strike lines 5 through 23 and insert the following:

(b) CONSTRUCTIVE ACQUISITION OF DETENTION FACILITIES.

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE ADDITIONAL DETENTION FACILITIES IN THE UNITED STATES — Section 3007(2) of the Immigration and Nationality Act (8 U.S.C. 1315(g)) is amended by inserting the text of subsection (a) after subsection (a)."

SEC. 767. REQUIREMENTS FOR NATURALIZATION.

(a) ENGLISH LANGUAGE REQUIREMENTS.—Section 312(a)(1) (8 U.S.C. 1433(a)(1)) is amended to read as follows:

"(1) an understanding of, and proficiency in, the English language on a sixth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, and in accordance with subsection (a).

(b) REQUIREMENT FOR HISTORY AND GOVERNMENT TESTING.—Section 312(a)(2) (8 U.S.C. 1433(a)(2)), as amended by striking the period at the end and inserting ", as demonstrated by receiving a passing score on a standardized test administered by the Secretary of Homeland Security of not less than 50 randomly selected questions from a database of not less than 1000 questions developed by the Secretary."
(b) RADIO COMMUNICATIONS.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped to use the global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) NIGHT VISION. PORTABLE POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 164. PERSONAL EQUIPMENT.

(a) BORDER ARMOR.—The Secretary shall ensure that every agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each agent shall be permitted to select from among a variety of approved brands and styles, but not required, to wear such body armor whenever practicable. All body armor shall be replaced not less than every 3 years.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suit- ed to the threats that the agents face.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 165. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subtitle.

SA 4000. Mr. SANTORUM (for himself, Mr. Frist, and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. 413. VISA WAIVER PROGRAM EXPANSION.

Section 214(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(5)) is amended by adding at the end the following:

"(8) VISA WAIVER PROGRAM EXPANSION.—

SEC. 4002. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. 376. ENGLISH FLUENCY REQUIREMENTS FOR CERTAIN EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION.

Section 214(g)(5)(A) (8 U.S.C. 1184(g)(5)(A)) is amended to read as follows:

"(A)(i) a duly recognized law enforcement entity in connection with a criminal investigation, prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity;

"(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

"(3) INAPPLICABILITY AFTER DENIAL.—The limitation under paragraph (1) shall not apply until an application filed under paragraph (1) or (2) of subsection (a) is denied and all opportunities for appeal of the denial have been exhausted; and

"(5) CUMULATIVE PENALTY.—In 2006, an alien who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

SA 4003. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. 311. ELIMINATING RELEASE OF ALIENS APPEARING AT OR BETWEEN PORTS OF ENTRY.

On page 50, line 9, insert "or a flight risk after return to release at or between ports of entry" after the word "release" in the following:

"(2) the alien provides a bond of not less than:

"(A) $5,000; and

"(B) $10,000, if the alien is from a country outside of the Western Hemisphere.

On page 51, between lines 5 and 6, insert the following:

"(A) REMOVAL.—If the Secretary of Homeland Security determines that an alien has
entered the United States illegally after hav-
ing been removed, deported or excluded or having
departed voluntarily, under an order of
removal, deportation, or exclusion, re-
gardless of the date of the original order or
the date of the illegal entry—

(i) the order of removal, deportation, or exclusion shall be reinstated from its origi-
nal date according to the provisions of sec-
242(a)(2)(D), such order may not be reopened
or reviewed;

(ii) the alien is not eligible and may not apply
for any relief under this Act, regard-
less of the date that an application or re-
quest for such relief may have been filed or
made; and

(iii) the alien shall be removed under the order of
removal, deportation, or exclusion at any
time after the illegal entry.

(B) PROCEEDINGS NOT REQUIRED.—Rein-
statement under this paragraph shall not
require proceedings under section 242 or other
proceedings before an immigration judge.

(2) JUDICIAL REVIEW.—Section 224 (8 U.S.C.
1252) is amended by adding at the end the fol-
lowing:

(h) JUDICIAL REVIEW OF REINSTATEMENT.—

(1) The review of any determination under this
paragraph shall be a de novo review by a pas-
tial immigration judge.

(2) No judicial review of the determination shall
be available in any action under subsection (a).

(3) Effective date.—The amendments made by
paragraphs (1) and (2) shall—

(A) take effect as if enacted on April 1, 1997; and

(B) apply to all orders reinstated or after
such date by the Secretary of Homeland Se-
curity (or by the Attorney General prior to
March 1, 2005), regardless of the date of the
original order.

SA 4004. Mr. CORNYN submitted an amend-
ment intended to be proposed by him to the bill S. 2611, to provide for comprehensive
immigration reform and for other purposes; which was
ordered to lie on the table; as follows:

Beginning on page 359, strike line 13 and all
that follows through page 362, line 3, and
insert the following:

(2) by striking the period at the end of sub-
paragraph (a) and inserting a semicolon;

(3) by redesignating paragraphs (9), (10),
and (11) as paragraphs (10), (11), and (12), re-
spectively; and

(4) by inserting after paragraph (8) the fol-
lowing:

(9) If the numerical limitation in para-
graph (1)(A) is equal to 120 percent of the
numerical limitation under paragraph (1)(A)
for the subsequent fiscal year, the national
interest waiver under section 214(m) is to be
considered as having been granted.

SEC. 511. SHORT TITLE.

This subtitle may be cited as the “Securi-
ty, Economic Growth, Education, and Work-
force Improvement Act of 2005” or the “SKILL Act of 2006”

SEC. 512. II-B VISA HOLDERS.

(a) In General.—Section 214(g)(5) (8 U.S.C.
1184(g)(5)) is amended by adding at the end
the following:

(B) by inserting “nonprofit” and inserting “nonprofit”;

(3) by striking “Federal, State, or local” before “governmental”; and

(C) by striking “or” at the end;

(ii) the alien is a master’s or higher degree from a University of higher
education (as defined in section 150(a) of the Higher Education Act of
1965 (20 U.S.C. 101(a))); and

(vi) by inserting “or” at the end;

(iv) the alien has been granted a national interest waiver under section
235(b)(2)(B).

(b) LABOR CERTIFICATIONS.—Section 212(a)(5)(A)(i) (8 U.S.C.
1152(a)(5)(A)(i)) is amended—

(1) by striking “or” at the end of subclause (I); and

(c) SMALL BUSINESS IMMIGRATION.—Section 214(m) (8 U.S.C.
1184(m)) is amended by adding the following:

(4) by inserting “Federal, State, or local” before “governmental”; and

(3) by striking “or” at the end

(ii) who—

(1) has a residence in a foreign country which the alien has no intention of aban-
doning, who is a bona fide student qualified to pursue a full course of study in
mathematics, engineering, technology, or science, leading to a bachelor’s or
graduate degree, and seeks to enter the United States for the purpose of pursu-
ing such a course of study; or

(2) is engaged in temporary employment for the purpose of pursuing such a
course of study.

SEC. 514. UNITED STATES EDUCATED IMMIGRANTS.

(a) In General.—Section 201(b)(8) (8 U.S.C.
1115(b)(8)) is amended by adding at the end
the following:

(4) by striking “Federal, State, or local” before “governmental”; and

(3) by striking “or” at the end;

(ii) who—

(1) has a residence in a foreign country which the alien has no intention of aban-
doning, who is a bona fide student qualified to pursue a full course of study, and who
seeks to enter the United States temporarily and solely for the purpose of pursu-
ing such a course of study; or

(2) is engaged in temporary employment for the purpose of pursuing such a
course of study.
“(ii) is engaged in temporary employment for optional practical training related to such alien’s area of study following completion of the course of study described in subclause (i) for a period of periods of not more than 24 months;”;

“(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

“(iv) who—

(A) is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien described in paragraph (1)(B) is engaged in temporary employment for optional practical training related to such the student’s area of study following completion of the course of study described in subclause (i) for a period of periods of not more than 24 months;”;

(2) ADMISSION.—Section 214(b) (8 U.S.C. 1184(b)) is amended by inserting “(F)(i),” before “(F)(ii)”.

(3) CONFORMING AMENDMENT.—Section 214(m)(1) (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking “(i)” or “(ii)” and inserting “(i), (ii), (iv)”.

(b) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as non-immigrant students described in section 101(a)(15)(F), as amended by subsection (a), (8 U.S.C. 1101(a)(15)(F)) may be employed in an off campus position unrelated to the alien’s field of study if—

(A) the alien has enrolled full time in the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the establishment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, may be disqualified from employing an alien student under paragraph (1).

(b) RETAINING WORKERS SUBJECT TO GREEN CARD BACKLOG.

SEC. 517. RETAINING WORKERS SUBJECT TO GREEN CARD BACKLOG.

(a) ADJUSTMENT OF STATUS. —

(1) IN GENERAL.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

“(1) IN GENERAL.—The status of an alien who was inspected and admitted or paroled into the United States for the purpose of other having an approved petition for classification under subparagraph (A)(ii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) may be adjusted to that of a lawful permanent resident, or an alien lawfully admitted for permanent residence if—

(A) the alien makes an application for such adjustment; and

(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

(C) an immigrant visa immediately available to the alien at the time the application is filed.

(2) SUPPLEMENTAL FEE.—An application under paragraph (1) that is based on a petition approved or approved under subparagraph (E) or (F) of section 204(a)(1) may be accompanied by a supplemental fee of $500 that is paid by the principal alien at the time the application is filed. A supplemental fee may be required for any dependent alien accompanying or following to join the principal alien.

(3) VISA AVAILABILITY.—An application for adjustment filed under this paragraph may not be approved until such time as an immigrant visa becomes available.

(b) USE OF SURVEYS.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting before the period at the end “and the fees collected under section 245(a)(2).”.

(a) SEC. 518. STREAMLINING THE ADJUDICATION PROCESS FOR ESTABLISHED EMPLOYERS.

Section 214(c) (8. U.S.C. 1184) is amended by adding at the end the following new paragraph:

“(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a precertification procedure for employers who file multiple petitions described in this subsection or section 206(b). Such precertification procedure shall enable an employer to avoid repeatedly submitting documentation that is common to multiple petitions and establish through a single filing criteria relating to the employer and the offered employment opportunity.

(b) SEC. 519. PROVIDING FOR PROMPT PROCESSING OF EMPLOYMENT-BASED VISA PETITIONS.

(a) IN GENERAL. —Pursuant to section 266(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), the Secretary of Homeland Security shall establish and collect a fee for premium processing of employment-based immigrant visa petitions.

(b) APPEALS.—Pursuant to such section 266(u), the Secretary of Homeland Security shall establish a procedure for the processing of an administrative appeal of any decision on a permanent employment-based immigrant petition.

(b) SEC. 520. ELIMINATING PROCEDURAL DELAYS IN LABOR CERTIFICATION PROCESS.

(a) PREVAILING WAGE RATE. —

(1) REQUIREMENT TO PROVIDE.—The Secretary of Labor shall provide prevailing wage determinations to employers seeking a labor certification for aliens pursuant to part 656 of title 20, Code of Federal Regulations (or any successor regulation). The Secretary of Labor may not delegate this function to any agency of a State.

(2) SCHEDULE FOR DETERMINATION.—Except as provided in paragraph (3), the Secretary of Labor shall provide a response to an employer’s request for a prevailing wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary of Labor fails to reply during such period, then the employer shall be the valid prevailing wage rate.

(c) USE OF SURVEYS.—The Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary of Labor determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

SEC. 521. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 (8 U.S.C. 1107) is amended by adding at the end the following new subsection:

“(1) REQUIREMENT FOR BACKGROUND CHECKS.—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and assembled by the official with jurisdiction to issue or issue a document of identification, in an on or off camera basis as may be necessary with respect to classified, law enforcement sensitive, or other information that cannot be disclosed publicly, the Secretary of Homeland Security, the Attorney General, or any court may not—

(a) issue or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;
SA 4010. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 438, strike line 6, and all that follows through page 440, line 6.

SA 4011. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 477, strike line 23 and all that follows through page 479, line 17.

SA 4012. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 402, strike line 15 and all that follows through page 407, line 9.

SA 4013. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 421, strike lines 13 through 20, and insert the following:

(8) APPLICATION FEES.—

SA 4014. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 492, strike lines 1 and 2 and insert the following:

"("B")"

On page 482, line 14, strike "(d)(1)" and insert "subsection (b)".

On page 492, strike "subsection (b)".

On page 485, strike line 4 and all that follows through page 491, line 25.

On page 492, strike lines 1 and 2 and insert the following:

On page 482, line 14, strike "subsection (b)" and insert "subsection (a)".

On page 491, strike line 4 and all that follows through page 496, line 25.

On page 493, strike lines 13 through 20, and insert the following:

On page 492, strike line 4 and all that follows through page 496, line 25.

On page 493, line 8, strike "(e)" and insert "(c)".

On page 493, line 12, strike "(d)" and insert "(b)".

On page 493, line 17, strike "(f)" and insert "(d)".

SA 4015. Mr. CHAMBLISS submitted an amendment intended to be proposed
by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 491, after line 25, insert the following:

(II) ATTORNEY’S FEES.—In any action brought under this subsection, the prevailing party shall recover all costs and expenses of litigation, including reasonable attorney’s fees, which shall be paid for by the losing party, unless the court finds that the payment of such costs and expenses would be manifestly unjust.

SA 4016. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 26, strike “500” and insert “1,500”.

On page 8, line 10, strike “1000” and insert “2,000”.

On page 8, line 18, strike “200” and insert “400”.

On page 9, strike lines 15 through 21 and insert the following:

SEC. 234. DETENTION POLICY. (a) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be aposition at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and those requiring medical attention;

(3) require background and expertise working directly with such vulnerable populations.

(b) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESSETMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children who apply for asylum or other forms of protection from forcible testing of children’s bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children’s records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safety and security at a detention facility and that each detention facility comply with the standards and regulations required by subsections (b), (c), and (d), with their families or other sponsoring agencies and to utilize all legal authorities to defer the child’s removal if the child faces a clear risk of life-threatening harm upon return.

SEC. 235. DETENTION AND REMOVAL OFFICERS. (a) IN GENERAL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility comply with the standards and regulations required by subsections (b), (c), and (d), with their families or other sponsoring agencies and to utilize all legal authorities to defer the child’s removal if the child faces a clear risk of life-threatening harm upon return.

(b) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(c) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations concerning depreciation rates shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining noncriminal applicants for asylum, withholding of deportation (under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(d) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESSES.—All alien detainees shall receive legal orientation presentations from an independent nonprofit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in accordance with the terms and conditions established under section 218A of such Act, as amended by section 403 of this Act, if the alien establishes that the alien—

(1) entered the United States in accordance with the immigration laws of the United States;

On page 540, between lines 8 and 9, insert the following:

(d) UNITED STATES MARSHALS.—During each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase the number of positions for attorneys in the Office of General Counsel of the Department by at least 200 to represent the Department in immigration matters for the fiscal year.

SA 4017. Mr. DORGAN proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 250, between lines 13 and 14, insert the following:

“(1) ELIGIBILITY FOR DEFERRED MANDATORY DEPARTURE STATUS.—The alien shall establish that the alien is eligible for Deferred Mandatory Departure status under section 245C.

SA 4018. Mr. STEVENS (for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. COLEMAN, Mr. JEFFORDS, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. TRAVEL DOCUMENT PLAN.

Section 7209 (b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking “January 1, 2008” and inserting “June 1, 2009”.

SA 4019. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, strike line 6 and all that follows through page 395, line 23, and insert the following:

TITLE VI—WORK AUTHORIZATION FOR UNDOCUMENTED INDIVIDUALS

Subtitle A—Treatment of Individuals Who Reside in United States After Authorized Entry

SEC. 601. ELIGIBILITY FOR H-2C NONMIGRANT STATUS.

(a) In General.—Notwithstanding the foreign residency requirement under section 101(a)(15)(H)(ii)(a)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(c)(aa)) and except as provided under subsection (b), an alien is eligible for H-2C nonmigrant status (as defined in section 214(b)(1)(C)) under the terms and conditions established under section 218A of such Act, as added by section 403 of this Act, if the alien establishes that the alien—

(1) entered the United States;
(2) has been continuously in the United States since such date of entry, except for brief, casual, and innocent departures; and
(3) remained in the United States after the end of the asylum status for which the alien was admitted into the United States.

(b) GROUNDS FOR INELIGIBILITY.—An alien is ineligible for H-2C nonimmigrant status if the alien—
(1) has been ordered excluded, deported, removed, or to depart voluntarily from the United States; or
(2) fails to comply with any request for information by the Secretary of Homeland Security.

(c) ADDITIONAL ADMISSION REQUIREMENTS.—

(1) IN GENERAL.—In addition to the admission requirements under section 218A(d) of the Immigration and Nationality Act, an alien who is granted H-2C nonimmigrant status pursuant to this section shall submit to the Secretary—
(A) an acknowledgment made in writing and under oath that the alien—
(1) has remained in the United States beyond the period for which the alien was admitted and is subject to removal or deportation, as appropriate, under the Immigration and Nationality Act; and
(ii) understands the terms and conditions of H-2C nonimmigrant status;

(2) false or fraudulent documents in the alien’s possession;

(2) USE OF INFORMATION.—None of the documents or other information provided in accordance with paragraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

(d) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations under section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) shall not apply to any alien who is granted H-2C nonimmigrant status pursuant to this section.

(e) BENEFITS.—During the period in which an alien is granted H-2C nonimmigrant status pursuant to this section—

(1) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214 of the Immigration and Nationality Act (8 U.S.C. 1184); and

(2) the alien may be deemed ineligible for public assistance by a State (as defined in section 1611 of title 42, United States Code) or by the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of such State, which furnishes such assistance.

(f) TERMINATION.—The Secretary may terminate the H-2C nonimmigrant status of an alien described in subsection (a) if—

(1) the alien has failed to meet the requirements for such status; or

(2) the alien commits an act that makes the alien removable from the United States.

(g) RETURN IN LEGAL STATUS.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 4020. Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE.—INSPECTIONS AND DETECTIONS

SEC. 01. SHORT TITLE.

This title may be cited as the “Secure and Safe Detention and Asylum Act”.

SEC. 02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

1. The origin of the United States is that of a land of refuge. Many of our Nation's founders fled here to escape persecution for their political opinion, their ethnicity, and their religion. Since that time, the United States has honored its history and found values of freedom, safety, and security around the world, offering refuge to those who flee from oppression, and welcoming them as contributors to a democratic society.

2. The right to seek and enjoy asylum from persecution is a universal human right and fundamental freedom articulated in numerous international instruments endorsed by the United States, including the Universal Declaration of Human Rights, as well as the 1951 Convention relating to the Status of Refugees and the Convention Against Torture. United States law also guarantees the right to seek asylum and protection from return to territories where one would have a well-founded fear of persecution on account of one's race, religion, nationality, membership in a particular social group, or political opinion.

3. The United States has long recognized that asylum seekers often must flee their persecutors with false documents, or no documents at all. The second person in United States history to receive honorary citizenship by Act of Congress was Swedish diplomat Raoul Wallenberg, in gratitude for his issuance of more than 20,000 false Swedish passports to Hungarian Jews to assist them flee the Holocaust.

4. In 1996, Congress amended section 235(b) of the Immigration and Nationality Act, to authorize immigration officers to detain and expeditiously remove aliens without proper documents, if that alien does not have a credible fear of persecution.


6. The Departments of Justice and Homeland Security generally cooperated with the Commission, which reviewed thousands of previously unreleased statistics, approximately 1,000 files and records of proceedings related to expedited removal proceedings observed more than 400 inspections, interviewed 200 aliens in expedited removal proceedings at 7 ports of entry, and surveyed 19 detention facilities all 8 asylum offices. The Commission released its findings on February 8, 2005.

7. Among its major findings, the Commission found that the Immigration and Naturalization Service, and the Department of Homeland Security developed procedures to ensure that release decisions are taken at the time of the credible fear determination or as soon as feasible thereafter. Under this, the alien has established credible fear, identity and community ties, and that the alien obeyed a number of processes to prevent bona fide asylum seekers from being expeditiously removed, these procedures were routinely disregarded by many immigration officers, including asylum officers. The Department of Homeland Security under-
is not subject to any possible bar to asylum involving violence, misconduct, or threat to national security, the alien should be released from detention pending an asylum determination.

The Commission also emphasizes that the Secretary of Homeland Security establishes procedures to ensure consistent implementation of release criteria, as well as the collection of requests to consider new evidence relevant to the determination.

(11) In 1986, the United States, as a member of the Executive Committee of the United Nations High Commissioner for Refugees, noted that in view of the hardship which it involves, detention of asylum seekers should normally be avoided; that detention measures for asylum seekers and other vulnerable populations should be subject to judicial or administrative review; that conditions of detention of asylum seekers and other vulnerable populations who are not eligible for release are, are determined under appropriate and humane conditions.

SEC. 08. DEFINITIONS.

In this title:

(1) ASYLUM OFFICER.—The term "asylum officer" has the meaning given the term in section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)).

(2) ASYLUM SEEKER.—The term "asylum seeker" means any applicant for asylum under section 208(a)(1) of the Act for withholding of removal under section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158) or any alien who indicates an intention to apply for relief under section 208 or for withholding of removal under section 243(h) of the Immigration and Nationality Act.

(3) CREDIBLE OR REASONABLE FEAR OF PERSECUTION.—The term "credible fear of persecution" has the meaning given the term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(4) DETAINEE.—The term "detainee" means an alien in the Department's custody held in a detention facility.

(5) DETENTION FACILITY.—The term "detention facility" means any Federal facility in which an alien is detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which detention services are provided to the Federal Government by contract, and detention is provided at any port of entry in the United States.

(6) IMMIGRATION JUDGE.—The term "immigration judge" means the term given the term in section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)).

(7) STANDARD.—The term "standard" means any policy, procedure, or other requirement.

(8) VULNERABLE POPULATIONS.—The term "vulnerable populations" means classes of aliens subject to the Immigration and Nationality Act who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers as described in paragraph (2).

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1225(h)) and individuals seeking such withholding.

(D) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1225(h)) and individuals seeking such withholding.

(E) Aliens granted or seeking protection under the Act of 1960 (title IV of the Act), and the Act on Protection of the High Commissioner for Refugees.

(F) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1225(h)) and individuals seeking such withholding.

(G) Unaccompanied alien children (as defined by section 32(a) of the Act).
“(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for the decision.

“(B) The decision shall be served upon the alien within 72 hours of the alien’s detention or, in the case of an alien subject to section 236 of this title, detention shall be based on a credible or reasonable fear of persecution in order to proceed in immigration court, within 72 hours of a positive credible or reasonable fear determination.

“(C) An alien subject to this section may at any time after being served with the Secretary’s decision under subsections (a) or (c) request a redetermination of that decision by an Immigration Judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an Immigration Judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

“(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

“(A) whether the alien poses a risk to public safety or national security;

“(B) whether the alien is likely to appear for immigration proceedings; and

“(C) other relevant factors.

“(3) APPLICATION OF SUBSECTIONS (a) AND (b).—This subsection and subsection (a) shall apply to all aliens in the custody of the Department of Homeland Security, except those who are subject to mandatory detention under section 235(b)(1)(B)(i)(IV), 236(c), or 230A or who have a final order of removal and have not been given 10 days to present evidence pending before the Executive Office for Immigration Review:—

“(4) in subsection (c), as redesignated—

“(A) by striking “Attorney General” and inserting “Secretary” and

“(B) by striking “or parole” and inserting “or parole, or decision to release”;

“(5) in subsection (e), as redesignated—

“(A) by striking “Attorney General” and inserting “Secretary” each place it appears; and

“(B) in paragraph (2), by inserting “or for humanitarian reasons,” after “such an investigation,”

“(6) in subsection (e), as redesignated, by striking “Attorney General” and inserting “Secretary”;

“(7) by inserting after subparagraph (e), as redesignated, the following new subparagraph—

“(f) ADMINISTRATIVE REVIEW.—If an Immigration Judge’s custody decision has been stayed by the action of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals befores that time, and upon motion, enters an order staying the stay.”

“(g) in subsection (e), as redesignated, by striking “Attorney General” and inserting “Secretary” each place it appears.

SEC. 06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered by the Department of Justice Executive Office for Immigration Review.

(b) ORIENTATION PROGRAM.—The legal orientation program developed pursuant to this subsection shall be implemented by the Executive Office for Immigration Review and shall be administered by the Legal Orientation Program in existence on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships in legal counseling and legal assistance for asylum seekers awaiting a credible fear interview. The pro bono counseling and legal assistance programs shall emphasize that many detainees have no criminal records, pretrial inmates facing criminal prosecution, and those inmates exhibiting victim behavior while in detention.

(d) SPECIAL STANDARDS FOR NONCRIMINAL POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

“(1) recognize the special characteristics of noncriminal populations, and ensure that procedures and conditions of detention are appropriate for a noncriminal population; and

“(2) ensure that noncriminal detainees are separated from inmates with criminal convictions, pretrial inmates facing criminal prosecution, and those inmates exhibiting victim behavior while in detention.

SEC. 07. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

“(1) Fears of persecution or torture determination.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as verbal or physical abuse or harassment, sexual abuse or harassment, or arbitrary punishment.

“(2) LIMITATIONS ON SHACKLING.—Procedures limiting the use of shackling, handcuffing, solitary confinement, and strip searches of detainees to situations where it is necessitated by security interests or other extraordinary circumstances.

“(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees, including filing grievances by officials of the Department who do not work at the same detention facility where the detainee filing the grievance is detained.

“(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

“(5) LOCATION OF DETAINES.—Location of detention facilities, to the extent practicable, near sources of free or low cost legal representation with expertise in asylum or immigration law.

“(6) PROCEDURES TRANSFERING DETAINES.—Procedures governing the transfer of a detainee that take into account—

“(A) the detainee’s access to legal representatives; and

“(B) the proximity of the facility to the venue of the asylum or removal proceeding.

“(7) QUALITY OF MEDICAL CARE.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, medical health care; individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Attorney General shall be accredited by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the NCCHC shall ensure that the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

“(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees, translation services, and the provision of alternative translation services when necessary.

“(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

“(10) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

“(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

“(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

“(e) TRAINING OF PERSONNEL.—

“(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where they work. The training shall address the unique needs of—

“(A) asylum seekers;

“(B) victims of torture or other trauma; and

“(C) other vulnerable populations.

“(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. 08. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

“(1) IN GENERAL.—There shall be established within the Department of Homeland Security, the Office of Detention Oversight (in this title referred to as the “Office”).

“(2) HEAD OF THE OFFICE.—There shall be at the head of the Office a person who shall be appointed by, and report to, the Secretary.

“(3) EFFECTIVE DATE.—The Office shall be established and the head of the Office appointed not later than 6 months after the date of the enactment of this Act.

“(b) RESPONSIBILITIES OF THE OFFICE.—

“The Office shall—

“(A) undertake frequent and unannounced inspections of all detention facilities; and

“(B) report to the Secretary and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement all findings of a detention facility’s noncompliance with detention standards.

“(c) INVESTIGATIONS.—The Office shall—

“(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute systemic violations of detention standards;

“(B) report to the Secretary and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement the results of all investigations;

“(C) refer matters, where appropriate, for further action to—
(i) the Department of Justice;
(ii) the Office of the Inspector General of the Department of Homeland Security;
(iii) the Civil Rights Office of the Department of Justice;
(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.

(A) IN GENERAL.—The Office shall annually submit to the Secretary, the Committees on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives:

(i) a comprehensive report on the

(ii) the information required under paragraph (A) shall also describe the

results of its investigations to the

The Secretary, the Committees on the Judiciary of the Senate and the House of

Representatives, and the Committee on Homeland Security and Governmental Affairs of

the Senate, and the Committee on Homeland Security of the House of Representatives.

(B) PROGRAM REQUIREMENTS.

(i) ACTION TAKEN.—The report described in subparagraph (A) shall also describe the

actions taken to ensure noncompliance or other problems that are taken by the Secretary, the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, and each detention facility found to be in noncompliance.

(ii) RESULTS OF ACTIONS.—The report shall also include information regarding whether

the actions taken were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—

The Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees or others, from retaliation.

(5) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Office shall cooperate and coordinate its activities with—

(i) the Office of the Inspector General of the Department of Homeland Security;
(ii) the Civil Rights Office of the Department of Homeland Security;
(iii) the Privacy Office of the Department of Homeland Security;
(iv) the Civil Rights Section of the Department of Justice;
and
(v) any other relevant office or agency.

SEC. 09. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program in accordance with this section.

(b) UTILIZATION OF ALTERNATIVES.

(i) The program shall utilize a continuum of alternatives based on the alien’s need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised residential program.

(ii) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) In general.—Alleged who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(d)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAM.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The program shall enter into contracts with qualified non-governmental entities to implement the secure alternatives program. In designing the program, the Secretary shall—

(A) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department of Homeland Security detention facilities in Broward County, Florida, and Berks County, Pennsylvania;
(B) take into account the extent practicable, construct or use detention facilities where—

(ii) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(c) FACILITIES FOR FAMILIES WITH CHILDREN.

(i) The Secretary shall ensure that special facilities are provided to families with children.

(ii) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall ensure that special detention facilities shall be designed to house parents with their minor children, including ensuring that—

(c) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. 10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.

(i) In general.—In developing detention facilities pursuant to this section, the Secretary shall—

(A) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department of Homeland Security detention facilities in Broward County, Florida, and Berks County, Pennsylvania;
(B) take into account the extent practicable, construct or use detention facilities where—

(c) FACILITIES FOR FAMILIES WITH CHILDREN.

(i) The Secretary shall ensure that special facilities are provided to families with children.

(ii) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall ensure that special detention facilities shall be designed to house parents with their minor children, including ensuring that—

(c) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 12. EFFECTIVE DATE.

Except as otherwise provided, this title shall take effect 6 months after the date of the enactment of this Act.
(1) improved border security along the international border between the United States and Mexico;
(2) the reduction of human trafficking and smuggling between the United States and Mexico;
(3) the reduction of drug trafficking and smuggling between the United States and Mexico;
(4) the reduction of gang membership in the United States and Mexico;
(5) the reduction of violence against women in the United States and Mexico; and
(6) the reduction of other violence and criminal activity.

(b) OPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for temporary and permanent legal status to the United States.

(c) OPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to encourage circular migration, including assisting in the development of economic opportunities for workers in the United States and Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

SA 4024. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2311, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 20 and 21, insert the following:

(3) DUTY OF THE AMBASSADOR AT LARGE.—The duty of the Ambassador at Large shall be a principal advisor to the Secretary for Consular Affairs.

On page 7, line 3, strike "(2)" and insert the following:

(2) CONFLICTS OF INTEREST.—The term "conflict of interest" means the Convention on Protection of Children and Co-operation in Respect of Inter-country Adoptions.

SEC. 01. SHORT TITLE.

This title may be cited as the "Inter-country Adoption Reform Act of 2006" or the "ICARE Act".

SEC. 02. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been significant growth in intercountry adoptions. In 1990, Americans adopted 7,993 children from abroad. In 2004, they adopted 23,460 children from abroad.

(4) Americans seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interest and that prevents the abduction, selling, or trafficking of children.

(8) In addition, the recognition of foreign-born adopted children does not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such, these children should not be classified as immigrants or the traditional sense. Once full and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign-born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign-born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen is not conferred citizenship to their legally and fully adopted foreign-born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this title are:

(1) to ensure that any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;

(2) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process to make it more citizen-friendly and focused on the protection of the child.

SEC. 03. DEFINITIONS.

(a) ADOPTABLE CHILD.—The term "adoptable child" has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 24(a) of this Act.

(b) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large for Inter-country Adoptions appointed to head the Office pursuant to section 11(b).

(c) COMPETENT AUTHORITY.—The term "competent authority" means the entity or country of residence engaged in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(d) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Inter-country Adoptions, done at The Hague on May 29, 1993.

(e) FULL AND FINAL ADOPTION.—The term "full and final adoption" means an adoption

(1) that is completed according to the laws of the child’s country of residence or the State law of the parent’s residence;

(2) Under which a person is granted full and legal custody of the adopted child;

(3) That has the force and effect of severing the child’s legal ties to the child’s biological parents;

(4) Under which the adoptive parents meet the requirements of section 25; and

(5) Under which the child has been adjudicated to be an adoptable child in accordance with section 26.

(f) OFFICE.—The term "Office" means the Office of Inter-country Adoptions established under section 11(a).

(7) READILY APPROVABLE.—A petition or certification is "readily approvable" if the secretariat of a country with which such petition or certification demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

Subtitle A—Administration of Inter-country Adoptions

SEC. 11. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established within the Department of State, an Office of Inter-country Adoptions which shall be headed by the Ambassador at Large for Inter-country Adoptions.

(b) AMBASSADOR AT LARGE.

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoption.

(2) CONFLICTS OF INTEREST.—The individual appointed to be the Ambassador at Large shall be free from any conflict of interest that could impede such individual’s ability to serve as the Ambassador.

(3) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs.

(4) REGULATIONS.—The Ambassador at Large may not issue rules or regulations unless such rules or regulations have been approved by the Secretary of State.

(5) DUTIES OF THE AMBASSADOR AT LARGE.—The Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;

(ii) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(iii) to improve the intercountry adoption process to make it more citizen-friendly and focused on the protection of the child.

(6) DUTY OF THE AMBASSADOR AT LARGE.—The Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;

(ii) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(iii) to improve the intercountry adoption process to make it more citizen-friendly and focused on the protection of the child.

(b) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the
President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention, and the plans for adoption, and shall make recommendations concerning—

(ii) the policies to prevent abandonment, to strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and special agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant members of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(1) In General.—The Ambassador at Large shall assist the Secretary of State in preparing the appropriate international, Federal, State, or local information, including legal functions and congressional liaison and public affairs functions.

(2) APPROVAL TO ADOPT.—To assist the Secretary of State in carrying out the duties of the Ambassador at Large under subsection (a), the Secretary of State shall make recommendations to the President regarding approval to adopt a foreignborn child of a United States citizen who is a resident of the United States, whenever appropriate, in carrying out the duties of the Ambassador.

(3) CHILD ADOPTION.—To ensure that adoption of a foreignborn child of a United States citizen is in the best interest of the child, the Secretary of State shall ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(F) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic filing form.

SEC. 12. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14910 note) is amended by inserting “301, 302,” after “205,”.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

SEC. 14. TRANSFER OF FUNCTIONS.

(a) In General.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign-born children by United States citizens and their admission to the United States, and any function transferred to the Secretary of Homeland Security with respect to the adoption of foreign-born children by United States citizens and their admission to the United States, are transferred to the Secretary of Homeland Security immediately prior to the effective date of this Act, and shall be carried out by the Secretary of Homeland Security under this subsection.

(b) Exercise of Authorities.—Except as otherwise provided by law, the Secretary of Homeland Security shall have all authorities existing with respect to the adoption of foreign-born children by United States citizens and their admission to the United States, and any function transferred to the Secretary of Homeland Security with respect to the adoption of foreign-born children by United States citizens and their admission to the United States, as of the date of enactment of this Act, and shall have such authorities and such function transferred to the Secretary of Homeland Security under this subsection as of the date of enactment of this Act.

(c) Limitation on Transfer of Pending Adoptions.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security in accordance with any provision of law that is applicable to the adoption of foreign-born children by United States citizens and their admission to the United States, and any function transferred to the Secretary of Homeland Security with respect to the adoption of foreign-born children by United States citizens and their admission to the United States, the Secretary of Homeland Security shall make the final determination on such petition and such petition shall not be transferred to the Secretary of Homeland Security under this subsection.
at Large for appropriate allocation in accordance with this Act, the assets, liabilities, contracts, property, records, and unex­ panded balances of appropriations, authorizations, and authorizations, other funds held, used, arising from, available to, or to be made available to the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

SEC. 16. INCIDENTAL TRANSFERS. The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpanded balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this subtitle. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 20. SAVINGS PROVISIONS. (a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, records, and other documents issued, adopted, or administered under the laws of the United States that are necessary to effectuate the purposes of this Act, shall continue in effect until the date of termination specified in the agreement.

(b) PENDING.—The transfer of functions under this section shall not affect any proceedings or any application for any benefit, service, or entitlement, certificate of fiscal assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this subtitle; and such proceedings and applications shall be continued.

(c) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in such proceeding in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(d) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(e) EFFECTIVE DATE.—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(f) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this subtitle, and in all such suits, proceedings, and actions commenced before the effective date of this Act, shall be continued.

SEC. 21. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES. (a) AUTOMATIC CITIZENSHIP PROVISIONS.—

(1) AMENDMENT OF THE INA.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

"SEC. 320. CONDITIONS FOR AUTOMATIC CITIZENSHIP FOR CHILDREN BORN OUTSIDE THE UNITED STATES. (a) In General.—A child born outside the United States automatically becomes a citizen of the United States—

(1) if the child is not an adopted child—

(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years; and

(B) the child is under the age of 18 years; or

(2) if the child is an adopted child, on the date of the full and final adoption of the child—

(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years;

(B) the child is an adoptable child;

(C) the Chief Immigration and Naturalization Service of the United States, the Secretary, or the Secretary’s designee, determines that the adoption—

(i) is completed under the laws of the State or, if applicable, the foreign country in which the adoption took place;

(ii) is not contrary to the best interests of the child; and

(iii) is not contrary to the public policy of the United States;

(D) the child is under the age of 18 years; and

(E) the child is placed with adoptive parents, or the adoption took place, in the United States;

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1431(a)(2)), as amended by section 21 of this Act, upon application by a United States citizen parent.

(b) EFFECTIVE DATE.—This section shall take effect as if enacted on June 27, 1952.

SEC. 22. REVISED PROCEDURES. Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320(a)(2) of the Immigration and Naturalization Act (8 U.S.C. 1431(a)(2)), as amended by section 21 of this Act, upon application by a United States citizen parent.

(2) If an adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) shall be required in the case of any adoptable child.

(4) The Secretary of State, acting through the Ambassador at Large, shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child to exist, to the greatest extent practicable, that agencies shall include an English translation on a date that is not later than the end of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(5) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that all prospective adoptive parents are provided with training and counseling and guidance for the purpose of promoting a successful intercountry adoption of such parents to adopt the child or the child is placed with such parents for adoption.
(6) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full and direct and indirect information on the costs of intercountry adoption before the parents are matched with a child for adoption;

(B) the named Chargé d’affaires to the intercountry adoption be on a fee-for-service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption or the country of origin and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State, acting through the Ambassador at Large, shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of the prospective adoptive parent are truthful and accurate.

SEC. 23. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) NONIMMIGRANT CLASSIFICATION—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"(V) an adopted child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt by the Office of International Adoption of the Department of State;"

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 101(a)(15) is further amended—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (V) and inserting "; or";

(C) by striking "amended by adding at the end the following:"

(3) In the case of a nonimmigrant described in section 101(a)(15)(V), the period of authorized admission shall terminate on the earlier of—

(A) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

(B) 10 years after the date of admission of the nonimmigrant into the United States, unless a petition is able to show cause as to why the adoption could not be completed by such date and the Secretary of State extends such period for the period necessary to complete the adoption; and

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXPIRATION OF IMMIGRATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1115(a)(1)(C)) is amended by adding at the end—

(e) REGULATIONS.—Not later than 90 days after the enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so that the specific reasons have lapsed since the original application.

(4) DENIAL OF PETITION—

(a) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer’s intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(b) NOTICE OF RIGHT TO RESPOND.—Upon receiving a notice of intent to deny the petition, the petitioner has 30 days to respond to such notice.

(c) DECISION.—Within 30 days of receipt of the petitioner’s response the Office must make a final decision regarding the eligiblity of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(d) RIGHT TO APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(e) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 24. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

"(3) The term ‘adoptive child’ means an unmarried person under the age of 18—

"(A) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) do not insist on any of the following conditions that retain legal custody of the child—

"(i) have freely given their written irrevocable consent to the termination of their legal relationship to the child;

"(ii) have not been given prior to the birth of the child;

"(iii) have not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

"(IV) have not been induced by payment or compensation of any kind and has not been given prior to the birth of the child; and

"(B) whose eligibility for adoption and information is required.

(c) EXPIRATION OF PROCESS FOR FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so that the specific reasons have lapsed since the original application.

(d) DENIAL OF PETITION—

(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer’s intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) NOTICE OF RIGHT TO RESPOND.—Upon receiving a notice of intent to deny the petition, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner’s response the Office must make a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(e) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.
of such process, to a United States district court.

SEC. 27. FUNDS. The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—
   (1) the hiring of staff for the Office;
   (2) investigations conducted by such staff; and
   (3) travel and other expenses necessary to carry out this title.

Subtitle E—Enforcement

SEC. 31. CIVIL PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES—.—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil monetary penalty of not more than $500,000 for a first violation, and not more than $100,000 for each succeeding violation if such person—
   (1) violates a provision of this title or an amendment made by this title;
   (2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—
      (A) a decision for an approval under title II;
      (B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or
      (C) the giving of parental consent relating to the giving of parental consent relating to the adoption of a child;
   (3) violates a provision of this title or an amendment made by this title;
   (4) violates a provision of this title or an amendment made by this title; and
   (5) fails to comply with the requirements of section 303(d)(5) of the Help America Vote Act of 2002.

(b) REQUIREING FEDERAL VERIFICATION OF CERTAIN INFORMATION.—Section 205(r)(8) of the Social Security Act (42 U.S.C. 1385(r)(8)) is amended—
   (1) in paragraph (A), by inserting “and (C)” after “paragraph (B)”;
   (2) by adding at the end the following new subparagraph:
      (C) REQUIRED PROVISION OF PLACE OF BIRTH AND STATEMENT OF CITIZENSHIP.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a)(3)(B) or (C) and jurisdiction shall be required to comply with the requirements of subsection (a)(3)(B) or (C) before November 1, 2007; (b) requiring Federal verification of certain information under section 205(r)(8) of the Social Security Act (42 U.S.C. 1385(r)(8)); and
   (3) in subparagraph (D)(1)(d)(1) by inserting “the place of birth, status as a United States citizen,” after “year”),

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for voter registration submitted on or after November 1, 2007.

SA 4027. Mr. KYL (for himself, Mr. CORNYN, Mr. GRAHAM, Mr. ALLEN, Mr. MCCAIN, Mr. FRIST, Mr. BROWNBACK, Mr. MARTINEZ, Mr. HAGEL, and Mr. AL-EXANDER) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

   a. on page 358, line 3, insert “(other than subparagraph (C)(ii)(II))” after “(9)”.
   b. on page 359, after line 12 insert the following:

   (g) INELIGIBILITY.—
      (A) In general.—The alien is ineligible for an adjustment to lawful permanent resident status under this section if
         (i) entry into the United States without inspection; or
         (ii) remaining in the United States beyond the period of authorized admission.
      (B) Waiver.—The Secretary may, in the Secretary’s sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien—
         (i) entered without inspection; and
         (ii) failed to maintain status, or
         (iii) was ordered removed under section 235(a)(6)(C)(i) prior to April 7, 2006, and—

SA 4028. Mr. FRIST (for Ms. COLLINS (for herself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 879,
to make improvements to the Arctic Research and Policy Act of 1984; as follows:

On page 2, strike line 7 and all that follows through the end of the bill.

SA 4029. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

SEC. 509. CHILDREN OF FILIPINO WORLD WAR II VETERANS.

Section 203(b)(1) of 8 U.S.C. 1151(b)(1), as amended by sections 505 and 508, is further amended by adding at the end the following:

"(J) Aliens who are eligible for a visa under paragraph (1) or (3) of section 205(a) and are the children of a citizen of the United States who was naturalized pursuant to section 605 of the Immigration Act of 1990 (8 U.S.C. 1440 note)."

SA 4030. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 431, strike line 16 and all that follows through page 432, line 21, and insert the following:

"(D) TEMPORARY WORK OR SERVICES.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker’s employment which will provide benefits at least equal to those provided under the State workers’ compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY WORK OR SERVICES.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis.

SA 4031. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 485, strike line 4 and all that follows through page 491, line 25, and insert the following:

"(b) LEGAL ASSISTANCE TO H-2A WORKERS.—The Legal Services Corporation, or any employee or agent of the Legal Services Corporation, may not provide legal assistance to, or on behalf of, any H-2A worker, unless the H-2A worker is present in the United States at the time the legal assistance is provided.

"(c) MEDIATION.—The Legal Services Corporation, or any employee or agent of the Legal Services Corporation may not bring a civil action for damages on behalf of a nonimmigrant described in section 101(a)(15)(H)(ii)(A) unless at least 90 days before the date on which the action is brought:

"(i) a request has been made to the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute; and

"(ii) a mediation has been attempted.

"(d) CLASSIFICATION OF PRIVATE PROPERTY RIGHTS.—The Legal Services Corporation, or any employee or agent of the Legal Services Corporation, may not enter the property of an employer of aliens described in section 101(a)(15)(H)(ii)(A) without a prearranged appointment with a specific individual.

"(e) RECOVERING ATTORNEYS’ FEES.—In any action under this section, the prevailing party shall have expenses, including reasonable attorneys’ fees, paid for by the losing party, unless the ruling court finds that the payment of such costs and expenses would be manifestly unjust.

SA 4032. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 497, strike line 10 and all that follows through page 499, line 7, and insert the following:

"(c) PERMIT OR AUTHORIZED ADMISSION.

"(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

"(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

"(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—On return to the country of nationality or last residence of the alien, the alien may apply for any nonimmigrant visa.

"(d) LOSS OF EMPLOYMENT.

"(1) IN GENERAL.—An alien who is employed for at least 60 consecutive days shall terminate if the alien is not employed for at least 60 consecutive days.

"(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

"(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.

"(1) IN GENERAL.—An alien with blue card status shall not change or adjust status in the United States.

"(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the blue card status if the alien:

(A) files a petition to adjust status to legal permanent resident in the United States; or

(B) requests or is granted an immigrant or nonimmigrant visa outside the United States.

SA 4034. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 509, line 19, strike "$400" and insert "$1,000".

SA 4035. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231.

SA 4036. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 129, beginning on line 15, strike all through page 130, line 16, and insert the following:

"(g) PROHIBITION OF VULNERABLE PERSONS.—A person who is seeking protection, classification or status, as defined in subsection (a), shall not be protected under section 101(a)(15)(H)(ii)(A) without a prearranged appointment with a specific individual.

"(h) RECOVERING ATTORNEYS’ FEES.—In any action under this section, the prevailing party shall have expenses, including reasonable attorneys’ fees, paid for by the losing party, unless the ruling court finds that the payment of such costs and expenses would be manifestly unjust.

SA 4033. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 401, line 18, strike "$100" and insert "$1,000".

"(i) has filed an application for asylum under section 248 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8 of the Code of Federal Regulations, or after apprehension indicates without delay an intention to apply for such protection and promptly files the application; or

"(2) has been referred for a credible fear interview, a reasonable fear interview, or an asylum-only hearing under section 235 of the Immigration and Nationality Act or title 8 of the Code of Federal Regulations; or

"(3) applies for classification or status under section 244(a)(3)(J) or 244(a)(3)(D) (10 U.S.C. 1255(c), 10 U.S.C. 127f, 10 U.S.C. 1256, 210(c)(4)(C), 240a(b)(2) or 241(a)(3)) of the Immigration and Nationality Act (as in effect on March 31, 1997).

"(e) SAVINGS PROVISION.—Nothing in this section

AUTHORITY FOR COMMITTEES TO MEET

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 16, 2006, at 10 a.m., to conduct a hearing on the nominations of Mr. James Lambricht, of Missouri, to be President, Export-Import Bank of the United States; Mr. Armando J. Bucello, Jr., of Florida, to be a member of the Board of Directors of the Securities Investor Protection Corporation; Mr.
Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 16, 2006, at 9:30 a.m. to hold a hearing on Energy Security and Oil Dependence.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 16, 2006, at 9:30 a.m. to hold a hearing on Energy Security and Oil Dependence.

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

COMMITTEE ON FINANCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in Open Executive Session on Tuesday, May 16, 2006, to review and make recommendations on proposed legislation implementing the U.S.-Oman Free Trade Agreement.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 16, 2006, at 10 a.m. on the Transportation Security Administration’s Transportation Worker Identification Credential—TWIC—Program.

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

COMMITTEE ON THE JUDICIARY

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet Tuesday, May 16, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Anita S. Earls, Director of Advocacy, University of North Carolina Center for Civil Rights, Chapel Hill, North Carolina; Pamela S. Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law, and Associate Dean for Research and Academics, Stanford University School of Law, Stanford, California; Keith Gaddie, Professor, Department of Political Science, University of Oklahoma, Norman, Oklahoma; Theodore S. Arrington, Chair, Department of Political Science, University of North Carolina, Charlotte, Charlotte, North Carolina; and Richard H. Pildes, Sudler Family Professor of Law, New York University School of Law, New York, New York.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 16, 2006 at 10:30 a.m. to hold a confirmation hearing on Kenneth W. Williams to be Assistant Attorney General for National Security.

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

MEASURE PLACED ON THE CALENDAR—H.R. 4954

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 title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, 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.
APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 107-252, Title II, Section 214, appoints the following individual to serve as a member of the Election Assistance Board of Advisors: Wesley R. Kliner, Jr. of Tennessee.

MEASURE READ THE FIRST TIME—S. 2810

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2810) to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling programs and area agencies on aging, and for other purposes.

Mr. FRIST. Mr. President, I ask unanimous consent for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

RELATIVE TO THE DEATH OF FORMER SENATOR JACOB CHIC HECHT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 481, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 481) relative to the death of Jacob Chic Hecht, former United States Senator for the State of Nevada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REED. Mr. President, yesterday morning in Las Vegas Chic Hecht died. Chic Hecht was a former Senator and a fellow Nevadan. On behalf of the entire Senate family, I extend condolences to Chic’s wife, Gail, and their daughters, Leslie and Lori.

Chic was a man very small in stature, but his life has left a big shadow on the State of Nevada and the entire United States. Chic’s political career was outstanding, and I consider it a privilege that I could serve with and know him.

When I was Lieutenant Governor of Nevada, Chic served in the Nevada State Senate. When I was elected to the Congress in 1982, he was elected to the State Senate. A few years later, I had the good fortune of joining him here.

Chic was someone who had no guile. He made it through his political career recognizing that he was never going to be a dynamic speaker. He spoke with a distinct lisp. But this is something that people in Nevada came to admire and appreciate. People had great affection for him, as you can tell from his first Senate race and continued being good friends after. That was Chic Hecht.

As successful as he was in the political field, he was even more successful as an entrepreneur. He made his money in a number of ways. One was selling women’s clothing. The other was in the banking business. He was extremely successful.

But public service called him. In addition to his Nevada legislature and Senate experience, he also served as Ambassador to the Bahamas from 1989 to 1994.

During the 1950s, Chic was a member of the military. At that time, Chic was an undercover person—a spy. He was known for this his entire life. During some of his campaigns, people checked to find out if, in fact, this man of small stature really was a spy because if that was not the case, they planned to use it against him in the campaign. But they couldn’t, because he served with distinction in the military.

Here’s another example of the kind of man Chic was. We had today, as we have for many decades, our Tuesday caucuses. During the time Senator Hecht served in the Senate, he attended the Republican Tuesday caucus. Well, one Tuesday, John Kerry was late coming to the Democratic caucus, and he came across Chic Hecht, who was in a state of distress because while eating lunch with the Republican caucus, he had some food lodged in his throat. He couldn’t breathe. He staggered out of the Republican conference and, fortuitously, John Kerry recognized that something was wrong. Senator Kerry applied the Heimlich maneuver, and the food came out. Chic Hecht was told by the doctors that he had a matter of a few seconds to live.

Now, to show the kind of man Chic Hecht was, even though he was proud of his Jewish faith, every Christmas thereafter, recognizing that that was a day of celebration for Senator Kerry, Senator Hecht called John Kerry to tell him that he appreciated his having saved his life.

And what a life it was. Nevada has had a great loss. I hope that Chic’s family recognizes the great love of this man. I know there are many in Nevada who do.

As strongly as I feel about Chic Hecht, his friends run deep in our state. My good friend Art Marshall, who is a good, strong Democrat and has helped me on everything that I have ever done, spoke with admiration of his deep friendship with Chic Hecht. They were from different political parties, but always had a very good relationship. Art called me nearly every day to tell me how Chic was doing while he wrestled with cancer.

Today, Chic’s suffering is over. He will be missed. In time, the pain of his loss will pass, but never our memories and appreciation for this man. Chic Hecht, Senator from Nevada.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 481) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jacob Chic Hecht, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Jacob Chic Hecht.

ARTIC RESEARCH AND POLICY AMENDMENTS ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 879, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 879) to make improvements to the Arctic Research and Policy Act of 1984.

There being no objection, the Senate proceeded to consider the bill.
Mr. FRIST. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4028) was agreed to as follows:

(Purpose: To strike the sections regarding Commission awards and representation and reception activities)

On page 2, strike line 7 and all that follows through the end of the bill.

The bill (S. 879), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 879

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 “Arctic Research and Policy Amendments Act of 2005”.

SEC. 2. CHAIRPERSON OF THE ARCTIC RESEARCH COMMISSION.

(a) COMPENSATION.—Section 103(d)(1) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(1)) is amended in the second sentence by striking “90 days” and inserting “, in the case of the chairperson, 120 days, and, in the case of any other member, 90 days,”.

(b) REDESIGNATION.—Section 103(d)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(2)) is amended by striking “Chairman” and inserting “chairperson”.

ORDERS FOR WEDNESDAY, MAY 17, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. on Wednesday, May 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2611, the Comprehensive Immigration Reform Act.

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

PROGRAM

Mr. FRIST. Mr. President, today we have made some progress on the immigration bill. Tomorrow we will continue to work through this complex bill, starting with the Kyl-Cornyn amendment, which is the pending amendment. Senators can expect a vote on this amendment in the morning. I remind everyone again that we still have many amendments to consider and, therefore, I hope Senators will be reasonable and agree to short time agreements.

As a reminder, Senators who have amendments to offer should be working with the bill managers in order to have their amendments debated and considered. Senators can expect a full day tomorrow, with votes throughout the day. I would also say it will be necessary to schedule sessions into the night to consider additional amendments.

I hope we can make great progress during the daylight hours. But if we consume a lot of time on each amendment, it will be necessary to continue into the evening with votes. As we have talked about now for several weeks, it is important that we consider a large number of amendments, a broad range of amendments, many to each section of this bill. It will require the cooperation of all of our colleagues with this goal in mind.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect for former Senator Chic Hecht.

There being no objection, the Senate, at 7:05 p.m., adjourned until Wednesday, May 17, 2006, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 2006:

THE JUDICIARY

FRANCISCO AUGUSTO BESOSA, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO, VICE JUAN M. FERRÉ-RÍMENEZ, RETIRED.

RECOMMAND BOARD (AMTRAK) R. HUNTER BIDEN, OF DELAWARE, TO BE A MEMBER OF THE RECOMMEND BOARD (AMTRAK), FOR A TERM OF FIVE YEARS, VICE MICHAEL S. DUKAKIS, TERM EXPIRED.

DONNA R. MCLEAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE RECOMMEND BOARD (AMTRAK), FOR A TERM OF FIVE YEARS, VICE JOHN ROBERT SMITH, TERM EXPIRED.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION JOHN H. HILL, OF INDIANA, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, VICE ANNETTE SANDERSON, TERMINATED.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, May 16, 2006:

THE JUDICIARY

MILAN D. SMITH, JR., OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.
CONGRATULATING DR. GENE BOLLES ON RECEIVING THE AMERICAN ASSOCIATION OF NEUROLOGICAL SURGEONS’ 2006 HUMANITARIAN AWARD

HON. MARK UDALL OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Dr. Gene Bolles on receiving the American Association of Neurological Surgeons’ 2006 Humanitarian Award. The award recognizes “members who have done extraordinary work in neurosurgery, going way beyond their normal practice and bringing their skills to areas around the world that desperately need them.” I can think of no better recipient for this honor than Dr. Bolles.

Dr. Bolles practiced neurosurgery in Boulder for 32 years before serving as chief of neurosurgery at the Landstuhl Regional Medical Center in Germany. There he repaired the shattered bodies of our U.S. soldiers who had been wounded in Afghanistan and Iraq. Now Dr. Bolles is in Kurdistan helping Iraqi physicians better care for civilians wounded in the war.

Gene Bolles has been using his skills and talent for humanitarian good for over twenty-five years. He was the first person to establish a neurosurgery program in Belize City. He has traveled to Indonesia several times with the purpose of providing medication to and performing surgery on the indigenous people there. Each year, he makes a trip to Albania to educate neurosurgeons and to keep them abreast of the latest technologies. In recent years, Dr. Bolles has used his first-hand experience to draw attention to the living casualties from the United States’ actions in Iraq and Afghanistan.

Dr. Gene Bolles is a remarkable man. I greatly admire his energy, commitment and humanity. I ask my colleagues to join me in congratulating Dr. Bolles for his incredible work for people around the world and in particular for his work on behalf of our soldiers abroad. He is a great Coloradan and a great American. I wish him continued health and happiness in the future.

TRIBUTE TO DR. ALVIN D. GREENBERG AS HE RECEIVES THE 2006 TORCH OF LIBERTY AWARD

HON. ROSA L. DeLAURO OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Ms. DeLAURO. Mr. Speaker, in my hometown of New Haven, Connecticut, friends, family and colleagues will gather to pay tribute to one of our community’s most outstanding citizens and a dear friend of mine. I am proud to stand today and join the Connecticut Anti-Defamation League as they honor Dr. Alvin D. Greenberg with the 2006 Greater New Haven Torch of Liberty Award.

Our communities would not be the same without the efforts of individuals whose work truly benefits our families and neighborhoods. Each year, the Connecticut Anti-Defamation League presents the prestigious Torch of Liberty Award to an outstanding leader in the community, recognizing their unique commitment and dedication. Alvin is a remarkable reflection of the true spirit of community service. With extraordinary compassion and generosity, he has touched the lives of thousands of families throughout Greater New Haven through both his professional career and volunteer efforts.

Currently serving as the President of Temple Medical Center, Administrator of Yale-New Haven Ambulatory Services Corporation, Director of the Neuro-Rehabilitation Center and as a consultant in neurosurgery at Yale-New Haven Hospital, Dr. Greenberg continues to remain an active member of our community. His commitment and dedication to his patients and all of those who receive services at these various facilities is unparalleled. Throughout his distinguished career, Dr. Greenberg’s integrity, collegiality, and expertise have earned him the respect not only of his colleagues, but of members of the medical field across the state. In addition to his professional contributions, Dr. Greenberg has dedicated countless hours to a variety of local organizations. The Union Trust Bank, the Juvenile Diabetes Research Foundation of Greater New Haven, and the Shubert Performing Arts Theater are just a few of those across the region who have benefited from his work.

It is not often that you find individuals who so willingly devote both their professional and personal time and energies to improving the quality of life for others. In his lifetime of good work and compassionate service, Dr. Greenberg has done just that. I am honored to rise today and join his wife, Barbara; his three children, family, friends, and colleagues to pay tribute to my good friend Dr. Alvin Greenberg for the many contributions he has made to Greater New Haven. I cannot think of a more appropriate honor than the Torch of Liberty Award to recognize the generosity and commitment Alvin has shown to our community. He has truly made a difference.

TRIBUTE TO STUDENTS FROM MUNSTER HIGH SCHOOL

HON. PETER J. VISCLOSKY OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to the outstanding achievements of an exceptional group of students from Munster High School, located in Indiana’s First Congressional District. From April 29 to May 1, 2006, these students competed in the National Finals of the We the People: The Citizen and the Constitution program held in Washington, DC. For their knowledge and understanding of the American government, these extraordinary young people were awarded the Central Region Award at this year’s competition.

The We the People program, administered by the Center for Civic Education, is a program that reaches over 28 million elementary, middle, and high school students. The goal of the program is to provide students with an understanding of the fundamentals of the Constitution and the Bill of Rights. The program helps students to understand their rights under the American governmental system.

The people of Munster, as well as the entire Northwest Indiana community, can be proud of the following members of this truly remarkable class of students: Sara Brown, Emily Clark, Andrea Coulis, Kim Dooley, Reem (Sara)
Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to honor The New York Botanical Garden as it celebrates the grand opening of the Pfizer Plant Research Laboratory on May 16, 2006. The opening marks the completion of the Garden’s science campus, and is the only one of its kind at any botanical garden in the country.

Founded in 1891, The New York Botanical Garden is the country’s great collections of plants, the region’s leading educational center for gardening and horticulture, and an international center for plant research.

The Botanical Garden’s presence in the Bronx adds to the borough’s diversity and provides a temporary oasis from the ubiquitous presence of concrete and steel in the city.

Realizing the integral role it must play in the quest to unlock the secrets of plants in order to cure diseases and protect the earth, the Garden has created the Pfizer Plant Research Laboratory at The New York Botanical Garden with leadership support from Pfizer Inc. and The Pfizer Foundation.

The Pfizer Plant Research Laboratory marks a new era of scientific research at The New York Botanical Garden’s International Plant Science Center. The laboratory is the latest addition to The Botanical Garden’s comprehensive 15-year Renaissance and will further its urgent mission to discover, decipher, document, and defend Earth’s vast biodiversity.

The two-story, 28,000-square-foot laboratory provides highly advanced scientific research facilities, including robotic workstations and a high-throughput DNA sequencer. It forms a center for collaborative research in molecular systematics and plant genomics, serving scientists and graduate students not just from The Botanical Garden but also from the region and indeed the whole world. The Pfizer Laboratory is the largest and finest laboratory research facility in any botanical garden in the United States, enabling scientists to reconstruct the genealogy of plants and fungi and to probe the mysteries of genes and genomes.

Mr. Speaker, it is only fitting for a structure that will house such important and groundbreaking work to be an architectural gem. Indeed, the Lab designed by Susan T. Rodriguez and Polshek Partnership Architects is nothing short of breathtaking. The freestanding building is located on a site across from the Steere Herbarium and overlooks the scenic Twin Lakes. The building’s integration into its natural setting reinforces the vital importance of the natural world in the scientists’ research. The exterior of the laboratory complements the outlines of tamarisk on the adjacent Steere Herbarium and Library Building. Large windows in the labs and graduate study suites look out on the built and natural landscapes, and an inviting courtyard provides space for all types of gatherings.

I salute The New York Botanical Garden for its continued efforts not only to provide a beautiful museum of plants but also an environment for important research and development. I also salute Pfizer, a product of our sister borough, for its commitment to further mankind’s understanding of the plant world. It is their shared hope, and in my own, that one day this research will yield beneficial knowledge to curtail human suffering.

Mr. Speaker, may the collaboration of these two respected institutions provide fascinating and useful discoveries for generations to come.

11TH ANNUAL EXCELLENCE IN BUSINESS AWARDS

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the 11th Annual Excellence in Business Award honorees for making outstanding contributions to the central San Joaquin Valley.

The recipients of the 11th Annual Excellence in Business Award are as follows:

Agriculture—Kevin and Diane Herman, The Specialty Crop Co.

Charitable/Nonprofit—Peter Carey, Self-Help Enterprises.

Financial/Banking/Insurance—County Bank.

Health Care—Family Health Care Network.

Manufacturing—ADCO Manufacturing.

Professional Services—Diane Anderson, Agricultural & Priority Pollutants Laboratory Inc.


Retail/Wholesale—The Charles McMurray Company.

Small Business—Nelson’s ACE Hardware.

Hall of Fame—Jack Stone, Stone Land Co.

Mr. Speaker, I rise to congratulate each of the Excellence in Business Award honorees for their important contributions to the community. I urge my colleagues to join me in wishing each recipient many more years of continued success.

PATARA: THE ORIGINS OF AMERICAN DEMOCRACY, 1800 YEARS AND 7,000 MILES AWAY

HON. CLIFF STEARNS
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. STEARNS. Mr. Speaker, the city of Patara in Turkey sports a fantastic beach that spans for more than a concrete and steel city. Patara’s recently rated number one on the London Sunday Times’ list of the world’s best beaches. But Patara is worth our attention for more than sand and surf. An archeological team led by Akdeniz University Professors Fathi Isik and Havva Iskan Isik recently unearthed an ancient parliament building in Patara—the meeting place of the first federal republic in recorded human history. The building, called the Bouleuterion, housed at least twenty-three city-states of the Lycian League, which existed an e.g.: “It is unlikely that states from about 167 BC until 400 AD.

The Lycian League’s republican governing system, utilizing proportional representation, was unparalleled in the ancient world, and fascinated the pioneering philosophers of the Enlightenment, particularly Montesquieu. Depending on the size of the member cities, each elected one, two or three representatives to the Lycian parliament. When cities were too small, two or three banded together to share one representative vote. The six largest cities in the League had the right to three votes. The parliament elected a president, called the ‘Lyciarch,’ which at various times served as the League’s religious, military, and political leader. Although it is contested, there is evidence to suggest that women could, and in fact were, Lyciarch.

In Book IX of Montesquieu’s Spirit of the Laws, after charting the highs and lows of the earliest republics, he stresses the utility of a confederacy. He cites the Lycian League as a confederacy. He cites the Lycian League as a model of a fine federal republic, I would...
of Confederation’s principle that every State should be equal in the national arena. He specifically asked, “Where is or was a confederation ever formed, where equality of voices was not a fundamental principle?”

James Madison replied that the Lycian League was an experiment, according to his convention. He eventually had to accept a compromise, with a people’s house of proportional representation, a Senate of Representatives, and a House of Representatives would allow the government to function properly.

The ideas and debates of our founding fathers may seem archaic to our modern times, but we face questions of federalism every day in this highly federalist system of government. The Constitution divides power between a central authority (the Federal Government) and constituent political units (the States and localities). The delineation of that power comes into question particularly often on the Energy & Commerce Committee, of which I am a Subcommittee Chairman, whether we are debating the proper authority over electricity transmission across State lines, the regulation of hazardous waste, or the transmission of information through our telecommunications infrastructure.

Meanwhile, whether we are helping Iraq and other Middle Eastern countries develop representative democratic systems, or providing advice to the burgeoning democracies of post-Soviet Eastern Europe, we effectively reenact the Constitutional Convention’s debates about the Lycian League and the nature of democracy around the world. We are doing what we can to help spread freedom and democracy, in our own image. Unfortunately, while it is relatively easy to conceive of the best model of government founding fathers did, and Montesquieu did before them—the diversity of the real world, in geography, ethnicity, religion, and history, makes applying that best model quite difficult in practice.

The British archeologist George Bean highlighted some of the unique features of the Lycian League—features not dissimilar to our own country’s: “Among the various races of Anatolia, the Lycians always held a distinctive place. Locked away in their mountainous country, they had a fierce love of freedom and independence, and resisted strongly all attempts at outside domination; they were the last in Asia Minor to be incorporated as a province into the Roman Empire.”

Our experience so far in guiding the nascent democracy in Iraq should certainly illustrate that representative democracy may not be perfectly replicable, at least overnight.

Fifteen years ago, all a visitor to Patara would have noticed were the tops of a few old stone structures. Today, the excavations at Patara have unearthed the remains of an entire city. The archeological team has rescued numerous buildings and items from the sand and scrub brush, besides the Bouleuterion parliament building, including: a large necropolis; a Roman bath; a sizeable semicircular theater; a sprawling main avenue leading to the market square; a Byzantine basilica (one of 22 churches once packed into Patara); one of the world’s oldest lighthouses; and a fortified wall. I would encourage everyone to visit Patara, for its beauty and for its archeological significance.

The excavation site is 10-15 minutes from the glimmering ruins and opened to the public in 2007. While we wait, one of Turkey’s largest museums, the Antalya Archaeological Museum, displays many of the finds from Patara and the surrounding area.

We owe a great debt to Turkey’s Ministry of Culture and Tourism, and the Antalya Museum, for their dedication of time and money to bringing the ancient ruins of Patara out of the dust and back into our lives.

In closing, I would like to thank: Dr. Gul Isin, Associate Professor of Archeology at Akdeniz University in Antalya, who has been diligently working with Dr. Fahri Isik and Dr. Havva Iskan Isik to uncover the mysteries of the Patara site; Professor James W. Muller of the University of Alaska, Anchorage, who dissected how the Lycian League affected the founding fathers; and the American Friends of Turkey, the Friends of Patara, and former Representatives Stephen Solarz and Robert Livingston, who graciously introduced me to the archeological findings at Patara, and the important work of Professors Isin and Muller.

BAY AREA RIDGE TRAIL TRIBUTE

HON. GEORGE MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing the completion of the 300th mile of the San Francisco Bay Area Ridge Trail on June 3, 2006.

The Bay Area Ridge Trail was the vision of William Penn Mott Jr., who served as the head of the East Bay Regional Park District, California State Parks and as the Director of the National Park Service.

Through a lifetime of service, Mr. Mott saw the importance of preserving ridge top lands for scenic, watershed, and habitat values. A key strategy for gaining public support for a significant program of land conservation, in his view, was to create responsible, appropriate and supported ways for the public to access and enjoy these lands through trails.

A “Bay Area ridge trail,” in the grand tradition of the Appalachian and Pacific Crest trails, could connect people to places around them and build support for land preservation and protection.

To bring this vision into reality, a group of public land managing agencies, nonprofit organizations, and local trails and community advocates began meeting in 1987 to plan the route of a ridgeline trail to connect protected land areas and promote additional land preservation. These initial meetings were led by the National Park Service and the People for Open Space (now, the Greenbelt Alliance).

In 1988, this planning process led to the birthing of a new nonprofit organization known as the Bay Area Ridge Trail Council to coordinate the efforts of this public and private partners and promote the concept of the trail to the public.

I am proud to have played a role in the success of the trail by helping to win congressional support for it.

The first trail was dedicated on May 13, 1989, in San Mateo County in the Wunderlich and Huddart County Parks and Purissima Creek Redwoods Open Space Preserve. Since then, a dozen others have been dedicated as parts of the growing Ridge Trail system.

On June 3, 2006, the 300th mile will be dedicated in my district at the Crockett Hills Regional Park, in Contra Costa County. The total trail is expected to be over 500 miles in length; therefore this dedication is more than halfway toward its completion.

The Council today is an independent non-profit organization with a staff of six, a board of directors of 32, seven active County Committees organizing efforts locally, volunteers numbering in the hundreds, and over 3,500 members working together to complete the trail. As an organization, the Council has many strengths: a diverse and active Board of Directors; a skilled and committed staff; strong public name recognition; a compelling vision and clear mission; numerous strong partnerships with public agencies; strong political support from federal, state, county, and local governments; and committed local volunteer support.

No other organization in the Bay Area fills the important niche of providing public access to a regional network of ridgeline trails and open spaces and connecting local trails and communities to one another.

Beyond the Council, many public partners and nonprofit organizations work to make the Ridge Trail a reality. Our public agency partners also bring many strengths. The Bay Area enjoys a multitude of public agencies, local governments, and special districts committed to the preservation and protection of land and to providing public recreational access. These organizations have extremely capable and committed boards, directors, and staffs. Many of these organizations also enjoy dedicated public funding from parcel tax assessments, sales tax or general fund support that allows them to pursue a capital program of land acquisition and trail development.

As many of these partners helped to give birth to the Bay Area Ridge Trail Council, they have remained committed to helping complete the vision. The region also enjoys one of the most respected, skilled and well-funded land trusts in the nation that partner with the Council where our land acquisition needs overlap.

Collectively, these public and private agencies have already acquired much of the land needed for the next 100 miles of the Ridge Trail.

Some of the partners involved in the Bay Area Ridge Trail include The Golden Gate National Recreation Area, the John Muir National Historic Site, the Presidio Trust, the California Coastal Conservancy, California State Parks, the California Department of Fish and Game, the East Bay Regional Park District, the Mid Peninsula Regional Open Space District, Santa Clara County Parks Department, Santa Clara County Open Space Authority, San Mateo County Parks, the City of San Francisco, Marin County Open Space District, the Sonoma County Parks Department, Sonoma County Open Space District, Sonoma County Regional Parks, Napa County, Solano County, the Sonoma Land Trust, Solano Land Trust,
Mr. GORDON. Mr. Speaker, I rise today to honor a distinguished American, Dr. Eilene Marie Galloway on her 100th birthday. Dr. Galloway has lived a life of distinguished service to this Nation and to her profession, and it is fitting that we pause to recognize her accomplishments and to wish her well as she attains this significant milestone.

Dr. Galloway was born Eilene Marie Slack in Kansas City, Missouri on May 4, 1906—less than three years after the Wright Brothers achieved the first airplane flight. She married George Galloway in 1924. They had two sons, David and Jonathon, who have given her six grandchildren and five great-grandchildren. Dr. Galloway graduated from Swarthmore College in 1928 and holds honorary doctorates from Swarthmore and Lake Forest College. She is a proud member of Kappa Alpha Theta sorority.

Throughout her professional career, Dr. Galloway has been an influential force in the development and analysis of domestic and international space policy and law. When Sputnik was launched on October 4, 1957, she was the forerunner of today’s congressional research service. She was immediately asked to work with Senate Majority Leader Lyndon B. Johnson and Senate Armed Services Committee Chairman Richard Russell to develop America’s response to the Soviet Union’s space initiative. In that capacity, she helped to draft the National Aeronautics and Space Act of 1958, which established NASA and has remained an enduring framework for U.S. civil space policy.

From that time forward, Dr. Galloway has worked tirelessly with the U.S. Congress and as a consultant to NASA, the Federal Communications Commission, and the State Department to assess alternatives and develop approaches for U.S. and international space policy and law regarding exploration and utilization of outer space. The international aspects of space activities have been a major recurring theme of Dr. Galloway’s work. For example, she served as a consultant to Majority Leader Johnson in 1958 when he addressed the United Nations and recommended the creation of a Committee on Peaceful Uses of Outer Space (COPUOS). She has worked with COPUOS for decades, whether serving as part of the U.S. delegation or as liaison to COPUOS for the International Astronautical Federation (IAF). During that time, she helped draft the U.N. treaties that govern exploration of outer space by other celestial bodies. She also was instrumental in creating the International Institute of Space Law (ISSL) in 1958, which has served as the forum for legal scholars and others from around the world to debate the myriad legal issues associated with space exploration and utilization.

Dr. Galloway has continued to be an active participant in space policy and space law debates for almost five decades, as well as serving as a resource to researchers and the media on historical and current space policy issues and mentoring new members of the space policy and space law communities. Her contributions to her profession have led to her selection as an Honorary Fellow of the American Institute of Aeronautics and Astronautics—the highest rank possible in the Institute, election as a Fellow of the American Astronautical Society, receipt of the Lifetime Achievement Award from the International Institute of Space Law, receipt of the Theodore Von Karman Award from the International Academy of Astronautics, receipt of the Lifetime Achievement Award from Women in Aerospace and numerous other awards and citations.

Mr. Speaker, Dr. Eilene Marie Galloway has served her profession and this country with distinction for many years. She is a worthy role model for young women and men everywhere, and she is an inspiration to all of us. I know my colleagues in the U.S. Congress join me in wishing Dr. Galloway a very happy 100th birthday.

TRIBUTE TO HOWARD RoitMAN

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Mr. Howard Roitman. On May 12, 2006, Mr. Roitman is leaving the Colorado Department of Public Health and Environment to assume the position of Deputy Executive Director of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) here in Washington.

Howard Roitman has worked on important environmental issues and programs for the State of Colorado for nearly 20 years. He has served the Colorado Department of Public Health and Environment in 1987 to serve as manager of the Uranium Mill Tailings Remedial Action Program. He later served as director of the department’s combined remedial action and Superfund oversight programs before becoming director of the Hazardous Materials and Waste Management Division. Since January 2003, he has been as the director’s deputy director of environmental programs.

His service has resulted in a safer, higher quality of life for all Coloradans. He was personally involved or oversaw efforts to cleanup radioactive waste piles, superfund sites, waste disposal facilities and pollution control and materials management at many industries and businesses across the State.

In addition to his service at the Department of Public Health and Environment, he was past president the Association of State and Territorial Solid Waste Management Officials, an organization that supports the environmental agencies of the states and trust territories. He also served as the chair of the Environmental Council of the States compliance committee and as chair of the Council’s subcommittee on Long Term Stewardship. In his work on the subcommittee, he was responsible for successful negotiation of a memorandum of understanding with the U.S. Environmental Protection Agency and the State Department of Energy, Defense, and Interior. He also is recognized as a national spokesman for states on federal facilities issues. He also is on the faculty of the University of Denver’s University College Environmental Policy and Management Program.

Prior to his work with the State of Colorado, he worked for the Solicitor’s Office and the Office of Surface Mining for the U.S. Department of Interior’s Denver regional office and private consulting work in government regulation, natural resources and environmental protection.

Howard Roitman is now moving on to a nationwide organization where he can share his expertise on environmental protection with other States and the Nation. ASTSWMO focuses on the needs of state hazardous waste programs; non hazardous municipal solid waste and industrial waste programs; recycling, waste minimization and reduction programs; Superfund and State hazardous waste cleanup programs; waste management and treatment activities at federal facilities, and underground storage tank and leaking underground storage tank programs.

Howard Roitman has also spoken eloquently about the need for State-based programs and actions to address climate change. He is one of a growing number of State-based regulators who understand this environmental challenge.

Colorado has benefited from Howard Roitman’s strong public service commitment and environmental ethic. I ask my colleagues to thank him for this service and to wish him much success at his new post.
CONGRATULATING THE WASHINGTON HIGH SCHOOL SCIENCE OLYMPIAD TEAM

HON. G.K. BUTTERFIELD
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. BUTTERFIELD. Mr. Speaker, today I am proud to rise to congratulate the students of the Washington High School Science Olympiad Team for winning the North Carolina State Science Olympiad. Competing against 250 teams from around the state, the young men and women from Washington defeated some of the premier science and math high schools in the State.

Washington High School is becoming known in North Carolina for its excellence in science education. This year’s victory represents the second straight year Washington High School has been named North Carolina’s top team and the third time in the last four years.

This week they will travel to Bloomington, Indiana, to compete in the National Science Olympiad against equally capable schools from around the Nation. I am confident that the students of Washington High School will demonstrate their expertise again in combating the best of their abilities with some of the best funded specialty schools in the country.

The students and faculty of Washington High School continue to show they can achieve great things with what little they are given, and it is my hope that my colleagues will agree that working together, these students can achieve anything. Again, I congratulate the students of Washington High School for their great achievements and wish them the best of luck on May 17. We are very proud of them.

THE ENDANGERED LAND OF RENTER-WORLD

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most effective advocates for housing for people of moderate and low income to have served recently in our federal government is Nicolas P. Retsinas. Mr. Retsinas now directs the Joint Center for Housing Studies at Harvard University, and he recently published an extremely important and cogent article in the Boston Globe be printed here. 

Mr. Speaker, in May 5, 2006

It is true that a bias in public policy against renters unfortunately predates the Bush Administration, but it is this Administration that has greatly exacerbated it by its assault on the various programs by which we provide rental housing at affordable levels for moderate and low-income people. Use of the word “housing” is the main device of talking of “Owner-World,” and “Renter-World.” Mr. Retsinas notes that, “Today parts of Renter-World constitute a desperate sector of America. Poor people, crammed into too-small apartments, struggle to pay for food, rent, transportation, and medical care. Yet a myopic Uncle Sam barely sees Renter-World.

Welcome to Renter-World, home to more than 31 million households. Renter-World, aka tenants, represents about 30 percent of the population. Eighty percent of all twentysomethings households rent; so do 4 million senior households. Tenants come in all socioeconomic strata. Twenty percent of renters pay more than $60,000 a year; another 20 percent pay less than $10,000.

Yet a myopic Uncle Sam barely sees Renter-World.

Instead, Uncle Sam focuses on Owner-World. Owner-World captures the federal tax breaks: the homeownership tax deductions for mortgage interest and property taxes tops the top $100 billion a year and is rising rapidly.

Owner-World also captures the federal attention: For almost 100 years, starting with a 1918 Department of Labor campaign and continuing through Franklin Delano Roosevett’s New Deal, Bill Clinton’s National Homeownership Partnership, and George Bush’s Ownership Society, the federal government has been promoting homeownership. Today 60 percent of households own a home, an all-time high.

But from Uncle Sam’s vantage, that statistic marks success. Homeownership is the American “dream;” the crucial first step on a family’s pathway to the middle class. A homeowner amasses assets, and with the same day he can own a piece of America. That vested interest spurs involvement in schools, in neighborhoods, in political life. Just as important, the home gives the owner a financial cushion. Even if owners do not reap the windfall of a superheated market, the home can still be a hedge against inflation.

Indeed, we are a nation of immigrants who have marked the exodus with a series of papers: green cards, citizenship, and mortgages. The “American” may be a three-bedroom Cape on a tiny lot, but immigrants have come here for that dream.

So Uncle Sam’s myopia is understandable. He expects renters to move on—to become owners. That is what they too expect.

Renter-World, however, is in trouble.

Even though we are building new rental units, we are not adding to the net “affordable” (a euphemism for cheap) units. That supply is shrinking. Between 1998 and 2003, we lost 2 million low-rent units from the rental inventory. At the same time, rents are rising, especially for newly constructed units.

Consider the plight of the lowest income renters: 70 percent pay more than half of their income for housing. The National Low Income Coalition could not find one county
in the United States where a minimum wage worker, paying 30 percent of his or her income for housing, could afford a one-bedroom apartment.

As for government rent subsidies aimed at alleviating the hardship of low-income tenants, those too have shrunken.

The war on terror and the war in Iraq have pushed millions out of Owner-World. Today parts of Renter-World constitute a despairation sector of America. Poor people, crammed into too-small apartments, struggle to pay for food, rent, transportation, and medical care.

To paraphrase Linda Loman, lamenting the plight of her husband, Willy, in “Death of a Salesman”: “Attention must be paid” to these renters.

The reason is pragmatic. In the past, Renter-World has been a gateway to Owner-World. Low-income workers, renting for a few years, have saved up enough for the downpayment on a house, and, with scrimping, have kept up with mortgage payments. But today’s renters cannot so easily make that leap. The Big Box retailer, married to the fast food waitress, may dream of a bigger dream. They may have left family thousands of miles away to seize the dream. But without some housing relief, they will never leave Renter-World.

And the promise of America, the dream of millions of Americans, is to leave Renter-World. That first mortgage—often the first mortgage for a family—constitutes step one in the economic mobility we value. High rents trap families, anchoring them on the bottom rung of the ladder that we want them to climb.

For the sake of the renters, and of the nation as a whole, Uncle Sam must pay attention to Renter-World.

TRIBUTE TO THE 75TH ANNIVERSARY OF THE BURLINGTON BRISTOL BRIDGE

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. SAXTON. Mr. Speaker, I rise today to recognize the Burlington Bristol Bridge as it turns 75 years old. The Burlington Bristol Bridge (1931–2006) is a vital transportation asset to the residents of South Jersey, connecting New Jersey to Pennsylvania.

The bridge replaced a ferry service which carried passengers across the Delaware River to Burlington, Bristol and the amusement park on Burlington Island. Bridge construction commenced on April 28, 1930, and was completed one year later, for a total cost of approximately $1.5 million.

This landmark bridge stretches 2,301 feet from abutment to abutment, and is 20 feet in width, with one lane in each direction.

For many years after its construction, the bridge’s lift span at 540 feet was the longest movable span ever built. It is a vertical “Lift” type of movable bridge, which raises regularly to allow large vessels to pass beneath.

Approximately 27,000 vehicles per day, or 9.9 million vehicles annually traverse it.

This man-made wonder has faithfully served the residents of South Jersey and Pennsylvania for quaters of a century, and will continue to do so for many more years. Its contributions to travelers and the citizens of South Jersey are hereby recognized.

INTRODUCTION OF THE “PROTECTING AMERICA’S MINERS ACT”

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. GEORGE MILLER of California. Since the beginning of this year, we have witnessed numerous accidents in our Nation’s underground mines. So far this year, 26 underground coal miners have died, more than the total for all of last year. Preliminary investigative reports and public hearings have made it clear that prompt action is necessary if we are to avoid a continued loss of life and disruptions to a vital American energy source.

For many months, I have been urging the Commission on Education and the Workforce to take action on this matter by marking up the legislation introduced by the West Virginia delegation. Sadly, that has not occurred. While the Senate is on this matter in a bipartisan manner, the responsible leaders in this house have declined to treat this matter with the seriousness it deserves. The Administration, which helped create the problem by withdrawing regulatory initiatives that could have provided funding, enforcing enforcement resources into compliance assistance, is likewise lacking in purpose and direction in addressing this crisis.

Accordingly, today I rise to introduce new mine safety legislation, together with Congressmen RAHALL of West Virginia, Congressmen OWENS of New York, Congressman CHANDLER of Kentucky, Congressman HOLT of New Jersey, Congressman ARTUR DAVIS of Alabama, and Congressman MOLLON of West Virginia. This legislation does not detract in any way from our continued pleas to this body to move forward with the West Virginia bill. It does, however, include refinements and new provisions based upon what we have learned since that bill was introduced. An identical bill is being introduced in the Senate by Senators KENNEDY, ROCKEFELLER, Murray and DURbin, and we understand the refinements and new provisions reflected in this legislation are under active discussion in the responsible Senate committee. We hope that these new ideas will advance the discussion and lead to prompt action by this body. We will not let up on this, nor will we let complacency take root.

Following is a detailed section-by-section discussion of the new bill, entitled the “Protecting America’s Miners Act.” I encourage all of my colleagues to join me in support of this legislation and in demanding action by this body before new tragedies strike.

SUMMARY OF PROTECTING AMERICA’S MINERAL ACT

(1) Short Title. “Protecting America’s Miners Act.”

(2) Sense of Congress. This legislation is necessary because of the failure by the current Administration to protect miners and properly prepare for the future.

(3) Definitions. Relevant definitions from the Mine Safety and Health Act of 1977 are incorporated into this free-standing legislation.

(4) Improved escape and refuge requirements to help protect miners in the event of an emergency. This section would establish improved safety standards to help underground coal miners survive an underground emergency. Highlights include:

- Requiring atmospheric detection and warning systems to alert miners to dangerous levels of harmful and explosive gases;
- Requiring two-way messaging systems to communicate between miners and the surface once they are above ground; and
- Requiring underground refuges, meeting criteria based on past experience in the U.S. and abroad, to protect miners unable to escape from a mine; and
- Requiring miners to be equipped with tracking devices to facilitate rescue.

The bill authorizes MSHA to revise these standards by regulation in order to improve them over time. This is the approach taken in 1977 when the current Mine Act was established. Similarly, MSHA is authorized to issue modifications of these standards for individual mines as with any safety standard under the requirements of existing law. Additional research on related topics is required by section 11 of the bill.

Because of the nature of these requirements, the bill would make any violation of them an “imminent danger” so that MSHA can proceed promptly to ensure mines are in compliance.

SECTION 5—FACILITATING THE PROMPT INITIATION OF RESCUE AND MINER RECOVERY EFFORTS

The bill would set up an Emergency Call Center to be sure MSHA is ready to receive information on emergencies—so callers don’t find themselves going from answering machine to answering machine. The Call Center would have to be supplied by the Secretary with home and emergency numbers for key agency personnel, local emergency services, mine rescue teams, and others.

The bill would require that operators notify MSHA within 15 minutes of any emergency or serious incident. The bill ensures MSHA gets prompt notice of close calls, not just situations in which there are deaths or serious injuries.

The bill would separate mines into two categories for purposes of what mine rescue team requirements are applicable:

Those mines with less than 36 employees can contract out for mine rescue services to the nearest mines which maintain such teams, provided that: (1) the mine must include some of its own employees in the rescue team; (2) all rescue team members must be able to reach the mine within 1 hour; and (3) the operator must hold at least two rescue drills a year to ensure the team becomes familiar with the mine.

Those mines with 36 or more employees must have their own mine rescue teams (although they could contract for additional teams). These mines must also hold at least two rescue drills a year.

The bill would also require the Secretary to promptly initiate an expedient rule-making to revise existing mine rescue team requirements, and to consult broadly with existing mine rescue teams, other rescue organizations, local and state authorities and others in this regard. The rules would cover training and qualifications for rescue team members, the equipment and technology used in rescue, the structure and organization of mine rescue teams, and other factors which have been identified by mine rescue teams at recent public hearings as priorities during recent rescue efforts. Section 11 of the bill contains related research requirements.
SECTION 6—ENHANCING THE INVESTIGATION OF MINE ACCIDENTS

This section directs the Secretary of Labor to issue regulations on an expedited basis concerning the investigation of mine accidents that might occur, as regulations currently exist, and so each investigation is ad hoc.

The Secretary is directed to consult widely in developing regulations—consult directly contacting family members who can be identified of any miner who perished in a mining accident of any type in the last 10 years and who are authorized representatives involved in all aspects of the investigation, and an advocate is to be appointed to facilitate their participation.

The regulations to require public hearings be held in connection with any fatal accident or accident which could have resulted in multiple fatalities.

This section would also authorize a majority of the families of any miners killed in an accident, or an authorized miner representative, to request that an additional investigation be performed by the National Institute for Occupational Safety and Health that conveyor belts be designed to minimize flammability. Until the revised rules go into effect, the legislation suspends the conveyor belt standards generally permitted increased airflow over these conveyor belts. During this time, MSHA would, however, be permitted to return to its pre-2004 practice of requiring such additional airflow on a mine by mine basis following a public hearing on a request for such a modification.

(b) Seals are walls constructed in underground coal mines to enclose abandoned areas that do not want to ventilate. Sealed areas can become highly exploitive due to methane gas, and hence the seals have to meet prescribed standards. The bill would require MSHA to expeditiously adopt more protective standards. In addition to requiring seals to withstand more pressure than under the current rules, the Secretary is directed to consider whether it should inspect all seals during construction to be sure they had been built properly. In addition to requiring an improved standard, the bill would require the Secretary to promptly issue citations if conduct of a product or a current seals in underground coal mines composed on non-traditional materials to ensure they are properly constructed.

(c) Respirable (coal) dust. Black lung continues to be diagnosed among younger coal miners. To eliminate this disease forever, the bill requires the Secretary to expeditiously revise the standard for the allowable level of respirable dust to that recommended by the National Institute for Occupational Safety and Health. Consistent with other findings by NIOSH, the bill would eliminate the current requirement that several samples be averaged before a citation can be issued, and requires compliance samples to be taken by the Secretary or by placing personal dust monitors on at least 3 miners per shift.

SECTION 7—ENHANCING OPERATOR AND OWNER INCENTIVES TO AVOID SERIOUS RISKS TO MINERS

The bill would direct the Secretary to revise the regulations which layout the process for citing operators who engage in a "pattern of violations." Such a penalty has never been assessed by MSHA despite the number of scoff-laws that have been identified. The changes required by the legislation would ensure that MSHA is required to make decisions on these situations in a timely way, and the Secretary is authorized to withdraw miners from the entire mine until a pattern of violations is corrected. The bill would also significantly increase the penalties for a "pattern of violations" up to $1 million, and bar the Review Commission from reducing such penalties.

The bill also takes strong action to ensure operators pay their assessed penalties. The bill would also allow operators to gain credits from complying with citations unless the assessed penalties are placed in escrow, and it would add criminal penalties for failure to pay.

The bill would also establish a minimum penalty of $500 and a maximum penalty of $20,000 for other violations. However, if the Secretary determines that the violation could have been prevented and substantially contributed to a hazard, the bill would establish the minimum penalty as $1000 and the maximum penalty as $500,000. In addition, the bill establishes a penalty of between $60,000 and $100,000 for the failure to provide timely notification of accidents. The bill eliminates the requirement of current law that the mine and the impact on an operator’s ability to continue in business must be considered in assessing penalties.

SECTION 8—ENHANCING THE WILLINGNESS OF MINERS TO REPORT SERIOUS PROBLEMS BEFORE ACCIDENTS OCCUR

This would establish a Miner Ombudsman in the Office of the Inspector General in DOL to take safety and health complaints from miners. The purpose of this provision is to help assure miners that their identities will not be compromised if they report mine safety and health problems to the Department.

SECTION 9—INCENTIVES TO AVOID SERIOUS RISKS TO MINERS

This section would establish a minimum penalty of $500 and a maximum penalty of $20,000 for other violations. However, if the Secretary determines that the violation could have been prevented and substantially contributed to a hazard, the bill would establish the minimum penalty as $1000 and the maximum penalty as $500,000. In addition, the bill establishes a penalty of between $60,000 and $100,000 for the failure to provide timely notification of accidents. The bill eliminates the requirement of current law that the mine and the impact on an operator’s ability to continue in business must be considered in assessing penalties.

SECTION 10—TRANSITION TO A NEW GENERATION OF INSPECTORS

It takes 18 months to train a new inspector; and government personnel ceilings and retirement rules mean there may be a critical gap in mine safety and health inspectors even if there is money appropriated in sufficient quantities to take on new staff. The bill provides that for a 5-year period, MSHA inspector staffing can be increased from current levels (only the funding governors) and from certain pension reductions that make it difficult to use retired inspectors as necessary to fill the gap. An additional problem for MSHA is to simultaneously provide both enforcement and compliance assistance, particularly for small mine operators. The bill would provide that for a 5-year period, government resources be used exclusively for enforcement, while compliance assistance to the industry be funded exclusively through a user fee. The user fee would be $100 for every penalty assessed on any mine operator. This money would be used exclusively to provide the industry with more new inspectors. The legislation requires that in implementing its research activities in the next five years, the National Institute for Occupational Safety and Health give due consideration to new technologies, and existing technologies that could be adopted for use in underground mines, which could facilitate the survival of miners in an emergency.

The bill notes that such technologies include, but are not limited to:

- Longer lasting self-rescuers;
- Two-way communications devices;
- Improved battery capacity and specifications to handle multiple devices;
- Improved technology to determine underground conditions during an emergency situation; and
- Improved technology for mine rescue crews.

RECOGNIZING PAUL REDMAN

HON. PATRICK J. TIBERI OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Mr. TIBERI. Mr. Speaker, I rise today to recognize and pay tribute to Paul Redman, an individual who has given his time and effort to the central Ohio community for over a decade. Paul's talent has made the Franklin Park Conservatory one of the signature cultural sites in Columbus.

The Franklin Park Conservatory provides an important service to Ohioans. It provides not only a showcase for the beauty of nature but serves as a vital educational source on botanical and ecological matters. The extensive facilities allow thousands of individuals through-out the region to participate in the study and appreciation of nature and various nature-based art.

Paul's professionalism has drawn the premier artists of our day to display their work at the conservatory. His tireless efforts to provide the best exhibits and value for the community have served to enhance central Ohio's reputation for quality people and superior work. His contributions to the civic and cultural landscape of central Ohio will continue to impact generations to come. His exemplary leadership and service have added to central Ohio's growing fame as one of the most vibrant areas in the nation.

I am pleased to recognize Paul's commitment to central Ohio and his outstanding tenure as Executive Director of the Franklin Park Conservatory. I'm proud to echo the sentiments expressed by so many prestigious voices across the country, and I wish him all the best in his future endeavors.

TRIBUTE TO CHRISTINE BURROUGHS

HON. ZOE LOFGREN OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2006

Ms. LOFGREN of California. Mr. Speaker, I rise in gratitude to recognize the continued extraordinary achievements, community leadership and contributions of Christine Burroughs, Director of InnVision the Way Home. InnVision is a leading provider of services for homeless and low-income individuals and families in Santa Clara County.

Ms. Burroughs has successfully led InnVision the Way Home since 1991. During...
her tenure, she has grown the organization from a small, grass-roots agency into a lead-
ing provider of housing and support services to over 16,000 homeless individuals and fami-
lies in Santa Clara and San Mateo Counties. She managed a staff of 115 at 20 sites with an
annual operating budget of $10 million and $17 million. She spearheaded the development of many community partnerships and at least 12 capital projects including the building and/or rehabilitation of various shel-
ters, transitional housing facilities, permanent affordable apartments and multi-service cen-
ters. Program development included: mental health services, alcohol/drug rehabilitation, job training and children’s activities for all ages.

In 1997, Ms. Burroughs was honored as a “Woman of Achievement” by the San Jose Mercury News (Women’s Fund) and received commendations from City and County officials, as well as the Management Center in San Francisco. In 2004 and 2005, San Jose Maga-
zine heralded her as one of Silicon Valley’s Power 100. Currently, as a member of the San Jose Rotary Club, she serves on 2 com-
mittees whose focus is youth development. She is also a long-time member of First Pres-
byterian Church of San Jose and has served in leadership roles on various local coalitions
and boards advocating for the homeless. Christine is a new board member of the Child-
ren’s Musical Theatre in San Jose.

Ms. Burroughs paved “the way home” for countless people in need of assistance so as to
improve their struggle for independence, freedom and dignity. Hope is the mainstay of
achieving success, and Ms. Burroughs provided that element of strength for so many indi-
viduals and families.

Ms. Burroughs portrayed a pillar of strength, solidarity and integrity, by which all who met her (service providers or beneficiaries of serv-
ces) became transformed to react a better plan in life. She has been a tireless advocate for those persons unable to share their voice for themselves or their families. I hereby honor Christine Burroughs, on this special day of her retirement and wish her all the best in the years to come.

CONGRATULATING RECIPIENTS OF
THE NINTH ANNUAL WIRTH
CHAIR AWARDS

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. UDALL of Colorado, Mr. Speaker I rise today to congratulate four recipients of the Ninth Annual Wirth Chair Awards. The Wirth Chair was started by my good friend and pre-
decessor, former Senator Tim Wirth. The Wirth Chair is committed to helping governments,
nonprofit organizations and communities form sustainable development partnerships that carefully balance eco-
nomic, environmental and expanded social welfare objectives and strategies. Their tremen-
dous work is widely respected throughout the country. This year’s recipients are very de-
serving of this prestigious honor.

Good Dirt air radio stories aimed at inspiring listeners to take eco-
logical action in their own communities. Good Dirt is an all volunteer effort. Word is catching
on about their good work, and I am confident that they will continue to grow and be suc-
cessful.

Harumi Kato of the Yamagata Broadcasting
Company was honored for her show enti-
tled “Little Steps in Colorado for Sustainable Living.” The program was also broadcast in
Japan in October of last year. She plans to
have more viewings in Japan in the future be-
cause she wants people there to know “that
despite not signing the Kyoto Protocols, some
Americans are really concerned about taking
tangible action in many ways to protect our environ-
ment by practicing sustainable living.”

Rick Gilliam of Western Resource Advo-
cates was the primary author of Amendment
37. This was the first time that a renewable
energy standard was put to a popular vote. The successful initiative required that 10 per-
cent of Colorado’s electricity be derived from
renewable sources by 2020. I campaigned vig-
ously for this initiative and saw firsthand how
hard the people associated with this effort
worked. In addition to my work, it was because of their
commitment that the initiative was
passed despite being out spent ten-to-one by
the opposition. Morey Wolfson, Robin Hub-
bard, Ron Larson, Matt Baker, Ron Lehr, Ken
Regelson and Stephanie Bonin were all instru-
mental getting Amendment 37 passed.

Finally, the City of Denver was recognized
for its historic sustainability initiative,
“Greenprint Denver.” The initiative advances
and supports the integration of environmental impacts into the city’s programs and policies,
along with economic and social consider-
ations. The comprehensive set of strategies
includes: measurably reducing greenhouse
gas emissions city wide, developing and im-
plementing a municipal green building policy,
increasing residential recycling, and increasing
urban forest cover for air and water quality
and aesthetic benefits. I am inspired by all of these laudable efforts.

I ask my colleagues to join me in congratu-
lating these Wirth Chair Award recipients for
their tremendously important good work.

IN RECOGNITION OF PAUL MIL-
LIER, EXECUTIVE DIRECTOR OF
KIDANGO

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. STARK. Mr. Speaker, I rise today to pay
tribute to Paul Miller, Executive Director of
Kidango, a private, nonprofit agency providing
a variety of services to children and families in
Alameda, Santa Clara and San Francisco Counties. Paul Miller has successfully led
Kidango to become a leader in providing qual-
lity child care and support services to their families. Miller joined Kidango in 1979 and has
helped the organization grow from serving just
90 children at one Fremont, California center to over 2,600 children attending forty plus cen-
ters throughout the San Francisco Bay Coun-
ties. The comprehensive set of strategies
includes: measurably reducing greenhouse
gas emissions city wide, developing and im-
plementing a municipal green building policy,
increasing residential recycling, and increasing
urban forest cover for air and water quality
and aesthetic benefits. I am inspired by all of these laudable efforts.

I ask my colleagues to join me in congratu-
lating these Wirth Chair Award recipients for
their tremendously important good work.

IN HONOR AND MEMORY OF STAFF SERGEANT ROBERT HERNANDEZ

HON. C.A. DUTCHEPPERBERGER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise
before you today to honor the life of a fallen
Maryland soldier, Staff Sergeant Robert Her-
nandez, a veteran reservist of 24 years who died on the 28th day of March 2006.

Sergeant Hernandez was a member of the 3rd Battalion, 318th Regiment Military Police,
80th Division, U.S. Army Reserve, Fort Meade. He was killed when a makeshift bomb
detonated near his military vehicle during com-
bat operations in Al Taqaddum, Iraq.

The 47-year-old soldier was a former mem-
ber of the Baltimore and Washington Police
Departments. He was praised by colleagues for his hard work and jovial personality. He
easily earned respect from those who knew him best worked with him daily.

As a member of the Prince George’s County
force, Sergeant Hernandez offered his exper-
tise in a division that lacked Spanish-speaking
officers. He served as a field training officer assisting officers who graduated from the police academy. He also served as a mentor at a local elementary school. Sergeant Hernandez is remembered for his leadership skills and ability to help others.

Sergeant Hernandez was survived by his fiancée and three children of Silver Spring. He is also survived by his parents in Puerto Rico. He will forever be remembered as a dependable, trustworthy and captivating person with a passion for life, children, family, and country.

Mr. Speaker, I ask that you join with me today in honoring the life and memory of a Maryland hero. Sergeant Robert Hernandez was loyal to the citizens of the United States and deserves our recognition and appreciation.

BLUMENAUER AMENDMENT TO THE AGRICULTURE APPROPRIATIONS BILL, FY 2007

HON. EARL BLUMENAUER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. BLUMENAUER. Mr. Speaker, tomorrow I will be offering an amendment, cosponsored by Congressman Jeff FLAKE, to the Agriculture Appropriations bill. The amendment will prevent any funds in the appropriations bill to go towards salaries or expenses of personnel who make loans in excess of 17 cents per pound for raw sugar cane or 21.6 per pound for refined beet sugar. This is, in effect, a 6 percent cut to the Sugar Loan Program.

TRIBUTE TO MSGR. CIPPEL OF ST. FRANCES CABRINI PARISH

HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a devout servant of the Catholic faith, Msgr. John A. Cippel of the St. Frances Cabrini Parish in Spring Hill, FL. Monsignor Cippel is retiring after more than 46 years as an ordained priest in the Catholic Church, the last 6 serving as monsignor at St. Frances Cabrini.

Msgr. John A. Cippel is the second pastor of St. Frances Cabrini Parish from 1975 to 1981. Monsignor Cippel has served the parish with distinction for more than 10 years.

Ordained a priest on January 28, 1960, Father Cippel is an alumnus of St. Vincent Seminary, Boynton Beach, FL. He came to St. Frances Cabrini after completing a 5-year span at this seminary.

Mr. Speaker, over the years I have had the opportunity to see Monsignor Cippel interact on a personal and spiritual basis with his parishioners at St. Frances Cabrini. Most Thanksgivings I have been at the church working with the congregation and Monsignor Cippel to help prepare the Thanksgiving feast for those parishioners and all residents without family on the holiday.

Working alongside Monsignor Cippel I saw the compassion in his eyes and the dedication in his heart to serving those in need. For many years he has been a voice of reason in the Hernando County area and someone to whom the entire Catholic community looked up to for wisdom and clarity of thought.

Mr. Speaker, on the occasion of Monsignor Cippel's retirement, I would like to commend him for his decades of work on behalf of the thousands of men and women whose lives he has touched and influenced. Monsignor Cippel has given so much to the men and women of Catholic faith and it is time that we say thank you to him as he leaves the St. Frances Parish.

IN RECOGNITION OF NORWAY'S CONSTITUTION DAY

HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to recognize the people of King Harald V and Prime Minister Jens Stoltenberg, as Norway celebrates its national day of recognition of the adoption of its constitution. It was on May 17, 1814, that Norway adopt- ed its constitution, making the country free and independent. The United States and Norway have long had a strong relationship, founded on cooperation on important bilateral and regional issues, as well as on shared values. Our countries are engaged on every level, including on economic, security and cultural matters, in a relationship that reflects a shared commitment to further strengthening our relationship. The strength of our friendship allows us the means to openly engage on issues for which we might not share a common perspective, and work together to build common ground on issues of great importance to our citizens.

Norway holds a strategic position within the European community, and through its membership in NATO and the European Union, Norway is a voice of reason in security matters that impact both its region and the world. In addition, Norway is a global leader in providing humanitarian aid to crises around the world, in aiding refugees, and in promoting human rights. I commend Norway for its support of the Norwegian government for the important and life-saving work it is engaged in around the world.

As a Minnesotan, I and many of my constituents feel a particular bond to Norway, as so many ancestors of Minnesotans come from that great country. The strong links that have formed between Minnesota and Norway extend to business partnerships and social connections. Minnesotans and Norwegians share the strong desire in helping to alleviate the suffering that is a daily struggle for so many around the world. Both Minnesotans and Norwegians feel compelled to act in the name of peace and democracy around the world, and I am proud there is such a strong Norwegian influence in Minnesota.

Mr. Speaker, we should extend warm regards and congratulations to the people of Norway, the Norwegian Government, King Harald V and Queen Sonja, and Prime Minister Stoltenberg as they celebrate the adoption of their constitution. They have consistently been warm friends of the United States, and I look forward to working with the Norwegian people on every level in the future, to ensure that our two countries maintain a strong relationship.

LIBRARY OF CONGRESS EMPLOYEE TRANSITION ASSISTANCE ACT OF 2006

HON. JUANITA MILLENDER-McDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to draw our colleagues' attention to legislation I have introduced (H.R. 5328) to make it easier for talented, experienced employees of the Congressional Research Service (CRS) facing loss of their jobs later this year to find positions elsewhere in the Federal government.

The need for this legislation is both apparent and pressing. In September 2005, the CRS, a unit of the Library of Congress, announced to 59 support employees that their positions will be eliminated not later than September 30, 2006, by a reduction-in-force (RIF) announcement. The Library’s Director, Daniel Mulhollan, argues that the 59 positions have become unnecessary due to technological advances that have changed the way CRS fulfills its mission, which is to serve Congress.

Several of our colleagues and I share serious concerns about this decision and question the CRS management practices which led to it. Since the announcement, I have personally met with affected employees and others, many of whom suggested, among other things, that CRS has placed insufficient emphasis on training and professional development, offering opportunities for advancement. Moreover, given the Library’s history in matters involving racial discrimination, many people inside and outside the organization are troubled by the fact that a large majority of the affected employees are women, African-Americans and other minorities.

Without debating the merits or demerits of Director Mulhollan’s decision, clearly Congress should do everything reasonably possible to help these dedicated CRS employees to continue their careers elsewhere in the Federal government. It is certainly the compassionate and equitable thing to do; most if not all of the employees have never received an unsatisfactory performance review, and many are so
breadwinners who have devoted their entire careers to public service. It is also the smart thing to do, from the standpoint of the taxpayer, who has invested in these employees over the years, and who would lose the value of that investment if the employees were to take positions elsewhere. As a former personnel director, I certainly recognize that for any organization, including the Federal government, to maximize its effectiveness, it needs to attract the most talented people it can, invest in those people, and retain them. It makes sense to enable talented employees to transfer their skills to other agencies, if they wish to remain in Federal service and cannot find suitable positions in the Library or CRS.

The legislation which I have introduced would accomplish two things toward this end. First, it would give Library employees who have successfully completed a probationary period in a non-temporary position “competitive status” when seeking vacant positions in Executive departments and agencies for which the employee is eligible. Currently, service in the Library, a Legislative-branch agency, does not confer competitive status, leaving Library employees at a disadvantage when competing for vacancies in Executive agencies requiring competitive status. This bill would become effective immediately, and is designed to assist current CRS employees who may wish to apply for positions throughout the government, as well as other CRS or Library employees seeking positions in the future.

Second, the legislation would render Library employees (including the Congressional Research Service) eligible for a program, administered by the Office of Personnel Management for displaced employees in the Executive branch, which provides “special selection priority” for employees facing a reduction-in-force. Thus, Library employees, including the CRS personnel facing loss of their jobs later this year, would qualify for priority selection to positions across the Executive branch.

Mr. Speaker, in 1994 Congress enacted similar legislation granting competitive status to employees of the Judicial branch. It made sense then for employees of the Federal courts, and it makes sense for the employees of the Library of Congress today.

Mr. Speaker, this legislation has the support of the Librarian of Congress, Dr. James Billington, and Director Mulholland, who have assured me that they will do everything possible to identify suitable positions in the Library for the affected employees. I take them at their word and hope their efforts succeed for every employee who wants to continue contributing to the agency’s success.

This Congress could not discharge its responsibilities without the support of the employees of the Congressional Research Service and the Library of Congress, who provide unbiased, non-partisan, timely, reliable information to its Members every day. As Ranking Member of the Committee on House Administration, which oversees the Library and CRS, I am aware of the precious asset preserved, and I trust that Library management will do everything within its power to avoid a RIF in 2006 or any other year. In the meantime, H.R. 5328 will make it easier for the CRS employees now facing loss of their jobs to transfer their skills and expertise to other Federal agencies and continue their careers in public service. I urge all Members to join in supporting this urgent legislation.

IN REMEMBRANCE OF G.V. “SONNY” MONTGOMERY

HON. NICK J. RAHALL, II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. RAHALL. Mr. Speaker, I rise today to remember the life of a man that I am proud to have called a colleague and a friend, Gillespie V. “Sonny” Montgomery. Sonny had already served the people of Mississippi for 10 years by the time he was elected to Congress, but his drive and tenacity for the men and women of his District and of the armed services rivaled that of any of my freshman class of 1977.

The epitome of one man making a difference, Sonny helped expand the G.I. Bill to Guardsmen and Reservists and helped make possible the dream of a higher education to countless Americans. His efforts to elevate the Veterans Administration into the 14th Cabinet level department truly ensured, in his words, that “veterans will have to go through the back door to the White House.” Few men leave the kind of lasting legacy that Sonny leaves. When I am back home in West Virginia, I see him in the faces of the West Virginia National Guard. The time before his accomplishments seem to stand in stark contrast to the current realities of serving our great Nation, and it reminds us all of how justice always needs an advocate.

I see how one man can better the lives of so many, and it reminds and reaffirms in me what it means to be a public servant. This coming week we will remember and pay tribute to those who have served our country, in doing so we also remember and pay tribute to Sonny.

As the Lord welcomes him back into the Kingdom of Heaven, may we all honor his legacy by picking up the torch that he so skillfully carried.

HONORING G.V. “SONNY” MONTGOMERY

HON. JIM GIBBONS
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. GIBBONS. Mr. Speaker, on behalf of the state of Nevada, I would like to recognize the late Gillespie V. “Sonny” Montgomery for all of his lifetime achievements. Sonny passed away on May 12 of this year. His 30 years in Congress and 13 years as Chairman of the House Veterans’ Affairs Committee do not even begin to reveal all that he has done for this country.

As a strong Veterans’ advocate, he was the man responsible for rallying Congress to pass The Montgomery G.I. Bill, which offered educational benefits to National Guard and Reserve personnel for the first time. Mr. Montgomery also served on the House Armed Services Committee, where he made progress in the quality of life for both the National Guard and Reserve. As a veteran himself, he seemed to establish a personal mission for him that pressed for improved treatment of veterans on Capitol Hill, where he gained the nickname “Mr. Veteran.”

After returning home from World War II, he returned to active duty during the Korean War as part of the National Guard. Shortly thereafter, Sonny began his political career in 1956 when he was elected to the Mississippi State Senate, where he served for ten years before joining the United States House of Representative in 1967. He remained in the National Guard and retired in 1980 with the rank of major general.

In 2005, he received the highest form of civilian honor when President Bush awarded him with the Presidential Medal of Freedom. Sonny Montgomery was the embodiment of freedom and worked every day of his professional life to strengthen our national defense and to ensure that this nation honors the soldiers who protect our freedom. Not only has this country lost a dedicated serviceman and former Member of Congress, but we have also lost a great friend.

CONGRATULATING AMTRAK ON ITS 35TH ANNIVERSARY

HON. JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to congratulate the National Railroad Passenger Corporation, known more commonly as Amtrak, and its workers for achieving 35 years of operation as America’s passenger rail service provider.

Prior to the creation of Amtrak, passenger rail service had fallen on hard times. Freight railroads had a common carrier obligation to provide passenger train service, but virtually all of them were losing money and wanted to be rid of it. Regrettably, it was the policy of many of the freight railroads to simply allow the service to deteriorate to the point where ridership was so sparse that the Interstate Commerce Commission would grant the carriers permission to discontinue their passenger train operations. Some of the railroads went beyond benign neglect and actively downgraded the service to discourage people from riding the trains.

Indeed, passenger rail service had been in decline since 1920. Americans’ preferences shifted to air and auto to meet their intercity transportation needs. In 1920, passenger rail was the dominant mode of intercity transportation; by 1970 passenger rail service had declined to relative insignificance. Many thought that the day of the passenger train was over, and that, outside of a few densely populated corridors, passenger trains were destined to join the stagecoach and the flatboat as relics of America’s transportation history.

Fortunately, that was not the case. Congress understood the long-term value of and public need for intercity passenger rail service. In 1970, passenger rail service had declined to relative insignificance. Many thought that the day of the passenger train was over, and that, outside of a few densely populated corridors, passenger trains were destined to join the stagecoach and the flatboat as relics of America’s transportation history.

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CONGRESSIONAL RECORD — Extensions of Remarks

E845

May 16, 2006

HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 16, 2006

Ms. McCollum of Minnesota. Mr. Speaker,
I rise today in support of the Federal En-
ergy Legislation (H.R. 5253) and
H.R. 5254.

In the 1970s, the nation’s railroads were
prone to failure. The nation’s railroad in-
frastructure was in a serious state of disrepair.
Trains, even some passenger trains, crept
along at 10–15 miles-per-hour in some places
and often tracks were left, becoming deserted by
commonplace. By the time Amtrak com-
menced operations in 1971, the number of
daily intercity passenger trains had been re-
duced from 11,000 in 1964 to fewer than 300
in 1971.

Today, despite chronic under-investment,
Amtrak has managed to replace and upgrade
many cars and locomotive fleets, rehabilitate
once dilapidated train stations, and introduce
a variety of new services in an effort to keep
people from abandoning railroad travel.

Amtrak began operations in 1971, the number of
trains operated in 2005, a record level for Am-
trak. And just last month, despite increasing
freight congestion on the nation’s railways,
Amtrak got what it needs because of the North-
East Corridor reached 90 percent.

In other words, Amtrak survived—survived
the inadequate equipment and facilities; sur-
vived the budget cutters, and survived the com-
petition from low-cost airlines. And now, as
we try to prevent pricing more than the real
two cars per gallon, we see the wisdom of keeping inter-
city passenger rail service in place in the United
States.

This month, Congress will begin its annual
debate about Amtrak. The Administra-
tion and a minority in Congress will once
again argue for inadequate or no funding for
Amtrak. In the past 35 years combined, Am-
trak has received less federal funding than we
will spend on highways in just this fiscal year.
The Federal Government has also established
robust funding mechanisms for aviation and
public transit, and Congress has always prop-
erly supported Federal investment in these
modes. But not for Amtrak: Amtrak is forced to
beg for federal funding year after year, and
rarely gets what it needs because of false ex-
pectations that it should be profitable.

Railroads throughout the world receive
some government support to supplement the
revenues paid by passengers. China invests
$16 to $20 billion annually in passenger rail. Japan
devotes 20 percent of their total annual transportation budget to pas-
senger rail, totaling $3 to $4 billion each. A
host of other nations also invest heavily in
passenger rail—France, for example. When I
was a graduate student at the College of Eu-
rope in Belgium, part of our work was to travel
to various parts of Europe and see different
economic systems. I traveled from Paris to
Lyon, almost 300 miles. It was a 4½ hour trip.
I went back in 1989, as chair of the Aviation
Subcommittee. We were following the trail of
Pam Am 103. I just wanted to experience the
TGV (Train à Grande Vitesse). The same trip
took 2:01 hours. At a certain point, the train
passed a small airfield where a twin-engine
aircraft had taken off, and the train passed the
plane at 160 miles per hour.

We can do the same here in the United
States. The Federal Government just needs to
step up and take charge with a strong pro-
gram to support passenger rail.

Congratulations again to Amtrak and its
workers for 35 years of public service. Not
only are you a vital link to our nation’s past,
but you are indispensable to our Nation’s trans-
portation future.

Mr. Speaker, I rise today in support of the Federal Energy
Price Protection Act (H.R. 5253). By pro-
tecting consumers at the gas pump, this legis-
lation takes an important step towards a more
responsible federal energy policy.
H.R. 5253 bans price gouging in the sale of
fuels, permits states to bring price gouging
lawsuits against wholesalers or retailers and
sets meaningful penalties for those convicted.
After nearly a year of opposing these con-
sumer protections, Republicans have finally
realized this is a necessary and appropriate
action to addressing rising gas prices. How-
ever, this is only a first step—it is what we do
next that really matters.

We should not expect our energy situation
to change in a day. Conventional energy sources
gave serious concerns regarding our oil dep-
endence. With the booming economies of China and India squeezing glob-
al oil supply, and political instability among key
oil producing countries like Iran, Venezuela,
Nigeria and Iraq, it is likely that world oil prices
will remain very much rising for some time to come. Unfortunately, the Re-
publicans are proposing to meet this serious
challenge with an ill-conceived policy of dis-
traction.

The Refinery Permit Process Schedule Act
(H.R. 5254) is a cynical attempt to relieve pub-
lic pressure for new energy policies and divert
attention away from meaningful solutions. It
empowers the Secretary of Defense to evade
state environmental laws and override the
wishes of local communities by “streamlining”
siting and permitting of new refineries on
closed military bases. I strongly oppose this
bill, which blames state environmental regula-
tions for rising gas prices and would under-
mine local control in a misguided attempt
to ease them. H.R. 5254 is another attempt by
the Republican majority to sell Americans the
false promise that their price problems are
over.

With families burdened with gas at $3 per
gallon, it is time for real leadership, vision and
commitment from Washington to make the
smart investments that will protect our
Nation’s economic security and our planet’s
future. A clean energy future that addresses
oil dependence and environmental concerns
such as climate change is achievable. It starts
by rescinding the billion of dollars in subsidies
for oil and gas companies and with invest-
ments in research and extending incentives for
alternative energy sources such as wind, bio-
mass and biofuels that keep energy costs
down, create jobs and make us more competi-
tive in the global economy. As Robert Samuel-
son stated in today’s Washington Post, the
United States has the energy policy it de-
serves but not the one it needs. It’s time for
real solutions.

[From the Washington Post, May 3, 2006]

HOW WE GOT TO $3 A GALLON

(By Robert J. Samuelson)
The United States has the energy policy it
deserves, although not the one it needs. Hav-
ing been an oil buyer for years that addiction
to cheap gasoline was on a collision course with increasingly insecure supplies of for-
dign oil, Americans are horrified to discover
that this is actually the case. But for all the
public outcry and political hysteria, high
gasoline prices haven’t significantly hurt the
economy—and may not next year. Since 2001
the economy has grown about 3.6 percent an-
nually. It’s still advancing briskly. That may
be the real news.

First, how did we get to $3 a gallon? The basic story is simple enough. Oil was
cheap in the 1990s. From 1993 to 1999, crude
prices averaged about $17 a barrel. Low
prices discouraged exploration and encour-
aged consumption. China emerged as a big
user. In 1995 global demand was about 70 mil-
ion barrels daily; now it’s almost 84 million
bears daily.

Spare production capacity slowly vanished, meaning that now any supply interruption—or
rumor of interruption—sends prices up
sharply. An Iraqi pipeline is attacked; prices
jump. Nigerian rebels menace oil fields; prices jump.

These pressures get transmitted quickly to the pump, because there are few fixed-price
contracts in the oil business. At each stage
of distribution—from producers to refiners,
from refiners to retailers—prices are ad-
justed quickly. They affect prices on major commodities exchanges, where oil and
other raw materials are traded.

“A gas station will get a delivery every few days at prices that fluctuate,” says
Mary Novak of Global Insight. Even between deliveries, station owners may push
prices up because they know that “for my next
tankful, I’ll have to pay the marked; prices
jump.”

Of course, profits have exploded. Produc-
tion and refining costs haven’t risen in tan-
dem with prices. To the extent that oil com-
panies have their own supply, they are op-
posed to buying from producing nations—
they’ve reaped a bonanza. From 2002 to 2005,
profits for most U.S. oil companies more than
doubled, to about $20 billion a year. In 2005,
the American Petroleum Institute re-
ports. But the really big winners are the oil-
producing countries. In 2005 their oil revenue
exceeded $750 billion, up from $300 billion in
2002. (Crude oil and taxes represent about
three-quarters of the retail price of gasoline;
refining, distribution and marketing account for
the rest.)

It’s conventional wisdom that big in-
creases in oil prices usually trigger a reces-
sion—or at least a sharp slowdown. Why
haven’t we had one? One often-heard expla-
nation is that the economy has become more energy-effi-
cient. True. Compared with 1973, Americans
use 57 percent less oil and natural gas per
definition of output; compared with 1979, the
decline is 24 percent. Cars and trucks have got-
ten more efficient, though not much more
since 1990. New industries (software program-
ing, health clubs) use less energy than the old
(steelmaking, farming). But there’s a
larger reason: The conventional wisdom is
wrong.

Big oil price increases in the past (1973–74,
1979–80 and 1990–91) did not cause recessions,
though recessions occurred at roughly the
same time. The connection has been repeated
so often that most people probably accept it
as gospel. But much economic research has
concluded that it’s a myth. These recessions
resulted mainly from rising inflation—infla-
tion that preceded higher oil prices—and the
Federal Reserve’s efforts to suppress it. High-
er oil prices merely made matters slightly
worse. In 1980, for example, con-
sumer prices rose 12.5 percent; excluding
energy prices, they increased 11.7 percent.

This may explain the economy’s resilience.
One hopeful sign: most nonenergy companies
are not passing along gas price increases to
their customers. “Businesses have had wide
profit margins,” says Mark Zandi of

This may explain the economy’s resilience.
One hopeful sign: most nonenergy companies
are not passing along gas price increases to
their customers. “Businesses have had wide
profit margins,” says Mark Zandi of
Moody’s Economy.com. “They may be willing to eat the higher costs.” In 2006, he expects the economy to grow 3.5 percent, with average unemployment of 4.7 percent.

Indeed, he thinks oil prices may retreat to about $50 a barrel, from today’s levels of about $70, later this year. Higher prices will slightly dampen demand, and added supplies will create some spare production capacity. Naturally, he could be wrong. Energy economist Philip K. Verleger Jr. thinks oil could be headed for $100 a barrel, with inflation going to 5 percent and inducing a recession. Continuing strong oil demand will collide with rigid supply (both production and refining). The conventional wisdom—wrong in the past—could be right in the future.

Whatever happens, the larger question is how Americans build on this episode. It may feel good to vilify the major oil companies and the oil cartel. But that won’t help. We now import 60 percent of our oil; large imports will continue indefinitely. So far, we’ve escaped a true calamity. We may not be so lucky in the future. We could minimize our vulnerabilities to supply interruptions and price increases. We could open up more acreage (including Alaska) to drilling. We could orchestrate—through tougher fuel economy standards and a gradually rising energy tax—a big shift toward more-efficient vehicles. Once again, we’ve been warned. Will we continue to ignore it?
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4571–S4646

Measures Introduced: Fifteen bills and two resolutions were introduced, as follows: S. 2803–2817, and S. Res. 480–481.

Measures Passed:

Relative to Death of Former Senator Jacob Chic Hecht: Senate agreed to S. Res. 481, relative to the death of Jacob Chic Hecht, former United States Senator for the State of Nevada.

Arctic Research and Policy Amendments Act: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 879, to make improvements to the Arctic Research and Policy Act of 1984, and the bill was passed, after agreeing to the following amendment proposed thereto:

Frist (for Collins/Murkowski) Amendment No. 4028, to strike the sections regarding Commission awards and representation and reception activities.

Comprehensive Immigration Reform Act: Senate continued consideration of S. 2611, to provide for comprehensive immigration reform, taking action on the following amendments proposed thereto:

Adopted:

By 79 yeas to 16 nays (Vote No. 122), Salazar Amendment No. 3994, to prohibit implementation of title IV and title VI until the President determines that implementation of such titles will strengthen the national security of the United States.

Bingaman/Feinstein Amendment No. 3981, to reduce the number of H–2C nonimmigrants to 200,000 during any fiscal year. (By 18 yeas to 79 nays (Vote No. 124), Senate earlier failed to table the amendment.)

Kerry/Bingaman Amendment No. 3999, to improve the capacity of the United States Border Patrol to rapidly respond to threats to border security.

Rejected:

By 40 yeas to 55 nays (Vote No. 121), Cornyn (for Isakson) Amendment No. 3961, to prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of Federal law unless the border security measures authorized under Title I and section 233 are fully completed and fully operational.

Dorgan Amendment No. 4017, to prohibit aliens who are currently outside the United States from participating in the H–2C guestworker visa program. (By 69 yeas to 28 nays (Vote No. 123), Senate tabled the amendment.)

Pending:

Kyl Amendment No. 4027, to make certain aliens ineligible for adjustment to lawful permanent resident status or Deferred Mandatory Departure status.

A unanimous-consent agreement was reached providing that at 9:15 a.m. on Wednesday, May 17, 2006, Senate continue consideration of the bill.

Appointments:

Election Assistance Board of Advisors: The Chair, on behalf of the Majority Leader pursuant to the Public Law 107–252, Title II, Section 214, appointed the following individual to serve as a member of the Election Assistance Board of Advisors: Wesley R. Kliner, Jr., of Tennessee.

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 93 yeas (Vote No. EX. 120), Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit.

Nominations Received: Senate received the following nominations:

Francisco Augusto Besosa, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years.
Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years.

John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration.

John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement.

**Messages From the House:**

**Measures Placed on Calendar:**

**Measures Read First Time:**

**Executive Communications:**

**Additional Cosponsors:**

**Statements on Introduced Bills/Resolutions:**

**Amendments Submitted:**

**Authorities for Committees to Meet:**

**Privileges of the Floor:**

**Record Votes:** Five record votes were taken today. (Total—124)

Adjournment: Senate convened at 9:45 a.m., and as a further mark of respect to the memory of the late Jacob Chic Hecht, former United States Senator from the State of Nevada, in accordance with S. Res. 481, adjourned at 7:03 p.m., until 9:15 a.m., on Wednesday, May 17, 2006. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S4646.)

**Committee Meetings**

(Committees not listed did not meet)

**NOMINATIONS:**

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing 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, after each nominee testified and answered questions in their own behalf.

**HEDGE FUNDS**

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities and Investment concluded a hearing to examine the role of hedge funds in U.S. capital markets, after receiving testimony from Randal K. Quarles, Under Secretary of the Treasury for Domestic Finance; Susan Ferris Wyderko, Director, Office of Investor Education and Assistance, U.S. Securities and Exchange Commission; Patrick M. Parkinson, Deputy Director, Division of Research and Statistics, Board of Governors of the Federal Reserve System; James A. Overdahl, Chief Economist, U.S. Commodity Futures Trading Commission; Richard T. McCormack, Center for Strategic and International Studies, and Adam Lerrick, American Enterprise Institute, both of Washington, D.C.; James Chanos, Coalition of Private Investment Companies, New York, New York; and Kurt N. Schacht, Chartered Financial Analyst Institute, Charlottesville, Virginia.

**TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROGRAM**

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the Transportation Security Administration’s Transportation Worker Identification Credential Program, after receiving testimony from Michael P. Jackson, Deputy Secretary of Homeland Security; George P. Cummings, City of Los Angeles Harbor Department, San Pedro, California; Lisa B. Himber, Maritime Exchange for the Delaware River and Bay, Philadelphia, Pennsylvania; and Larry I. Willis, AFL-CIO, Washington, D.C.

**YUCCA MOUNTAIN REPOSITORY PROJECT**

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the status of the Yucca Mountain Repository Project within the Office of Civilian Radioactive Waste Management at the Department of Energy, focusing on the history of high-level nuclear waste disposal, after receiving testimony from B. John Garrick, Chairman, U.S. Nuclear Waste Technical Review Board; Paul M. Golan, Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy; William Wehrum, Jr., Acting Assistant Administrator for Air and Radiation, U.S. Environmental Protection Agency; and Robert R. Loux, Nevada Agency for Nuclear Projects, Carson City.

**LAND BILLS**

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing 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, after receiving testimony from Senators Warner, Sarbanes, Boxer, and Pryor; Stephen P. Martin, Deputy Director, National Park Service, Department of the Interior; Patricia Gallagher, Executive Director, National Capital Planning Commission; Patrick F. Noonan, Conservation Fund, Arlington, Virginia; Harry G. Robinson III, TRG Consulting Studio, Washington, D.C.; and Rimantas Saikus, Cleveland, Ohio.

NOMINATION
Committee on Finance: Committee concluded a hearing to examine the nomination of Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador, after the nominee testified and answered questions in her own behalf.

OIL DEPENDENCE
Committee on Foreign Relations: Committee concluded a hearing to examine strategies for reducing dependence on oil, focusing on S. 2435, to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, after receiving testimony from Vinod Khosla, Khosla Ventures, Menlo Park, California; and Jason S. Grumet, National Commission on Energy Policy, Washington, D.C.

RETIREMENT COMMUNITIES
Committee on Health, Education, Labor, and Pensions: Subcommittee on Retirement Security and Aging concluded a hearing to examine naturally occurring retirement communities and what impact they may have on the ability to create livable community options for all Americans, after receiving testimony from Elinor Ginzler, AARP, Washington, D.C.; Fredda Vladeck, United Hospital Fund, New York, New York; Joyce Garver Keller, Ohio Jewish Communities, Columbus; Ann Sutton Burke, Jewish Family Service, Cincinnati, Ohio; Julia Pierson, Senior Home Services Comprehensive Housing Assistance, Inc., Baltimore, Maryland; and Beth K. Shapiro, Jewish Federation of Greater Washington, Rockville, Maryland.

VOTING RIGHTS ACT
Committee on the Judiciary: Committee held a hearing to examine the continuing need for Section 5 pre-clearance requirements of the Voting Rights Act, including trends in minority participation in the seven states originally covered by the Act, renewal of the Act, and the history and prospects for minority voter participation in the states originally covered by Section 5, receiving testimony from Anita S. Earls, University of North Carolina Center for Civil Rights, Chapel Hill; Pamela S. Karlan, Stanford Law School, Stanford, California; Keith Gaddie, University of Oklahoma, Norman; Theodore S. Arrington, University of North Carolina, Charlotte; and Richard H. Pildes, New York University School of Law, New York, New York.

Hearing will continue on tomorrow.

NOMINATION
Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of Kenneth L. Wainstein, of Virginia, to be Assistant Attorney General for National Security, Department of Justice, after the nominee, who was introduced by Senator Warner, testified and answered questions in his own behalf.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced:  
public bills, H.R. 5387–5398 were introduced.  
Pages H2640–41

Additional Cosponsors:  
Page H2641

Reports Filed:  Reports were filed today as follows:  
Supplemental report on 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, Pt. 2);  
H. Res. 815, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 109–466);  
H. Res. 816, providing for consideration of H.R. 4200 to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes (H. Rept. 109–467); and  
Supplemental report on H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007 (H. Rept. 109–464, Pt. 2).  
Page H2640

Speaker:  Read a letter from the Speaker wherein he appointed Representative Boustany to act as Speaker pro tempore for today.  
Page H2599

Recess:  The House recessed at 12:41 p.m. and reconvened at 2 p.m.  
Page H2600

Suspensions:  The House agreed to suspend the rules and pass the following measures:  
Right-to-Ride Livestock on Federal Lands Act of 2005:  H.R. 586, to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use;  
Pages H2601–03

Allowing the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated:  H.R. 2978, to allow the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated;  
Page H2603

Coastal Barrier Resources Reauthorization Act of 2005:  S. 1869, to reauthorize the Coastal Barrier Resources Act—clearing the measure for the President;  
Pages H2603–05

Neotropical Migratory Bird Conservation Improvement Act of 2006:  H.R. 518, amended, to require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds;  
Pages H2605–06

James Campbell National Wildlife Refuge Expansion Act of 2005:  S. 1165, to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii—clearing the measure for the President;  
Pages H2606–07

Pages H2607–08

Supporting the goals and ideals of Peace Officers Memorial Day:  H. Res. 788, to support the goals and ideals of Peace Officers Memorial Day;  
Pages H2608–10

Recognizing the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as “America’s National Ballet Company”:  H. Res. 751, to recognize the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as “America’s National Ballet Company”; and  
Pages H2610–11

Condemning the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the murders of other members of the media in the Russian Federation:  H. Res. 499, amended, to condemn the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the
murders of other members of the media in the Russian Federation.

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration of the measures will resume tomorrow, May 17th.

Calling on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Weston Park agreement and a way forward for the Northern Ireland Peace Process: H. Res. 740, to call on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Weston Park agreement and a way forward for the Northern Ireland Peace Process; and

Condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006: H. Res. 795, to condemn in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006.

Recess: The House recessed at 6:46 p.m. and reconvened at 6:56 p.m.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H2641–42.

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 12:30 p.m. and adjourned at 6:58 p.m.

Committee Meetings

ENERGY AS A WEAPON: U.S. POLICY IMPLICATIONS

Committee on Government Reform, Subcommittee on Energy and Resources and the Subcommittee on National Security, Emerging Threats and International Relations held a joint hearing entitled “Energy as a Weapon: Implications for U.S. Policy.” Testimony was heard from Karen Harbert, Assistant Secretary, Policy and International Affairs, Department of Energy; Paul Simons, Deputy Assistant Secretary, Energy, Sanctions, and Commodity Policy, Department of State; and public witnesses.

JUDGES—PAY AND BENEFITS

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled “Fair and Balanced? The Status of Pay and Benefits for Non-Article III Judges.” Testimony was heard from Nancy Kichak, Associate Director, Division for Strategic Human Resources Policy, OPM; William Cowan, Deputy Chief Administrative Law Judge, Federal Energy Regulatory Commission, Department of Energy; Ronald G. Bernoski, Administrative Law Judge, SSA; and public witnesses.

PANDEMIC INFLUENZA STRATEGY

Committee on Homeland Security: Held a hearing entitled “Are We Ready?: Implementing the National Strategy for Pandemic Influenza.” Testimony was heard from Jeffrey W. Runge, M.D., Acting Under Secretary, Science and Technology and Chief Medical Officer, Department of Homeland Security; John Agwonobi, M.D., Assistant Secretary, Health, Department of Health and Human Services; John Clifford, D.V.D., Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA; and Peter F. Verga, Deputy Assistant Secretary, Homeland Defense, Department of Defense.

MEDICAL OUTREACH AND U.S. DIPLOMACY

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Relations held a hearing on Medical Outreach: An Instrument of U.S. Diplomacy. Testimony was heard from Cheryl Austein-Casnoff, Associate Administrator, Office of Health Information Technology, Health Resources and Services Administration, Department of Health and Human Services; the following officials of the Department of State. Ralph Braibanti, Director, Office of Space and Advanced Technology, Bureau of Oceans and International Environmental and Scientific Affairs, and Richard Greene, Director, Office of Health, Infectious Diseases and Nutrition Bureau for Global Health, U.S. Agency for International Development; and public witnesses.

OVERSIGHT—COPYRIGHT ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Section 115 Reform Act (SIRA) of 2006. Testimony was heard from public witnesses.

AGRICULTURE, RURAL, DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Committee on Rules: Testimony heard; action deferred.
BUDGET RESOLUTION, FY 2007

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on the legislative day of May 17, 2006, providing for consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, or addressing budget enforcement or priorities.

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 4200, Forest Emergency Recovery and Research Act, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, 20 minutes equally divided and controlled by the chairman and ranking minority chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendment recommended by the Committee on Resources now printed in the bill, the amendment in the nature of a substitute consisting of the text of the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII, shall be considered as an original bill for the purpose of amendment under the five-minute rule and shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute printed in the Congressional Record.

The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report accompanying the resolution may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 17, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the United States Department of Agriculture Rural Utilities Service Broadband Program, 10:30 a.m., SR–528A.

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Defense, 10 a.m., SD–192.

Committee on Armed Services: to hold hearings to examine the roles and missions of the National Guard in support of the Bureau of Customs and Border Protection, 4 p.m., SH–216.

Committee on Environment and Public Works: 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: to hold hearings to examine physician-owned specialty hospitals, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine Iran’s political/nuclear ambitions and U.S. policy options, 9:30 a.m., SD–419.

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, Michael Wood, of the District of Columbia, to be Ambassador to Sweden, and Robert Anthony Bradtke, of Maryland, to be Ambassador to the Republic of Croatia, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: 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: 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.

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.

Committee on Indian Affairs: to hold an oversight hearing to examine Indian youth suicide, 9:30 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine understanding the benefits and cost of Section 5 preclearance requirements of the Voting Rights Act, 9 a.m., SD–226.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2 p.m., SH–219.

House

Committee on Appropriations, to consider the following appropriations for Fiscal Year 2007: Homeland Security; and Energy and Water Development, and Related Agencies, 9 a.m., 2359 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 5293, Senior Independence Act of 2006, 10:30 a.m., 2175 Rayburn.


Subcommittee on Health, hearing on Planning for Long-Term Care, 2 p.m., 2123 Rayburn.

Committee on Financial Services, hearing on the State of the International Financial System, 10 a.m., 2128 Rayburn.

Subcommittee on Domestic and International Policy, Trade, and Technology, hearing on H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act, 2 p.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled “Low Clearance—Why Did DOD Suddenly Stop Processing Private Sector Security Clearances?” 1 p.m., 2154 Rayburn.

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, 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.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing on the United States and South Asia: An Expanding Agenda, 1:30 p.m., 2172 Rayburn.

Subcommittee on the Middle East and Central Asia, hearing to Review U.S. Assistance Programs to Egypt, 2 p.m., 2200 Rayburn.


Committee on Resources, to mark up H.R. 5018, American Fisheries Management and Marine Life Enhancement Act, 10 a.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007; and H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, 4 p.m., H–313 Capitol.

Committee on Science, 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, to mark up H.R. 5352, Small Business Reauthorization Act of 2006, 11:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, 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.

Joint Meetings

Commission on Security and Cooperation in Europe: 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.
Next Meeting of the SENATE
9:15 a.m., Wednesday, May 17

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 2611, Comprehensive Immigration Reform Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, May 17

House Chamber

Program for Wednesday: Consideration of H.R. 4200—Forest Emergency Recovery and Research Act (Subject to a Rule); and H.R. 5384—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2007 (Subject to a Rule).

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